



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Máirt, 22 Eanáir 2019

Tuesday, 22 January 2019

Chuaigh an Leas-Cheann Comhairle i gceannas ar 2 p.m.

*Paidir.
Prayer.*

Ceisteanna ó Cheannairí - Leaders' Questions

An Leas-Cheann Comhairle: We will commence with Leaders' Questions and the first question from the leader of Fianna Fáil, Deputy Micheál Martin. I observed yesterday that everyone stuck to his or her time. Hopefully, we can carry on that here in the Chamber today. That is no reflection on anyone. We will start with Deputy Micheál Martin, who has three minutes.

Deputy Micheál Martin: I led the way yesterday, a Leas-Cheann Comhairle.

Deputy Timmy Dooley: The Deputy is due a bit of latitude today so.

An Leas-Cheann Comhairle: Wait now, hold on. Let us start the business first. I cannot take a snapshot of everyone at the one time but let me remind Members, before they put their hands up again, that on Thursday last, the Ceann Comhairle indicated there was a long list and priority would be given to those Members today. We will complete that after I have had a look at the list. I call Deputy Micheál Martin.

Deputy Micheál Martin: The Government has been less than transparent and generally is at sea in explaining and accounting for the extraordinary escalation in the cost of the national children's hospital. In 2016, the Taoiseach, in his then role as Minister for Health, announced that the hospital would cost €650 million all-in, including inflation, VAT and contingency, and that, short of an asteroid hitting, it would be built in 2020. A year later, that figure of €650 million became €980 million. In 2018, it became €1.7 billion. Before Christmas, the Taoiseach told the Dáil it was €1.4 billion, yet we now know that the figure was actually €1.7 billion.

Deputy Mattie McGrath: It will be €2 billion.

Deputy Micheál Martin: For some reason, the Taoiseach withheld that information from the Dáil. Why did he not provide the full figure on that date when I raised the issue in the House? The Minister, Deputy Harris, and his Department were told about the escalating costs in August, but apparently the Cabinet was only informed in December. Why was that the case?

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Why were the Cabinet and the Dáil not kept accurately informed of developments in regard to the cost of the hospital? By any yardstick, this is extraordinary stuff. It has gone from a cost of €650 million in 2016 to €1.7 billion in 2018.

The children's hospital in Stockholm became a famous outlier on its construction. It was built at a cost of €2.1 billion, far in excess of the estimated cost, but, at least, it provided 1,340 beds. At a current cost of €1.7 billion, our hospital will provide 473 beds. Not an additional bed will be provided as a result of the extraordinary increase in expenditure.

In spite of a near trebling of the cost, there has been no satisfactory explanation or accountability. It beggars belief. It reveals a chronic lack of political oversight in terms of the approach to the expenditure on the project. In reply to Deputy Cowen in the House in September 2018, the Minister, Deputy Harris, stated that the total budget was a little more than €1 billion. Six weeks later, that became €1.7 billion. Was the Dáil misled in December? Why were the true figures hidden? Was it because of the budget discussions that were ongoing? Was a decision made to keep the cost of this project overrun hidden from public view? The Taoiseach may remember that budget discussions were ongoing in regard to the significant Supplementary Estimate for the Department of Health on the current spending side and whether it was going to be more than €700 million or close to €1 billion. However, there was not a murmur about overruns on the capital side at the new children's hospital even though certain people knew it would hit €1.7 billion. It is impossible to reconcile the Minister's reply in September 2018 with the reality of the €1.7 billion cost that emerged in a Cabinet memo in December.

When was the Taoiseach first made aware of the escalating cost of the children's hospital? When was the Minister for Health first made aware of it? Does the Taoiseach agree that this issue demands a public inquiry, preferably through an Oireachtas committee, with full compellability, openness and transparency?

The Taoiseach: When we talk about the children's hospital, we should not forget the enormous value the project will bring to the country.

Deputy Mattie McGrath: Stop.

The Taoiseach: It will deliver a major improvement in healthcare and paediatric care for our most valuable citizens, namely, our children. Some 450 beds will be provided, each of them single rooms, which is very different from what we currently have. There will be space for parents to stay overnight.

Deputy Mattie McGrath: Only if they get into the hospital.

The Taoiseach: There will be 15 theatres and five MRI machines. Ambulatory care centres at both Tallaght and Connolly hospitals will be provided which will reduce the need for admissions and attendances and the total need for hospital beds. The project will provide parent accommodation and an academic research centre. The hospital will be born digital. It will be an enormous asset for the country and will serve our children well not for decades but longer, possibly for more than 100 years.

Deputy Mattie McGrath: How will they get in there?

The Taoiseach: The capital build cost of the project is €1.433 billion. That includes the entire capital cost for the main hospital at St. James's which will also house the school and

third level educational spaces, the outpatient and urgent care centres I mentioned at Connolly and Tallaght hospitals, equipment for the three sites and construction of the car park and retail spaces. These same elements made up the capital cost figure of €983 million, which was reported to the Government in April 2017.

With regard to my knowledge of the additional rising costs, I was informed that the costs looked like they were escalating again probably at some time around the end of November and I asked for full information, as is always the case when I am told something. I got that full information only a day or two before the particular Cabinet meeting in December. The additional cost, €319 million, relates to construction, and the balance of that, €131 million, includes €50 million in VAT. Other costs relate to staff, consultants, planning and design teams, risk and contingency, and the management equipment service. The construction cost is €1.433 billion. I acknowledged in the Dáil the day after that this could rise. Obviously with construction inflation continuing, any delay potentially adds to the cost. The cost of the hospital can involve more than the construction. It is also necessary to equip it. That can be done either by buying the equipment or through a management equipment service contract whereby the equipment is not bought but leased and maintained on a long-term basis.

Why did the cost go up? There are number of reasons, which have been explained. These include construction inflation, fire safety rules that required a much more expensive sprinkler system - very much more expensive - and a miscalculation of the cost of electrics and cabling. The board got the latter wrong. Obviously, any time the cost goes up, the VAT goes up also. We should not forget that some of the figures being bandied around do not include VAT.

With regard to further inquiries, the Department of Health has retained PricewaterhouseCoopers, PwC, the expert accountancy and consultancy firm, to carry out an analysis of this and to report back to the Government in a few months with more information as to how the costs escalated in the way they did.

Deputy Micheál Martin: There is talk about increasing costs, but we are not talking about a normal increase in costs. We are talking about an extraordinary escalation in costs. The Taoiseach said in 2016 that the all-in cost was €650 million, including VAT, inflation and contingency costs. That is what he said two years ago but he is now telling me that he, as Taoiseach, was told only at the end of November that the cost had gone up to €1.7 billion. He might inform the House why the Minister for Health, Deputy Harris, did not tell anybody, it appears, until November or December although he was told by the Department about this in August. The Department, in a statement it issued, said it kept the Minister for Health fully informed about the escalating costs. There was not a whisper to anybody, however, until late December. During the Christmas holiday period, the full memo was leaked that reveals the cost of €1.7 billion, which the Taoiseach was aware of in December but chose not to mention to us. Does the Taoiseach believe it is acceptable that, although the Minister for Health was told about this in August, the Taoiseach found out about it only at the end of November? A sprinkler system does not explain a near trebling of the cost.

Deputy John Lahart: Do not forget the VAT.

Deputy Micheál Martin: VAT does not explain a near trebling of the cost.

An Leas-Cheann Comhairle: The Taoiseach to respond.

Deputy Micheál Martin: There is no confidence that this will be held at €1.7 billion.

Health officials are acknowledging privately that we are facing a cost of €2 billion and that there will be little change out of €2 billion once this is finished.

An Leas-Cheann Comhairle: The Taoiseach to respond. The Deputy cannot have two minutes.

Deputy Micheál Martin: Who was in charge politically? What went wrong? Reviews by accountancy firms are all well and good but that is only locking it up for another couple of months.

An Leas-Cheann Comhairle: The Taoiseach to respond.

Deputy Micheál Martin: What is needed is a public inquiry with compellability, preferably through the Oireachtas.

The Taoiseach: There is no one thing, whether it is VAT, fire safety, construction inflation or an underestimate of the cost of the cables and electrics, that could possibly explain an increase of this nature. Of course it is multifactorial. Of course there are a number of reasons the cost has gone up. The estimate did not just go from €650 million to €1.433 million. It went up to €983 million, which was reported to the Government in April 2017, and it has since gone up to €1.433 billion.

Deputy Mattie McGrath: They know the Government does not care.

The Taoiseach: That was reported to the Government in December. That is the full construction cost, including the car parks, but it does not include ICT investment, for example, and some other associated costs. The review being undertaken by PwC commenced this week. Department of Health officials have engaged with the HSE and consultants on finalising the terms of reference, methodology and timeframe. I look forward to seeing the review and, obviously, we will be very happy to publish it once it is completed. I have no doubt that Oireachtas committees will also want to consider it.

Deputy Mary Lou McDonald: In response to the first question the Taoiseach said our most valuable citizens were children. I challenge him and the Government because it is very clear to me that on his watch children are not our most valued citizens. This morning Temple Street Children's University Hospital released the figure for the numbers of children who had presented at its emergency department last year and subsequently been discharged to no fixed address. Disgracefully, that number stood at 842. They are 842 of the most vulnerable citizens of the State and I suggest they are citizens who are not valued or considered. Not alone do they need medical care in emergency departments, they also need a home. Anyone who heard the lead emergency medicine consultant in Temple Street hospital on radio this morning could not but have been shocked. He said presentations were varied and complex but that in the majority of cases they stemmed from the fact that the children were living in completely unsuitable, cramped and temporary accommodation. Not alone are they left without a home, the State also sponsors a system in which they live - I repeat - in unsuitable, cramped and temporary accommodation. That is their reality.

Of course, this is not just about numbers. If the figure from Temple Street hospital is 842 children, what is the position in every other hospital throughout the State? Is the Taoiseach able to tell the Dáil what the total number of children being discharged to no fixed abode throughout the land is? Is he able to reassure the Dáil that he understands the extent of the damage done

to young lives that are destroyed before they even start, before many of them utter a word or learn their ABCs, or even before their first day at school? Most of them have never known any place called home. Instead they have known family hubs, hotel rooms and bed and breakfast accommodation, in which the mould on the walls and ceilings impacts on their ability to breathe, in which they live in cramped conditions and are scalded or burned, in which they are self-harming and in which children with cystic fibrosis, neurological disorders, autism and a disability grow up in cramped, unsuitable and dangerous accommodation.

What about their parents? Let us have a thought for them. They expect to raise their children, as we all do, in a society that exhibits some semblance of decency and in a country that has some bottom line for how we treat children. I invite the Taoiseach to share with the Dáil the true figure. What is the figure throughout the State for the number of children who are discharged from hospital into homelessness? What does the Taoiseach have to say to them and their parents?

The Taoiseach: I thank the Deputy for raising this important matter. Without doubt, children are the most valuable citizens we have in the country. That is why we introduced free GP care for all children under six years of age in order that parents would not have to worry about where they would find the money to take their children to see the doctor. It is why we introduced two full years of free preschool. It is why we extended maternity benefit and introduced paternity benefit. It is why we invest so much in the affordable childcare scheme which will be expanded this year to include middle income families, thus making childcare much more affordable. It is why we have improved child protection, established Tusla and introduced measures such as mandatory reporting. It is why we have worked so hard to increase the number of parents who have jobs, increase living standards and pay, improve the welfare system by increasing the child dependant allowance and improving the system for one-parent families. It is why we have seen the incidence of child poverty decrease in each of the past four years, for which we have numbers. It is why we have seen the number of children suffering deprivation decrease in each of the past four years, for which we have numbers. It is due to the improvement in the economy and the social policies pursued by the Government. On the question raised by the Deputy, I do not have a figure for the other hospitals. The Government does not collect those figures but perhaps those hospitals have the numbers if the Deputy wishes to seek them from them. I know going to an accident and emergency department is a very stressful experience for any parent and I am sure that it compounded if someone is also living in emergency accommodation. None of us wants to see children forced to live in emergency accommodation and none of us likes the idea of children having to do their homework on a hotel bed or sharing a room with a parent or many other children.

That is why we have invested in the family hubs of which there are now 26. It is not a long-term solution but it is certainly better than a hotel or a bed and breakfast. It means that children have an address, play facilities, washing facilities and somewhere to store their belongings. I have been to visit those family hubs and have spoken with the families who live there. None of them is a place such as what the Deputy described in her contribution. That is also why we are ramping up the provision of social housing. We do not have the exact figures yet, we will have them in a few weeks, but we believe that we have increased our stock of social housing by roughly 8,000 houses last year.

That means there are 8,000 individuals and families living in a social housing home that was not part of the housing stock only one year ago. More than 4,000 of those homes are new builds erected by local authorities and councils. Supply is the solution and we are providing additional

housing, including social housing, in order that we can get those families out of emergency accommodation and into secure tenancies. We are doing in housing what we have already done in health, childcare and education and on social welfare and incomes. We have delivered on reducing child poverty, child deprivation and all those things and we need to apply the same to housing now as well.

Deputy Mary Lou McDonald: None of us wishes to see these things happening but they are happening on the Taoiseach's watch. That is the bottom line. The Taoiseach is the Head of Government and he carries the can for this. Despite all his self-satisfied patter, the number of discharges of children from Temple Street Hospital into homelessness has gone up by 29% and not down. Homelessness has been normalised and that is why the Taoiseach can stand with a straight face and read a list of his avowed triumphs in lifting the yoke of poverty from child citizens.

The Taoiseach actually buys into that. He has normalised child homelessness and it seems he makes no apology for that. The Taoiseach stated that he visited these family hubs. The key word is "visited". I do not think anybody in this Chamber would tolerate living in one of these family hubs or having their loved ones live there either. Has the Taoiseach visited the bed and breakfasts, the hostels or the hotel rooms? I can take him there. There are many of them in the north inner city where young parents struggle with small children. Never mind my contribution, listen to the doctors.

An Leas-Cheann Comhairle: Deputy McDonald has exceeded her time. The question is for the Taoiseach.

Deputy Mary Lou McDonald: I thank the Leas-Cheann Comhairle. The medical expert who treats these children - not me - states their maladies and injuries stem from the fact that they live in completely unsuitable, cramped and temporary accommodation. The Taoiseach does not have the figures for the State as a whole. I invite him to get those figures-----

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

Deputy Mary Lou McDonald: -----and to present them, when he has them, to the Dáil. Rather than giving self-righteous patter-----

An Leas-Cheann Comhairle: Deputy McDonald must observe the clock. I call the Taoiseach to respond.

Deputy Mary Lou McDonald: -----I invite the Taoiseach to give words of reassurance as a response to these children and their parents.

The Taoiseach: I have visited hostels and met parents who are living in hotel accommodation. Some of those now, thankfully, have been housed and been housed by the Government.

Deputy Martin Kenny: Not enough of them.

The Taoiseach: Roughly 50,000 children attend Temple Street Hospital every year-----

Deputy Mary Lou McDonald: I am aware of that.

The Taoiseach: -----of whom 800 were living in emergency accommodation last year. As Deputy McDonald will know from the study, those children attended for reasons such as chest

infections, abdominal pain, diarrhoea and vomiting, high blood pressure, as well as chronic diseases such as asthma and epilepsy and injuries. Those are some of the many reasons why any child might attend an emergency department. If they are living in emergency accommodation that, of course, complicates it. That is why we need to get them out of emergency accommodation and we are doing that. How are we doing that? We are building the family hubs and providing much better accommodation than a bed and breakfast or hotel room. It is not a long-term solution but it is a much better solution than bed and breakfasts and hotels. We are building more social housing.

Deputy Mary Lou McDonald: The doctors in Temple Street do not say-----

An Leas-Cheann Comhairle: Please, Deputies.

The Taoiseach: There were 8,000 additional homes added to the social housing stock last year.

Deputy Pearse Doherty: There has been an increase of 29%.

The Taoiseach: Most of them are new builds. We need to get that figure up to 10,000 this year.

Deputy Pearse Doherty: The Taoiseach should at least apologise for it.

Deputy Timmy Dooley: If Deputy Pearse Doherty wants to make a start on apologies, he will be there for a long time.

An Leas-Cheann Comhairle: Please, Deputies.

Deputy Brendan Howlin: National inquiries are sometimes necessary to get to the bottom of wrongdoing. As well as being painfully slow, they can be cold processes as they plough through mountains of documentation and testimonies. The original Tuam babies inquiry was meant to last three years. Then it was four. Now we understand it will take five years to complete. Those affected by the scandal are frustrated beyond words. Many of them are elderly, while some have died. They want closure in order that there can be some resolution in this aspect of their lives.

As the Taoiseach knows, for nearly 40 years, the home, as it was called, was involved in illegal adoptions of children to America, as well as in the illegal burial of hundreds of children who had died in the home and been interred in a mass grave without proper funerals. They are the stark facts. We need an inquiry to identify what exactly was the role of the Bon Secours sisters and the extent to which State agencies were involved.

The arts are another way of providing us with a mechanism to understand and, more importantly, feel the emotional impact and trauma of the Tuam mother and baby home. In Dublin last week I attended the Stay With Me exhibition at the Inspire Galerie. The exhibition was of artwork created by people who had been moved by the Tuam babies story. Words cannot convey the depth and strength of feeling involved in the artworks. They give us a glimpse of how those centrally affected must feel. The aim of the exhibition is not to cause horror or revulsion but to show love to help people to come to terms with the terrible losses they endured.

I understand the inquiry needs to proceed to a fifth year. The Department of Health has apparently produced a new batch of documentation which needs to be examined. Why was it not

forthcoming when all of agencies involved were asked to produce everything they had? The continued inquiry may be necessary, but that does not mean that those affected should have to wait another year for some resolution. Do we not have enough evidence to show that there was wrongdoing? Will the Government agree to provide redress for those affected, many of whom are elderly and deserve our compassion and a resolution to ease their pain as far as we can provide for this? If we do not act now, for some it will be too late. It is already too late for those survivors who have passed away in the four years since the inquiry began.

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

Deputy Brendan Howlin: I always do.

An Leas-Cheann Comhairle: The Deputy has been in this seat before.

The Taoiseach: The Government has granted a request made by the commission of investigation into mother and baby homes to extend the timeframe for the delivery of its reports by one year. The commission is now due to submit its final report by 2020. I note that the Deputy has acknowledged that we have to allow the commission which is independent to do its work. At the same time, we need to acknowledge and understand the enormous frustration felt by former residents of mother and baby homes who will have to wait longer than anticipated to get some answers to some of their questions.

The commission, not having completed its work, is obviously not able at this stage to make findings of fact or wrongdoing. For example, while it has met 519 former residents, 26 have yet to have their stories heard. It is important that they be heard. New material has been received, consisting of more than 100,000 pages of documents, which needs to be considered. While there is still much work to be done by the commission, it has assured the Minister that it can do it by February next year within its existing budget. There will, however, be a comprehensive report on 15 March which is only a few weeks away on burials at the site. I hope it will, at least, give us some answers. The Minister who has been involved with the consultative group is examining ways by which we may be able to give former residents of mother and baby homes some health and well-being supports in the interim while we await the final three reports of the commission next year. It will be brought to the Government once it is ready.

Deputy Brendan Howlin: How is it that this new volume of documents has suddenly come to light four years into the inquiry and has now been submitted by the Department of Health? Has the Taoiseach asked why that would be? Everybody was asked to provide every document from the beginning. This is not the first inquiry where this tardiness, to put it at its kindest, has come to light. I ask the Taoiseach not to wait but to formally apologise, on behalf of the State and all of us, to those who suffered in those mother and baby homes. He should do it this week. The Government should provide redress now of the kind the Taoiseach has said is being examined before it is too late for elderly people. I met some of the affected people at that art exhibition and it would move a person to tears to listen to their anguish and the desperate frustration arising from this issue going on and on. Are other graves being examined or is Tuam one awful and unique situation?

The Taoiseach: I do not need to wait for the report to be published next year to offer my sorrow and regret, and that of the Government, for all that happened to women in mother and baby homes and the children born in them. Many of them had very negative experiences and the Government, this Parliament and the State are very sorry for all of that.

Deputy Seán Crowe: Does that include the Bethany Home?

The Taoiseach: I know my predecessor as Taoiseach, Deputy Enda Kenny, has made a similar statement. However, we must allow the commission of investigation to do its work properly, study all the documents, have the hearings and make findings of fact. That is the point of setting up these commissions.

Deputy Brendan Howlin: Why the tardiness in getting this done?

The Taoiseach: We set them up to allow them to do their work. The Minister, Deputy Zappone, with the support of the Government, is examining means by which we may be able to provide some help and well-being supports to former residents while they and we await the final report.

With regard to burial sites, we expect a comprehensive report by the middle of March 2019. The sites being examined are Tuam, Sean Ross Abbey in Roscrea and, I think, Bessborough as well.

Deputy Sean Sherlock: Are those they only sites? Are there others?

Deputy Joan Burton: There are many more.

Deputy Michael Healy-Rae: Last week in the Dáil, I asked the Taoiseach to be a Taoiseach for our farming community, whether they be beef or lamb producers, as people who are struggling in trying to make a living for themselves and better themselves and their families. This week, I will highlight conflicting regulations in the European Union and Ireland that are detrimental to the position of Irish fishermen. I specifically refer to fishermen working in hard conditions, perhaps with a small boat, and giving a bit of employment to themselves, a family member and a few friends in the locality.

People with a quota of 119 tonnes have seen that limit decreased to 24 tonnes. People with a bigger boat and a quota of 310 tonnes have seen that limit decreased to 70 tonnes. One can imagine the impact this will have on people who might have to go as far away as Scotland or down to Spain in trying to get a catch. They work in very tough conditions, with a high cost for fuel, but they have seen their tonnage reduced dramatically. It is the difference between being able to stay in business and not. It is not as if these people were making much money. As the Taoiseach knows, these boats are very expensive and the fishermen must pay good wages, as well as all the other expenses involved. We must also factor in the amount of time in which they cannot fish because of bad weather but they cannot claim any kind of assistance. They do not want assistance but they want to catch and sell fish in order to make a week's pay. It is all they want but, unfortunately, many of these fishermen are being put out of business.

In December 2017, the Department of Agriculture, Food and the Marine introduced pilot quota balancing, which would come into effect on 1 January 2018. This scheme introduced penalties for fishermen if they brought in fish in excess of their allocated quota. Not only would the excess be deducted from their quota but a multiplying factor would be used to penalise them even further. Under EU regulations, no disregarding is allowed, but under the new quota balancing introduced, the only way to land the exact quota allocated is to disregard the excess fish at sea. Fishermen agree that to preserve fish stocks, measures need to be taken and quota balancing is necessary, but the scheme needs to be amended. I remind the Taoiseach, as I did last week, that he is Taoiseach not just for Dublin county or city but for every part of this coun-

try, including our farming and fishing communities. These sectors work so hard, as do people in all other sectors of life, but people in fishing and farming are trying to create employment for themselves and this will definitely put many of them out of business. I would like the Taoiseach to address the very tough times they face.

The Taoiseach: I assure the Deputy that the Government is very committed to the fishing industry, particularly at this time and in the context of the threats it faces as a result of Brexit. When we are dealing with Brexit, and I think 30% or 40% of Government time is now taken up with Brexit, our farmers, fishermen and agrifood industry are at the forefront of my mind and the minds of all in this Government because they and the rural economies associated with them are most likely to be adversely affected by Brexit. This is one of the reasons we are putting so much work into this. We do so because we want to protect the livelihoods of our farmers and fishermen along with our agrifood industry and everyone who depends on it. This is why we are working so hard to secure a deal and a deal that means that no tariffs or quotas will be imposed on our farming exports. The entire industry can be assured that the Government has its back in that regard. The same thing applies with CAP reform and our efforts to ensure no agreement is made regarding Mercosur that adversely affects our beef industry in particular.

Our commitment to the fishing sector is reflected most recently in the negotiations on our recent fisheries quota where the Minister for Agriculture, Food and the Marine secured €230 million worth of quota for the industry this year. This maintains quotas at 2018 levels but represents an increase in value terms. For fishermen operating outside Castletownbere, this included large increases in the number of stocks of importance for the southern and south-western ports, in which I know the Deputy has a particular interest. These stocks include haddock, which is up 20%, hake, which is up 28%, and megrim, which is up 47%, all of which are from the Celtic Sea. We are also proceeding with a very significant capital investment of €15 million in Castletownbere to upgrade the harbour and a €27 million extension to the quay in the harbour that began last October and will be substantially completed this year. This is a very substantial financial investment in that key port in the south west.

Regarding the specific issue raised by the Deputy, this year is the first full year of the implementation of the discards ban under the Common Fisheries Policy under which the practice of discarding juvenile fish at sea will end. It is a very significant sustainability measure that will result in benefits to the marine environment and fishermen alike - securing stocks into the future. The application of the landing obligation or discards ban for all Irish stocks in 2019 coupled with a move towards fishing at maximum sustainable yield levels are very positive developments for fishermen and the broader goal of sustainability.

To implement the landing obligation, the Minister for Agriculture, Food and the Marine announced a quota balancing policy at the end of 2017. This policy applies especially to mackerel. The policy was introduced to ensure equitable opportunities for fishermen who stay within the catch limits where others exceed them. Preliminary data provided for mackerel vessels for 2018 landings indicated that some vessel landings were in excess of their catch limit. It was agreed that initial 2019 allocations would be restricted to a lower level to allow for quota balancing so, essentially, those who overfished in 2018 have their allocation reduced in 2019, which is only fair.

Deputy Michael Healy-Rae: I do not doubt the Government's efforts with regard to the negotiations and I appreciate the work that has been done by everybody involved, but there is an unfair distribution of the quota. It also makes it so much harder on smaller operators. The

29 vessels that have 87% of the national quota do not have as much at stake as the remaining vessels that have only 13% of the national quota. A full year's mackerel quota for a tier 2 vessel is a mere 124 tonnes whereas the larger Killybegs vessels have quotas of more than 4,000 tonnes of mackerel each. I do not begrudge the people in Killybegs anything. The more they have the better. However, I want to see balance for the smaller operators, the people who have borrowed €500,000, €1 million, €2 million, €3 million or €4 million to buy a boat. That is their employment. They are trying to pay massive sums of money back to the bank every month. They are trying to keep their own families in employment and to keep a couple of jobs going in their communities. I plead with the Taoiseach. What is facing those people at present is extinction out of that business. They will have to sell their boats, come on to land, and give up the traditions they have upheld all their lives. That is so sad. I ask the Taoiseach to look at this imbalance, please, and to try to do something to rectify it.

The Taoiseach: I thank the Deputy. I know this is a serious issue which is of real concern to him. I know that he will also have an opportunity to speak directly to the Minister, Deputy Creed, about it as well. There is a judicial review under way in the courts which relates particularly to the issue of mackerel. Given that it is before the courts, it is probably not advisable for me to make any comment on the matter. What I can say is that the system is designed to ensure that those who overfish in one year have their quotas reduced the next year. That is only fair. It is only fair to the people who stick to their quotas that those who do not are not rewarded. We have also brought about a change to give smaller boats, those boats smaller than 18 m, exclusive access to our inshore waters, that is, those waters within that limit of six nautical miles. That is a particular benefit for smaller vessels. As well as that, the Deputy will be aware of the clean ocean initiative which the Minister, Deputy Creed, is championing. That initiative seeks to encourage and assist our fishermen to remove plastics from the sea and to reduce plastic waste. That is of real benefit.

An tOrd Gnó - Order of Business

Deputy Brendan Ryan: Today's business shall be Nos. 13 and 14, motions re appointment of Mr. Paul Mageean and Dr. Vicky Conway to the Policing Authority; No. 9, Criminal Justice (Mutual Recognition of Probation Judgments and Decisions) Bill 2018 - Order for Second Stage and Second Stage; and No. 10, Residential Tenancies (Amendment) (No. 2) Bill 2018 - Order for Second Stage and Second Stage. Private Members' business shall be No. 207, motion re national broadband plan, selected by the Social Democrats-Green Party group.

Wednesday's business shall be No. 2, Local Government Bill 2018 - amendments from the Seanad; No. 9, Criminal Justice (Mutual Recognition of Probation Judgments and Decisions) Bill 2018 - Second Stage, resumed; and No. 10, Residential Tenancies (Amendment) (No. 2) Bill 2018 - Order for Second Stage and Second Stage. Private Members' business shall be No. 1, Control of Economic Activity (Occupied Territories) Bill 2018 [Seanad] - Second Stage, selected by Fianna Fáil.

Thursday's business shall be No. 34, statements re directly elected mayors; No. 9, Criminal Justice (Mutual Recognition of Probation Judgments and Decisions) Bill 2018 - Second Stage, resumed; and No. 10, Residential Tenancies (Amendment) (No. 2) Bill 2018 - Order for Second Stage and Second Stage. Private Members' business shall be No. 15, motion re the report of

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the Joint Committee on Education and Skills on training and supports for providers of special needs education and education in DEIS schools.

I refer to the report of the Business Committee, dated 17 January 2019. In relation to today's business, it is proposed that Nos. 13 and 14, motions re appointment of Mr. Paul Mageean and Dr. Vicky Conway to the Policing Authority, will be taken sequentially and without debate.

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

(1) there shall be no oral Taoiseach's Questions and the sos, in accordance with Standing Order 25(1), shall take place on the conclusion of Questions on Promised Legislation; and

(2) Second Stage of No. 1, Control of Economic Activity (Occupied Territories) Bill 2018 [*Seanad*], shall be brought to a conclusion within two hours.

In relation to Thursday's business, regarding No. 34, statements re directly elected mayors, it is proposed that the statements of a Minister or Minister of State and the main spokespersons for parties or groups, or a Member nominated in their stead, shall not exceed ten minutes each, with five minutes for all other Members and a five-minute response from a Minister or Minister of State. All Members may share time.

An Leas-Cheann Comhairle: There are three proposals to put to the House. Is the proposal for dealing with Tuesday's business agreed to? Agreed. Is the proposal for dealing with Wednesday's business agreed to? Agreed. Is the proposal for dealing with Thursday's business agreed to? Agreed.

We move on to questions on the Order of Business. I remind the House that this time is allocated for questions on the Order of Business or promised legislation. It is not for statements. At the outset I indicated that I had a list from Thursday and I will offer to those Members first. I have another list from today. The first Member from Thursday is Deputy Danny Healy-Rae. I remind Members that this is for questions on the Order of Business-----

Deputy Brendan Howlin: Is it not leaders first?

An Leas-Cheann Comhairle: I am sorry, that is correct. It is leaders first. My apologies.

Deputy Danny Healy-Rae: I am a leader too.

Deputy Mattie McGrath: I am a leader as well.

A Deputy: You are all leaders over there.

An Leas-Cheann Comhairle: It was worth a chance. I invite Deputy Micheál Martin.

Deputy Micheál Martin: On the Gender Recognition (Amendment) Bill, I understand that the "Prime Time" special programme this evening will outline the challenges faced by our transgender community in Ireland. This Bill would amend the Gender Recognition Act 2015 to provide a right to self-determination for persons who have reached the age of 16 years, introduce the right to legal gender recognition for persons under the age of 16, and ensure consideration of the status of non-binary persons in Irish law. I understand that all Stages of this Bill went through Seanad Éireann in March 2017, which is nearly two years ago. It is very important to all involved and to their families. Will the Taoiseach indicate when the Bill might be before this House so it can proceed through all Stages?

An Leas-Cheann Comhairle: I call the Minister, Deputy Regina Doherty.

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): I must be honest with the Deputy that I am at a loss in this regard because neither I nor my predecessor in the Department brought any legislation through the Seanad. It may have been a Private Members' Bill so I cannot give the Deputy an answer on that. I can say that we have conducted an independent review of the 2015 legislation and a report was given to me a number of months ago that outlined a number of recommendations. That report was given to the Attorney General for his legal advice. I have not yet received that legal advice back. I genuinely hope that the Deputy is correct that the RTÉ "Prime Time" programme this evening will discuss the difficulties, the discrimination and the marginalisation of our trans children.

Deputy Mary Lou McDonald: I want to return to the issue of the mother and baby homes. I understand that the Minister for Children and Youth Affairs, Deputy Zappone, brought a memo to Cabinet today. As has been articulated, the wrongs of these mother and baby homes are accepted by everyone in this House. I believe we all recognise that many of the victims and survivors are elderly and in ill health. In 2016, the commission said in its second interim report that children who had been resident at the Bethany Home and at other county and mother and baby homes should be eligible for the residential institutions redress scheme. This, however, has not happened. Derek Leinster has described the refusal to extend redress to those survivors until the commission concludes its final report, which will now be 2020, as a delay and deny until they die approach.

An Leas-Cheann Comhairle: I ask the Deputy to put a question.

Deputy Mary Lou McDonald: It is hard to disagree with that analysis. I put it to the Taoiseach that survivors of the Bethany Home and Westbank Orphanage have a particular issue in that they feel and believe their exclusion was, to some extent, sectarian in nature because these were Protestant institutions. That needs to be fixed. Why will the Taoiseach not embrace the survivors of the Bethany Home and why will he not now immediately extend to them the existing redress scheme?

Minister for Children and Youth Affairs (Deputy Katherine Zappone): I will address that question. On the Government's decision with regard to the Bethany Home survivors and the commission's recommendation, it is correct that the other Governments made decisions not to include the Bethany Home survivors in the original redress scheme. This Government confirmed and agreed with that even though the commission recommended it should be considered to be included in the scheme. We reviewed it and, along with other previous Governments, did not agree with that.

It is important to say that the Bethany Home is included in the Commission of Investigation into Mother and Baby Homes. When the commission reports, it will include that home.

On the response to the Bethany Home survivors, and I believe the Taoiseach has referred to this, I established an independent, collaborative forum of representative stakeholders to offer recommendations on health and well-being supports, especially with regard to concerns for the Bethany Home survivors. That report is now with me.

Deputy Brendan Howlin: The programme for Government pledges support for credit unions. A key issue for credit unions is the development of a special purpose vehicle, SPV, to allow them to invest some of the €17 billion in assets in lending for social housing which is

urgently needed. Apparently, this long promised special vehicle should be ready by the first quarter of this year. It was previously promised for the third quarter of last year. It is not clear whether the SPV, when introduced, will be compliant with the regulator's requirements for banks? Will the Government confirm that the Central Bank has approved credit union lending through the SPV and will lending by credit unions to the SPV be on or off balance sheet?

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): The changes made by the Central Bank have allowed for the investment of the resources of credit unions in the SPV. The SPV model is being worked on by the Irish Council of Social Housing and grant-aided by the Department in conjunction with the credit union movement. We had hoped to complete the work in December. The Government cannot----

Deputy Ruth Coppinger: It is very hard to hear the Minister of State.

Deputy Damien English: I apologise. The Government cannot do it; it must be done independently. We expect the work to be completed in the next month or two. It is one SPV available to the credit unions; there is already a mechanism available to them, namely, the Credit Union Development Authority, CUDA, which is available for the purpose of investing in social housing.

Deputy Micheál Martin: I want to correct the order. When I asked my question about the Gender Recognition Bill 2015, the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, indicated that she had no idea what I was talking about. It is on the legislative schedule.

Deputy Ruth Coppinger: Are Members allowed to speak a second time?

Deputy Micheál Martin: I want to correct the record of the House.

Deputy Ruth Coppinger: I was just asking.

An Leas-Cheann Comhairle: The Deputy will have an opportunity to speak.

Deputy Micheál Martin: It is a Government Bill which appears on page 6 of the legislative programme. Its purpose is to implement recommendations contained in the report to the Oireachtas on the review of the Gender Recognition Act 2015. Work is under way on its status; it was only published two weeks ago.

An Leas-Cheann Comhairle: We will allow for clarification.

Deputy Micheál Martin: The Minister said she had no idea what I was talking about.

Deputy Regina Doherty: The Deputy brought up a Sinn Féin Private Members' Bill that had been raised in the Seanad.

Deputy Micheál Martin: I did not bring it up. I said it was the 2015 Bill.

Deputy Regina Doherty: The Deputy referred to a Bill that had been brought through the Seanad in 2017. I said I had no knowledge of it because I was not involved in it.

Deputy Micheál Martin: Clearly, the Minister has no knowledge of her own legislation either.

Deputy Regina Doherty: Given that the legislation has not yet been drafted, it is difficult to know what is included in it. Does the Deputy not agree?

Deputy Micheál Martin: There is no need to be so-----

Deputy Regina Doherty: I believe the Deputy is wrong and it would not be the first time.

Deputy Sean Sherlock: On a point of order, Deputy Micheál Martin asked a legitimate question. He is an Opposition Member and asked a question of the Government.

An Leas-Cheann Comhairle: The question was put to the Taoiseach who delegated-----

Deputy Sean Sherlock: He was given a wholly inadequate answer.

(Interruptions).

An Leas-Cheann Comhairle: It is a point of clarification rather than order. The question was put to the Taoiseach who delegated to the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty. Clarification has, I hope, been provided.

The Taoiseach: I apologise if I directed the question to the wrong Minister.

Deputy Sean Sherlock: The Minister for Justice and Equality is here, too.

An Leas-Cheann Comhairle: The matter will have to be clarified on another occasion.

Deputy Bríd Smith: I look forward to being allowed as much rope on the issue I want to discuss. Yesterday we celebrated the foundation of the State. We were all present. The Constitution allows for freedom of association and the right to join a trade union of choice. It is enshrined in the Constitution as a fundamental right. We have statements on laws about unions, but I wonder what the attitude of the Taoiseach is to the matter, considering the celebration of the foundation of the State, what is included in the Constitution and the fact that there are 500 paramedics and ambulance personnel on picket lines today who are fighting for their right to join the union of their choice. Is there not a fundamental contradiction between the rights enshrined in the Constitutions and the laws that are absent from this parliament? What does the Taoiseach intend to do to address the void?

Deputy Ruth Coppinger: Given that hundreds of paramedics and ambulance personnel have been forced out onto cold picket lines today, who, by a 98% vote, have chosen to join the National Ambulance Staff Representative Association, NASRA, will the Taoiseach instruct the HSE to deal with the union? There are two essential issues here. One is that it is not about what the boss or employer wants. It is meant to be about which union the worker chooses to represent him or her. Second, the Taoiseach cannot go around bragging about being the best performing economy in Europe and finding €500 million in extra corporation tax, but then telling workers that they must put up with pay restraint and health cuts. This week it is health workers. Next week it will be nurses.

An Leas-Cheann Comhairle: Deputy Coppinger, be reasonable now.

Deputy Ruth Coppinger: The Taoiseach has to give in.

An Leas-Cheann Comhairle: Deputy Cullinane has a similar brief question.

Deputy David Cullinane: Why are the Government and the HSE allowing a situation whereby ambulance paramedics are being dictated to as to which trade union they should be members of? A person is entitled legally in this State to join a trade union of his or her choice. Yet, in this situation, ambulance paramedics are on strike because the HSE will not recognise the trade union to which they belong. That has a consequence for patients, who are without full ambulance cover because of the position the Government and the HSE seem to be supporting. The Taoiseach needs to act on this quickly.

An Leas-Cheann Comhairle: Let the Taoiseach answer, Deputy Cullinane. Deputy Pearse Doherty has a similar question.

Deputy Pearse Doherty: It is on the same issue. The Taoiseach told us he was going to take a special interest on the issue of health. This morning I sent solidarity messages to the workers, the paramedics and ambulance personnel, who are on strike demanding union recognition of their choice. What personal interest did the Taoiseach take in this issue? The HSE is simply refusing to deal with the issue. The HSE is simply refusing to meet NASRA to discuss contingency planning.

In the middle of all this are patients, especially in rural and isolated communities, who are fearful that if something does happen, the service would not be there. This is happening on the Taoiseach's watch. Those responsible have warned the Taoiseach they will escalate unless this is dealt with. The Taoiseach should take an interest and sort this out.

An Leas-Cheann Comhairle: Deputy Pat Buckley wishes to speak on the same issue. I think this has got a fair airing. Please respect the limit of 30 seconds, Deputy Buckley.

Deputy Pat Buckley: Today, more than 500 paramedics and ambulance staff have gone on strike over the row with union recognition. This is the real story. I listened to one paramedic this morning on Cork's 96FM. She clearly stated that the workers did not want to go on strike. More important, she said that while she and many others love their jobs and what they do, they had no choice. She continued by saying it should be the right of all workers to nominate the trade union of their choice to represent them in negotiations for wages and, more important, working conditions.

An Leas-Cheann Comhairle: We have got the question.

Deputy Pat Buckley: If we cannot get the HSE to work with NASRA and the Psychiatric Nurses Association, then we will face more strikes. The knock-on effect of this will be absolutely atrocious.

An Leas-Cheann Comhairle: The Taoiseach to respond.

Deputy Pat Buckley: Let us think about this. These people love what they do but we are not giving them proper representation or even a choice.

An Leas-Cheann Comhairle: This has been well aired. The Taoiseach to respond.

The Taoiseach: As I understand it, any worker, even someone who is not in employment, is free to join a trade union if he or she so wishes. However, it is not a requirement that any employer, whether a public employer or a private employer, has to collect the union dues on be-

half of that union and nor is it a requirement that the employer necessarily recognise that union.

Deputy Ruth Coppinger: That was not the question.

The Taoiseach: As things stand, the HSE recognises three unions already that represent paramedics and ambulance staff. They are all unions affiliated to ICTU. The Government engages with the union movement through ICTU.

Deputy Ruth Coppinger: Is the Taoiseach saying he only deals with ICTU?

Deputy Louise O'Reilly: Sorry, a Leas-Cheann Comhairle, on a point of information-----

An Leas-Cheann Comhairle: No, hold on.

Deputy Louise O'Reilly: On a point of information, there is recognition for non-ICTU unions and the Taoiseach knows that.

An Leas-Cheann Comhairle: No, Deputy. I do not need it. I have given it a fair airing.

(Interruptions).

An Leas-Cheann Comhairle: We are now going to the Rural Independent Group.

(Interruptions).

An Leas-Cheann Comhairle: Deputies, you might not like what you have heard, but the Taoiseach has answered.

Deputy Louise O'Reilly: What the Taoiseach has said is factually incorrect.

An Leas-Cheann Comhairle: Deputy Mattie McGrath is next.

Deputy Ruth Coppinger: A Leas-Cheann Comhairle, can we ask him if he is going to instruct the HSE to recognise this union or not?

The Taoiseach: Is it not remarkable how so many Deputies can ask a question but they will not permit an answer?

An Leas-Cheann Comhairle: The Taoiseach has answered. I have no control over the Taoiseach's answers. Deputy Mattie McGrath is next.

(Interruptions).

Deputy Ruth Coppinger: The Taoiseach is refusing to answer. This is the State, not a private employer.

An Leas-Cheann Comhairle: I have no control over the Taoiseach.

Deputy Ruth Coppinger: It was not chosen as a Topical Issue matter.

An Leas-Cheann Comhairle: Deputy Mattie McGrath is next. I have no control. You will have to find another means, Deputy.

Deputy Paul Murphy: Can we hear the answer? The Taoiseach has said he wants to answer.

Deputy Ruth Coppinger: He wants to answer.

Deputy Mattie McGrath: A Leas Cheann Comhairle, this is outrageous. The same thing happened last week.

Deputy Ruth Coppinger: We put this in as a Topical Issue matter but it was not chosen.

An Leas-Cheann Comhairle: Resume your seat, Deputy Coppinger.

Deputy Ruth Coppinger: Ambulances are not working but it has not been chosen as a Topical Issue matter.

An Leas-Cheann Comhairle: I have no control over the Taoiseach's answers. That is the precedent.

Deputy Paul Murphy: The Taoiseach has said he wants to answer.

An Leas-Cheann Comhairle: Deputy, you will have to find another way.

(Interruptions).

Deputy David Cullinane: A total of five Members have put the question. The Taoiseach should respond and show some respect.

An Leas-Cheann Comhairle: Deputy Cullinane, you are here long enough to know that I have no control.

Deputy Pearse Doherty: On a point of order, the Taoiseach was interrupted because of the non-factual and inaccurate information given on the floor of the House and he was corrected by Deputy O'Reilly.

3 o'clock

The Taoiseach should answer the question. When will he take a personal interest in this issue and lift the fear among patients throughout the country about this strike?

An Leas-Cheann Comhairle: I call Deputy Mattie McGrath.

Deputy Ruth Coppinger: Will the Leas-Cheann Comhairle please let the Taoiseach answer? Will he give him 30 seconds to answer?

An Leas-Cheann Comhairle: I ask Deputy Coppinger to accept that I have no control over the Taoiseach's response.

Deputy Ruth Coppinger: There are no ambulances. Does the Taoiseach not believe this is important?

Deputy Pearse Doherty: The Army is being called in and the Taoiseach is holding up his hands.

An Leas-Cheann Comhairle: I am not depriving him of an answer.

Deputy Paul Murphy: Will the Leas-Cheann Comhairle please offer the Taoiseach a chance to respond?

The Taoiseach: If I am allowed, I will reply.

An Leas-Cheann Comhairle: I will give the Taoiseach that opportunity. I am limiting him to one minute.

Deputy Ruth Coppinger: We will stay very quiet.

The Taoiseach: I thank the Leas-Cheann Comhairle. First, there are ambulances. The majority of paramedics and ambulance staff in the National Ambulance Service are working today. They are represented by three unions which are recognised by the HSE, namely, SIPTU, Unite, and Fórsa. Anyone is free to join a breakaway union if they wish but there is no requirement that a public or private sector employer must collect those union dues. Unions may collect dues themselves-----

Deputy Mary Lou McDonald: The issue is not about dues.

Deputy Ruth Coppinger: It is about negotiation.

Deputy Mary Lou McDonald: It is about union recognition. That is staggering.

Deputy Josepha Madigan: Let the Taoiseach finish.

The Taoiseach: It is not a requirement that employers must recognise every union of which someone is a member. The employer already recognises three unions, namely, Unite, SIPTU and Fórsa.

Deputy Paul Murphy: The Taoiseach has said all that already.

Deputy Ruth Coppinger: The Taoiseach just said that.

Deputy Pearse Doherty: The Taoiseach has not given any additional information.

Deputy Ruth Coppinger: Therefore the Government is deciding not to recognise the union. This is what the State is choosing.

Deputy Bríd Smith: The workers are being denied their constitutional rights.

Deputy Mattie McGrath: This is outrageous.

An Leas-Cheann Comhairle: I have given all the Deputies an opportunity. I cannot be responsible for the Taoiseach's response.

Deputy Bríd Smith: The Taoiseach did not answer my question.

Deputy Mattie McGrath: They want their own Dáil.

An Leas-Cheann Comhairle: I call Deputy Mattie McGrath.

Deputy Mattie McGrath: I thank the Leas-Cheann Comhairle. It is no wonder that the Government does not have the funds to pay the ambulance drivers or the nurses. In 2017, the Rural Independent Group and I put a motion before the Dáil relating to the site for the national children's hospital. We listened to Connolly for Kids, Dr. Finn Breathnach, Jonathan Irwin of the Jack and Jill Foundation, and Dr. Róisín Healy. It was magnificent. These people pointed out clearly to everyone here, not only to us, that the hospital was to be built on the wrong site, that it could not be delivered because of access and that there was no helipad. They gave a plethora of reasons. Is the Government going to persist with this total waste of money? Why not abandon the project which is not out of the ground yet, but go out instead to a greenfield site in Blanchardstown which the Government could have had for nothing, which is accessible to all the people of rural Ireland and to helicopters and so on?

An Leas-Cheann Comhairle: The Taoiseach will answer.

Deputy Mattie McGrath: This is a farce. It is draining dry all the other projects in the HSE.

An Leas-Cheann Comhairle: Okay.

Deputy Mattie McGrath: Where is the accountability 100 years on? There is no accountability.

An Leas-Cheann Comhairle: The Deputy should finish.

Deputy Mattie McGrath: We were warned, yet of Fianna Fáil, Sinn Féin or the Labour Party, not one of them backed us.

An Leas-Cheann Comhairle: The Taoiseach to respond.

Deputy Mattie McGrath: All the facts and figures were there to say that it could not be built.

An Leas-Cheann Comhairle: The Taoiseach shall endeavour to answer. The Deputy should remember that there are other Deputies coming behind him.

Deputy Mattie McGrath: I do remember.

The Taoiseach: It can and will be delivered. It is already under construction. The out-patient and urgent care centre in Blanchardstown is almost finished.

Deputy Mattie McGrath: There is no co-location.

The Taoiseach: Construction in Tallaght will begin in the next couple of months.

Deputy Mattie McGrath: It is all poppycock.

An Leas-Cheann Comhairle: Deputy, please.

The Taoiseach: It was never in contention that it would be cheaper to build on a greenfield site. A decision was taken to trilocate, to locate it with a major adult hospital-----

Deputy Mattie McGrath: It is a rotten decision.

An Leas-Cheann Comhairle: Deputy, please.

The Taoiseach: -----an academic research centre and the National Maternity Hospital. It was never in contention that it would be cheaper to locate it on a greenfield site.

An Leas-Cheann Comhairle: The last of the group leaders is Deputy Eamon Ryan.

Deputy Eamon Ryan: I am very interested to know the Government's intention regarding a referendum on Article 41.2 of the Constitution following the joint committee recommendations that there be a proper public consultation on how we give real recognition to carers in our home. What is the Government's timeline? What consultation mechanism does it intend to use? What is its plan for a referendum and legislation?

Minister for Justice and Equality (Deputy Charles Flanagan): It is under consideration in accordance with the Government's programme for several referendums. I expect to bring a memorandum to Government with firm proposals within the next two weeks.

An Leas-Cheann Comhairle: I now revert to the list of Deputies from last Thursday, the first of whom was Deputy Danny Healy-Rae. He is very well aware of questions on the Order of Business, so let us be precise.

Deputy Danny Healy-Rae: As a result of the passing of the Bill of the Minister, Deputy Ross, the people of rural Ireland throughout the country are angry and frustrated. As a result, Ministers are complaining about Garda checkpoints. I remind them that it was they and the Minister who voted for this Bill, as did Sinn Féin, while no member of Fianna Fáil voted against the Bill. Here they are now, complaining about gardaí stopping people, when it was these Deputies who put the Bill in place. The Minister of State, Deputy Griffin; the Minister, Deputy Heydon; the Minister, Deputy Ross, and all other Ministers promised transport services for the people of rural Ireland, but they are fudging and do not know whether they will provide them. Will the Government provide the transport services it promised to provide? People living in rural Ireland do not have the transport services at night or in the morning that people living in urban areas do. The Government will have to rectify the position.

An Leas-Cheann Comhairle: The Deputy cannot expand on the matter now. We have the question.

Deputy Danny Healy-Rae: The Government had no regard to rural proofing when it introduced the legislation, voted for the Minister, Deputy Ross, and let the people of rural Ireland go to hell. That is what it did.

An Leas-Cheann Comhairle: Listen, Deputy. It was a simple question to ask the Minister what he was going to do that could have been put on the back of a stamp.

Deputy Mattie McGrath: The Taoiseach is laughing. It is no laughing matter.

An Leas-Cheann Comhairle: I will call the Minister of State, Deputy Griffin. As we are all intelligent people, Deputy Danny Healy-Rae did not have to expand on his question.

Minister of State at the Department of Transport, Tourism and Sport (Deputy Brendan Griffin): I am sure Deputy Heydon will be delighted with his promotion by the Deputy to Minister. Obviously, this is a critical issue and I will refer first to the road fatality figures for 2018, which show that 149 people lost their lives on the roads. It was 149 too many, but it would be remiss of me not to mention that it was the lowest figure since records began in 1959. We need to work harder to reduce the figure even further, but it is a step in the right direction.

I have no doubt that the legislative changes, both the most recent and previous ones, have had an impact. Let us not forget that in the 1970s more than 600 people lost their lives on the roads in various years.

Deputy Mattie McGrath: People are now locked into their homes.

Deputy Michael Healy-Rae: People with cars.

Deputy Brendan Griffin: At the time people objected to initiatives such as the wearing of seat belts. However, times have changed and thankfully the numbers have come down, but we need to get them down further.

Deputy Mattie McGrath: The Government is closing down rural Ireland.

Deputy Brendan Griffin: After this session of questions on promised legislation-----

Deputy Danny Healy-Rae: The Government is out of touch with what it has done to the people of rural Ireland.

An Leas-Cheann Comhairle: No, Deputy.

Deputy Brendan Griffin: -----we will have a meeting of-----

Deputy Danny Healy-Rae: The Government is completely out of touch. It is playing to the gallery-----

An Leas-Cheann Comhairle: I call Deputy Murphy O'Mahony.

Deputy Danny Healy-Rae: -----while criticising the Garda about the number of checkpoints that it organised.

Deputy Brendan Griffin: I am sorry, a Leas-Cheann Comhairle, but is this a parliament or a circus?

An Leas-Cheann Comhairle: I may have to ask Deputy Danny Healy-Rae to leave the House. He cannot continue in that way.

Deputy Josepha Madigan: Let the Minister of State answer the question.

Deputy Brendan Griffin: If a speaker is not allowed to respond, it is very much a circus. Obviously, it is not the Parliament in the eyes of some.

Deputy Josepha Madigan: Hear, hear.

Deputy Brendan Griffin: If a speaker is not allowed to give a response-----

Deputy Danny Healy-Rae: The Government is playing to the gallery.

Deputy Brendan Griffin: -----what do we have?

Deputy Josepha Madigan: A circus.

Deputy Brendan Griffin: It is an attack on our democracy when the Deputy will not allow a speaker to respond to a question.

An Leas-Cheann Comhairle: The Minister of State should answer it.

Deputy Danny Healy-Rae: It is the Government that is attacking democracy. Its members were giving out about the Garda over the number of checks.

Deputy Brendan Griffin: The Deputy is attacking our democracy. He will not allow a response to be given.

Deputy Danny Healy-Rae: It was Government members who were giving out about the Garda.

(Interruptions).

An Leas-Cheann Comhairle: I ask Deputy Danny Healy-Rae to restrain himself.

Deputy Brendan Griffin: May I respond, please, a Leas-Cheann Comhairle?

An Leas-Cheann Comhairle: I am sorry, but I am in the Chair. I ask Deputy Danny Healy-Rae to restrain himself. There was a simple question to the Minister of State and I want a simple answer to it.

Deputy Brendan Griffin: The Leas-Cheann Comhairle will get the answer-----

An Leas-Cheann Comhairle: No, I am not getting it.

Deputy Brendan Griffin: -----if I am allowed to speak, without interruption.

Deputy Michael Healy-Rae: The Minister of State cannot answer it.

Deputy Danny Healy-Rae: He has no answer to it because the Government is blackguarding the people of rural Ireland.

Deputy Brendan Griffin: You are not on the side of a mountain in south Kerry now but inside the national Parliament. Will you, please, show some respect for it?

An Leas-Cheann Comhairle: I will ask Deputy Danny Healy-Rae to leave the House.

Deputy Danny Healy-Rae: I will go away.

An Leas-Cheann Comhairle: Of your own accord.

Deputy Mary Mitchell O'Connor: There are children watching from the Visitors Gallery.

Deputy Brendan Griffin: There is a meeting of the ministerial and management boards after this session of questions on promised legislation. We will be discussing rural transport initiatives such as Rural Link which has been extended. I assure the Deputy that, as a rural dweller, this is something about which I am passionate.

An Leas-Cheann Comhairle: The Minister of State has had his time. I call Deputy Murphy O'Mahony.

Deputy Brendan Griffin: We are taking a number of measures to try to address the issue.

Deputy Danny Healy-Rae: The Minister of State is not passionate enough about the people of rural Ireland.

An Leas-Cheann Comhairle: Please, there are others in the House, apart from Kerry Deputies and Ministers of State.

Deputy Mattie McGrath: Are you sure?

Deputy Mary Mitchell O'Connor: This will be class.

An Leas-Cheann Comhairle: This is not the Fitzgerald Stadium but Dáil Éireann.

Deputy Margaret Murphy O'Mahony: I will direct my question at the Minister for Justice and Equality, Deputy Flanagan. Will he provide an up-to-date progress report on the provision of the protective services unit due to be provided in Bandon? I was promised that it would be up and running by the end of 2017. That became 2018 and now one month into 2019 I still do not have a date. When he visits Cork South-West, will the Minister meet the West Cork Women Against Violence Project to discuss this important issue?

An Leas-Cheann Comhairle: I call Deputy Aindrias Moynihan to raise the same issue. He is on the A list.

Deputy Aindrias Moynihan: The west Cork Garda division covers a large area from the sea to the N72 which includes Millstreet, Macroom and even communities in east Kerry. The specialist protective services unit was part of the division's policing plan. The Garda is keen to put it in place to serve the communities of west and north-west Cork. When I asked the Minister about the domestic violence unit before Christmas, he told me that the Garda had examined a number of buildings but that no progress had been made.

An Leas-Cheann Comhairle: A question, please.

Deputy Aindrias Moynihan: When will the decision be made? Why are there further delays? Will the Minister accelerate the decision in order that the communities of north and west Cork can be served?

Deputy Charles Flanagan: I am keen to ensure progress is made on the issue. I do not have a start date with me but I would be happy to communicate by way of giving an update to both Deputies in writing within the next 48 hours. I am keen that progress be reported. I intend visiting Cork South-West and would be happy to share my programme with the Deputies.

An Leas-Cheann Comhairle: Deputy Eugene Murphy has been on the list since Thursday last, if the Deputy has a question.

Deputy Eugene Murphy: I refer to the programme for Government which on jobs and development states "as the economy recovers it is essential that the new Government, together with the Oireachtas, puts in place measures to revitalise all of Ireland so that the benefits are felt inside every doorstep and in every community", a clear recognition that equality does not exist for all throughout the country. I revert to the good announcements of 1,500 jobs, plus 1,000 extra for Dublin. What will the Taoiseach do to bring jobs to my county? While I anticipate the Taoiseach will state in his reply that unemployment is down in the Roscommon-Galway constituency-----

An Leas-Cheann Comhairle: A question.

Deputy Eugene Murphy: ----no jobs are being created in towns such as Ballaghaderreen, Strokestown, Roscommon town and Boyle. All that part of the county is getting no employment from Government. What will the Taoiseach do about employment? Broadband comes into the loop as well. These are serious issues in my part of the country.

The Taoiseach: The Deputy is quite correct. Unemployment has fallen and employment has risen in every county over the past couple of years but we need to do more to ensure that all parts of the country share in our prosperity and join in the economic growth that is happening. The kind of actions we are taking include investing in infrastructure and in education, as well as making places more attractive for investment. Over the next couple of weeks, the Minister for Business, Enterprise and Innovation, Deputy Humphreys, will be travelling to each region of the country with the Action Plan for Jobs for each region to reinvigorate that and make sure that there is employment growth in all parts of Ireland. The Deputy will be aware, from the IDA Ireland figures published a few weeks ago, that more than half of the jobs created in Ireland last year were created outside of Dublin. However, I appreciate there are some counties in Ireland, particularly in the north west, that have not done as well as they should have and that is why we need to focus on them in particular.

An Leas-Cheann Comhairle: I am still on last Thursday's list and call Deputy Niamh Smyth.

Deputy Niamh Smyth: In the programme for Government, the Taoiseach gave a commitment to providing healthcare for those with disabilities. I want to tell him about nine year old Millie in Kingscourt, County Cavan. Nine year old Millie has autism and is non-verbal. At nine years of age, she has achieved almost no speech and language therapy. When I put questions to the HSE, the response I got was that while it cannot definitely say that Millie can be seen, her review appointment was scheduled last February, which would have been 2018, and therefore she will be a priority. On further investigation of what I would call a travesty for a child who is non-verbal and nine years of age, the relevant post has been left vacant for a whole year and there is a question to be answered in this regard. Can the Taoiseach tell me, and Millie's parents who perhaps are listening in today, what he will do to ensure there is a service in place for those such as Millie who are non-verbal and cannot access speech and language therapy?

The Taoiseach: I am sorry to hear about the case the Deputy raises. Obviously, I have no access to information about individual clients.

Deputy Niamh Smyth: But, in general, there is no service.

The Taoiseach: We are increasing the number of speech and language therapists, and therapists in general, by 100 this year and implementing a new programme of having speech and language therapy in schools.

An Leas-Cheann Comhairle: The next three are Deputies Brassil, Fitzpatrick and Martin Kenny. I must cut it at that. I have no choice.

Deputy John Brassil: In November, I raised an issue of the new guidelines for wind farm development and the Minister, Deputy Eoghan Murphy, gave me a commitment they would be published for public consultation early in the new year. I consider that it is now early in the new year and ask whether the Minister can give me a definitive date on which they will go to

public consultation.

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I thank Deputy Brassil for the question. The reason for the delay is because the World Health Organization, WHO, revised the noise aspects of the guidelines last year. As a result, the EU decided to implement them in a directive that was issued only in October of last year and we thought it prudent to put them into the guidelines that we were putting out to public consultation. The public consultation will now happen this year. It will happen in the next couple of weeks and last for a short enough period. We should have those guidelines in force by the end of the first half of this year.

Deputy Peter Fitzpatrick: Over the past 12 months, I have asked this question of the Taoiseach, the Tánaiste, and the Minister, Deputy Eoghan Murphy. In fairness, the Minister of State, Deputy English, is doing a big job on it. Local needs have been in the guidelines since 2005. The EU has taken Ireland to court over the way it has conducted itself. I believe, in 2016, the Government informed the EU that it would review the local needs situation. Many people in this country want to live in rural areas and, because of these local needs provisions, they are being deprived.

An Leas-Cheann Comhairle: I thank the Deputy. We got the question.

Deputy Peter Fitzpatrick: All the local authorities-----

An Leas-Cheann Comhairle: The clock is relevant.

Deputy Peter Fitzpatrick: -----are making their own decisions. This is a national matter.

An Leas-Cheann Comhairle: The Minister is an intelligent man. He knows what the Deputy is saying and he will answer.

Deputy Peter Fitzpatrick: I would appreciate if the Minister of State, Deputy English, could answer the question.

An Leas-Cheann Comhairle: The Minister will answer the question.

Deputy Eoghan Murphy: The 2005 guidelines are being reviewed off the back of the Flemish Decree. We have a working group in the Department. It is working with the Commission as well and taking guidance from it. We incorporated some of the thinking into the national planning framework, which is now in law. There was a meeting, I believe last week, of the review group that is looking at how we will review the guidelines and when these are reviewed, they will be communicated to local authorities as appropriate.

Deputy Martin Kenny: As the Taoiseach will be aware, there is a considerable problem in regard to recruitment and retention in the health services. In the past week or so, I was contacted by a family who have a child with autism who really need help. The child and adolescent mental health services, CAMHS, are dealing with them but they have not got a school-age psychologist, or even a school-age psychology team, in place in the Sligo-Leitrim area. It is the same in many areas. The family wanted to know whether the child could go to another area to get the assessment the child badly needs in order to get services. They are told "No", but yet there is no service available where they are. This is an issue not only in my area or constituency but in every constituency. While efforts are being made to recruit staff and to try to resolve the situation, the problem has reached emergency proportions for many of these families. This

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mother told me about her child having violent episodes, having meltdowns and having significant problems. This family is at its wit's end as to what to do. The parents are lying awake at night watching their child and worrying something will happen, and yet the answer they get is an apology that there is no service.

An Leas-Cheann Comhairle: There will be no time for the Taoiseach to respond.

Deputy Martin Kenny: In this day and age, it is not good enough.

The Taoiseach: I understand next week there will be a debate on CAMHS, which will provide an opportunity to air some of these issues. We have hired additional psychologists. We hired additional assistant psychologists as well in the past couple of years. We are recruiting. However, there is an Irish and international shortage of healthcare professionals, even in countries that pay far more than we can ever afford, such as Middle Eastern countries. That is something we need to bear in mind in how we design our services to make sure that they are prioritised and that referrals work.

An Leas-Cheann Comhairle: I apologise to the other Deputies but they were on the B list for today. I will not tie the hands of the Ceann Comhairle. Tomorrow, we will resume as usual.

Appointment to Policing Authority: Motions

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

That Dáil Éireann recommends, pursuant to section 62C(7) of the Garda Síochána Act 2005, that Mr. Paul Mageean be appointed by the Government to be a member of the Policing Authority.

Question put and agreed to.

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

That Dáil Éireann recommends, pursuant to section 62C(7) of the Garda Síochána Act 2005, that Dr. Vicky Conway be appointed by the Government to be a member of the Policing Authority.

Question put and agreed to.

Ceisteanna - Questions

Cabinet Committee Meetings

1. **Deputy Brendan Howlin** asked the Taoiseach when Cabinet committee G, justice and equality, last met; and when it will next meet. [53037/18]

2. **Deputy Joan Burton** asked the Taoiseach when Cabinet committee G, justice and equality, last met, and when it will next meet. [1704/19]

3. Deputy Mary Lou McDonald asked the Taoiseach when Cabinet committee G, justice and equality, last met; and when it is scheduled to meet again. [1706/19]

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

There were three meetings of Cabinet committee G in 2018, that is, on 18 January and 16 April and, most recently, on 12 December. The next meeting of the committee has not yet been scheduled.

Cabinet committee G provides political oversight of developments in relation to justice and equality issues, including implementation of the Government's programme of reform for the justice sector.

In relation to justice reform, the effectiveness and renewal group is due to publish its third report shortly. This will feed into the committee's work.

Last month, the Government approved A Policing Service for the Future, its four-year plan to implement the recommendations of the Commission on the Future of Policing in Ireland chaired by Ms Kathleen O'Toole.

Cabinet committee G is part of the oversight architecture of the plan and will receive regular progress reports on its implementation. The plan also envisages two meetings per year of Cabinet committee G focusing on community safety in particular.

Deputy Brendan Howlin: Has the Cabinet committee discussed the implementation of the new legislation on drink-driving? Despite what has gone on previously, I will venture into that area. Does the Taoiseach agree with the view expressed by the Minister for Transport, Tourism and Sport, Deputy Ross, in writing in one of the national newspapers last weekend that Ministers who criticised the drink-driving legislation enacted by this House are not fit for office?

An interim report published last week found that An Garda Síochána failed to prosecute 3,500 children in respect of almost 8,000 crimes under investigation over a period of seven years. Some 3,400 victims were impacted by the crimes. I am sure that this shocking development must have been discussed by the Cabinet committee. What was its reaction to the issues highlighted in the report?

What progress has been made on the implementation of the 157 key recommendations currently under the purview of the Policing Authority? Is it normal for the chair of the Policing Authority to attend the Cabinet committee for discussion of these matters?

Deputy Mary Lou McDonald: I too wish to raise the issue which emerged last week of the almost 8,000 criminal offences - 7,894 to be precise - committed by 3,489 child suspects between the years of 2010 and 2017 which were not progressed because of Garda inaction. There was a failure to progress 37 cases involving a particular child as well as 2,500 cases in which there were multiple offences. Some 55 of the offences identified were deemed to be of a serious nature, including a case of rape, another of sexual assault and another of child neglect. These are shocking revelations. It is scandalous that a person went to the Garda about a serious crime such as a rape or violent assault and nothing was done.

I do not doubt that there were systems failures which the Garda Commissioner and the Minister for Justice and Equality, Deputy Flanagan, must urgently address. Those responsible must be held to account. We must consider the chronic under-resourcing of the Garda and the con-

sequences of its not having the tools to perform the functions expected of it. From the outside looking in, at least, the PULSE network appears antiquated and not fit for purpose.

Above all, it is very concerning that this might not be the end of the matter. The chairperson of the Policing Authority indicated that there might be additional issues, stating, “It must at least be an open question as to whether similar behaviours, and therefore similar lapsed cases and similar opportunities to reoffend, have occurred in relation to adult offenders.” Is that the case?

Deputy Micheál Martin: There has been ongoing discussion in the House of policing reform for several years, in particular over the past 12 months. The Taoiseach may recall there was a specific focus last year on the Department of Justice and Equality and the necessity of its reform. He will remember that in December 2017 he stated on several occasions that the Department was not fit for purpose and that it needed a new structure and a new culture. Several internal changes have since been made at senior management level, including the recruitment of a second deputy secretary general. Is the Taoiseach satisfied that the Department is fit for purpose? Has enough been done to ensure that the culture which he strongly criticised has changed?

On the car bomb in Derry last Saturday night, it was pure chance that a group of teenagers which passed the car was not caught by the blast. I ask the Taoiseach to indicate the security assessment regarding the potential of the organisations suspected of involvement and the degree of co-operation between the PSNI and An Garda Síochána in regard to the organisations’ activities.

On the Garda Commissioner’s announcement last week regarding thousands of offences by young offenders not being prosecuted, I ask that a detailed report on the issue be presented to the Oireachtas by the Minister for Justice and Equality. To a certain extent, the announcement came out of the blue. There was no advance indication that something of that nature or scale was developing. Notwithstanding the McCabe dossier, the penalty points saga and so on, the Policing Authority described this as the most serious issue to have come before it. In light of the scale and nature of the failure and what precisely it involves, there is a need and an obligation for a full report on the matter to be presented to the Oireachtas.

Deputy Joan Burton: Many communities have been bedevilled by serious anti-social behaviour and very irresponsible and dangerous driving by young people. These are among the most difficult of issues with which communities must deal and particularly give rise to fears among older people as well as greatly affecting community building. Many community members and residents’ associations struggled to understand why so many of the young people involved in such activities were not dealt with. The information about what was happening seemed to go into a black hole. I know many juvenile liaison officers who have been extremely assiduous in helping young people who get into difficulty with the law and may be going down a path which would end very badly for them and their families.

I welcome the investigation by the Policing Authority and the comments of the Commissioner but this issue leads me to again query the Government decision recently announced by the Taoiseach effectively to dissolve the independence of the Policing Authority, the establishment of which was eventually agreed to by the Fine Gael Party when it was in government with the Labour Party. The Fine Gael Party was not a great fan of the Policing Authority but I do not know the Taoiseach’s personal views on it.

Communities feeling safe and young people who get into trouble with the law being properly dealt with are fundamental to our policing system. However, the Government is considering dissolving the authority which has produced a public report on this extremely important issue. I do not know whether the Taoiseach had sight of the report before the Opposition became aware of it through the media. Does he think he should reconsider the indications he gave some weeks ago regarding policing reform and recognise that an independent Policing Authority is critical to the safety of our citizens and the work of the Garda?

An Leas-Cheann Comhairle: The Taoiseach has four minutes to respond.

The Taoiseach: The Cabinet committee has not discussed the implementation of the new drink-driving laws. It is important to remind the House that alcohol limits have not changed, although some people believe that they have. Rather, the penalties have changed. Although the legislation was piloted through the Houses by the Minister, Deputy Ross, it is not his legislation but, rather, legislation that was approved by Government and enacted by the Oireachtas.

Deputy Brendan Howlin: Does the Taoiseach agree with what Deputy Ross stated regarding the Ministers who criticised the legislation?

The Taoiseach: I am 37 seconds into my response and I am already being interrupted. I will try to answer as many questions as possible.

An Leas-Cheann Comhairle: Deputies should give the Taoiseach an opportunity to respond.

The Taoiseach: I will try to answer as many questions as I can-----

An Leas-Cheann Comhairle: The Taoiseach should be allowed to continue without interruption.

The Taoiseach: -----but the number of interruptions makes it harder to answer.

The legislation was adopted by the Oireachtas. The vast majority of Members of this House and the Seanad voted for it. The Government supports the Garda in enforcing the law. If we do not want it to enforce the laws, we should not pass them in this House. The Garda has my full support in enforcing the law.

I do not believe that any Minister currently serving in government is unfit for office. If I did feel that, I would dismiss him or her.

Deputy Brendan Howlin: I do not agree.

Deputy Joan Burton: But the Taoiseach is reviewing them-----

An Leas-Cheann Comhairle: The Taoiseach must be allowed to continue without interruption.

The Taoiseach: I was asked about the practice of the chair of the Policing Authority attending Cabinet subcommittees. That has not happened, to my recollection, unless I am totally mistaken.

Deputy Brendan Howlin: She did in the past.

The Taoiseach: Not recently anyway.

With regard to the crimes whose perpetrators were not prosecuted, along with everyone in the House I am very dissatisfied that thousands of crimes committed by young offenders did not result in prosecution. I really feel for the victims, who have not got justice. They went to the Garda, reported an offence - serious in some cases - and assumed it would be dealt with but it was not. In many cases, those offences are beyond the period specified in the Statute of Limitations so they cannot now be prosecuted, but in some cases they still can. It is really important that this now happens. In some cases, while the offenders might not have been prosecuted for the crimes in question, they were prosecuted for others and were subject to justice in that regard. We need to make sure changes are made so the problem does not arise again. Many changes have been made. The essential flaw was that young offenders considered to be appropriate for juvenile diversion rather than prosecution were referred for neither prosecution nor juvenile diversion. That should not reflect badly in any way on the juvenile justice programme or the juvenile diversion programme. The programme works very well and has been very successful but obviously is not capable of taking all offenders, particularly those guilty of the most serious offences.

Garda resources are improving all the time. The number of gardaí has now increased to 14,000, which is the highest in a very long time. The number will continue to increase, as will the number of civilians in the force. We have set aside a very substantial budget for investment in IT, vehicles and equipment over the next couple of years.

The reforms in the Garda and the Department of Justice and Equality are still very much under way. It is a work in progress. The reforms are very much under way in the Department of Justice and Equality in terms of restructuring, bringing individuals in from outside and refreshing the management team. The programme for the reform of the Garda is a four-year programme and is only getting started but I am satisfied that it is happening and that things are going in the right direction. We now have a real opportunity. We have new leadership in the Garda. There is a much better budget and a reform plan such that we can now make the changes that perhaps should have happened a long time ago.

With regard to the events in Derry, once again I condemn in no uncertain terms the car bomb and the subsequent violence. It is not wanted in Derry. I have been to that city many times in the past year or two and know its good people do not want to see this kind of violence back on their streets. We are blessed that no life was lost as a consequence of the events. We have rejected political violence as a people on countless occasions in the past decade and we still reject it today. There is very good co-operation between the PSNI and Garda Síochána on dealing with republican groups hell-bent on violence.

Taoiseach's Meetings and Engagements

4. Deputy Joan Burton asked the Taoiseach if he will report on his discussions with the German Chancellor, Ms Angela Merkel, in January 2019. [1357/19]

5. Deputy Richard Boyd Barrett asked the Taoiseach if he will report on his recent telephone call with Chancellor Merkel. [1384/19]

6. Deputy Mary Lou McDonald asked the Taoiseach if he will report on his recent conver-

sation with Chancellor Merkel. [2491/19]

7. Deputy Brendan Howlin asked the Taoiseach if he will report on his recent discussions with Chancellor Merkel. [2544/19]

8. Deputy Eamon Ryan asked the Taoiseach if he will report on his recent telephone call with the German Chancellor, Ms Angela Merkel. [2737/19]

9. Deputy Micheál Martin asked the Taoiseach if he has spoken to or met the German Chancellor, Ms Angela Merkel, since the vote in the House of Commons on the withdrawal treaty was defeated. [3041/19]

An Leas-Cheann Comhairle: Questions Nos. 4 to 9, inclusive, are being grouped. The six relevant Members are in the House. I suggest that each have one minute when asking a question; otherwise we will be eating into the time for the next group of questions.

The Taoiseach: I propose to take Questions Nos. 4 to 9, inclusive, together.

I spoke by telephone to Chancellor Merkel on Thursday, 3 January. A focus of our discussion was my attendance at the CSU meeting in Bavaria but the main focus turned out to be Brexit and the importance of the withdrawal agreement agreed between the European Union and United Kingdom last November being ratified. We agreed that while we would be ready to offer additional reassurances and clarifications to the United Kingdom, there could be no renegotiation or contradiction of the withdrawal agreement, including on the backstop.

We reiterated our commitment to starting negotiations on the future relationship as soon as possible after the United Kingdom's withdrawal and our wish for that relationship to be as close, comprehensive and ambitious as the United Kingdom wants it to be.

We also discussed our work on preparedness, including contingency planning for a no-deal scenario, recognising that the closer we get to 29 March without ratification of the withdrawal agreement, the more urgent the work becomes. I expect to meet or speak to Chancellor Merkel again later this week.

Deputy Joan Burton: I thank the Taoiseach. Has he and Ms Merkel had any discussion on the possible time extension under Article 50 and the withdrawal mechanism? With regard to the requirements of the UK's unwritten constitution, a lot of time would now be needed to put into effect any of the options being canvassed by Ms May as potential solutions. She changes from time to time, as does the main option. If, however, there were to be a Norway-style deal or some kind of EFTA arrangement, which would not involve the full withdrawal agreement, which was referred to by the Taoiseach, what would be the timeline required to put it into effect and to pass in the United Kingdom the legislation necessary to allow it to happen? If such an arrangement were put on the table, would the Germans, for example, support an extension of the time under Article 50?

Deputy Richard Boyd Barrett: The comments by Mr. Margaritis Schinas of the European Commission to the effect that Ireland will see a new hard border if Britain fails to approve the Brexit withdrawal agreement are extremely alarming and may suggest that the mask of EU solidarity with Ireland over preventing a hard border on this island is slipping a little. Equally worrying is the fact that the Minister for Foreign Affairs and Trade, Deputy Coveney, said again today that without the withdrawal agreement, it will be difficult to stop a hard border. I would

really like the Taoiseach to explain these comments. Who will put up this border? What does that mean? The agreement would seem to be bit of a dead letter at the moment but surely we have to make it absolutely clear to Ms May and the European Union that under no circumstances, irrespective of whether there is a deal, are we accepting a border. I would like to know what discussion the Taoiseach has had with the European Commission and Ms Merkel, or any other EU leader, on the suggestions that somehow a border will erect itself in the case of there being no deal.

Deputy Mary Lou McDonald: On the same issue, it is important to clarify that we cannot wish a border away. I have said to the Taoiseach that, as a matter of simple logic, we seek the backstop to avoid a hardening of the Border. Therefore, as a matter of simple logic, if there is no backstop the Border hardens. It is not just a case of saying we are not doing it because it is not just about infrastructure; it is also about standards, regulations, customs and tariffs. If the Border hardens, the international rules kick in. That is how it is.

I am no flag-bearer for the European Union but we need to deal with the facts. The danger is very real indeed and I take the view that the remedy must lie first with the British. They need to come up with the goods that honour their pledges not to undermine the Good Friday Agreement and not to see a hardening of the Border. They may not do so and we may have a crash. In those circumstances, the Taoiseach could do worse than discuss with Ms Merkel and our German colleagues the experience of German reunification. In the event of a crash and a hardening of the Border, which we cannot wish or shout away, there will be an obligation on any Government in Dublin worthy of the name to prepare for constitutional change. If we cannot mitigate the Border or avoid the worst excesses of the damage of Brexit, then we have to move to remove the Border, democratically, peacefully, by discussion and, ideally, by consensus. This is why the Taoiseach should establish a forum on unity and speak to our German friends for guidance in this regard.

An Leas-Cheann Comhairle: Deputy Howlin has one minute.

Deputy Brendan Howlin: I will take the same-----

An Leas-Cheann Comhairle: No, you did not actually, because the clock ran on.

Deputy Brendan Howlin: I said I will take the same time as everybody else so far.

An Leas-Cheann Comhairle: We will deal with that.

Deputy Brendan Howlin: I want to ask a very direct question of the Taoiseach because he has been very forthright in many of his utterances in recent weeks. He has stated it is not enough simply to say we will not have a hard border and that we have to have a legal basis to implement these words. They are meaningless just as a throwaway remark. I ask the Taoiseach to be clear and frank with the Dáil now. In the event of a no-deal Brexit, what is his arrangement and agreement with Angela Merkel and all of his EU colleagues? Does he have an understanding about how the EU, Single Market and customs union frontier, which will traverse the island of Ireland, is to be enforced, policed or ignored? What is his understanding? Please tell us.

Deputy Eamon Ryan: We will speak later on this issue but I might give the same advice publicly as I have given in a private meeting, which is we should hold our position on the backstop. With regard to our discussions with the German Government or any other Government,

I suggest using the argument that it is not just about protecting an Irish position. The Prime Minister, Ms May, seems to be clearly aligning herself with the European Research Group and DUP, who are the very hard Brexiteers in her Parliament. Effectively, she is aligning with the position that wants to deregulate and turn the UK into the Singapore of north-west Europe. It is not in the interests of Germany or anyone to do this. Those who hold that position think if they can remove the Irish backstop, it will also remove the regulatory alignment measures contained in the withdrawal agreement. For this reason, for a German Government as much as for Ireland, it is important we hold the line that the UK does not dumb down labour or environmental regulatory standards, which is what some want to do. We should hold fast and firm, not just for Ireland but for all of Europe in this regard.

Deputy Micheál Martin: Last week, I asked the Taoiseach whether he spoke to the President of the Commission about a no-deal scenario and the Border question. I did not get a reply at the time. It is important to make the point that a no-deal Brexit would be a disaster for all concerned, not just Ireland but the UK and the EU. Let us keep this in perspective as we discuss this. Today, for the first time, the Tánaiste has been a bit more frank than normal in terms of what no deal would mean for a border in Ireland. We can refuse to co-operate with the European Union, which is what I took from the Taoiseach's comments some months ago that we are simply not planning for a border and we will not put up one. How long that would last I am not quite sure. We did not get the full story on the discussion with Chancellor Merkel, which lasted 40 minutes. We may have to wait for the 30 year rule to find out exactly what was discussed.

The Taoiseach: I do not think any minutes were taken.

Deputy Micheál Martin: I do not think it took 40 minutes for the Chancellor to tell the Taoiseach nothing has changed and nothing will change. We know one of Chancellor Merkel's hallmarks as a politician is her capacity to be constructive and creative in seeking ways around roadblocks. Will the Taoiseach tell us whether she is proposing or thinking of any new ways of overcoming the refusal of the UK Parliament to ratify the withdrawal treaty in its current form?

In recent days, it was suggested in the *Financial Times* that one of the issues identified in the conversation between the Taoiseach and Chancellor Merkel was the Taoiseach may be personally concerned with how any change would reflect on him. I presume we can take it that this is not the case. I do not believe there is a question mark over German solidarity with Ireland. Equally, there is no doubt that Germany has, with other countries, asked what Ireland is willing to agree to help achieve ratification of the withdrawal treaty. The Commission's spokesman chose today to issue his clarifying statement. There is time yet to go on this and this is an important factor as we assess it. Clarity is important.

The Taoiseach: The phone call with Chancellor Merkel was very much an opportunity to talk through what might happen in various scenarios and try to work out what might happen next and what we could do in various scenarios. It was a very good and useful conversation in that sense, and one we have had more than once and no doubt will have again. We did not have any detailed discussion on extending Article 50 but we are all aware it is an option. Ultimately, that request would have to come from the United Kingdom. I have no doubt any request from it would be considered. In terms of conversations about Brexit, one thing I can say about Germany and German politicians is they understand borders, hard borders and partitions in a way that perhaps very few other people in the European Union do. They understand what an enormous challenge and threat Brexit is to Ireland and to all that has been achieved in the past 20 years.

I have always said, and I have been saying it for months if not years, that we cannot avoid a hard border on the island of Ireland simply through words, promises and good intentions. It requires a legally operable and binding agreement that aligns customs rules and market regulations. This is what the backstop is. It is exactly that. It is an alignment of customs rules and Single Market regulations so there does not have to be a border with physical infrastructure or associated checks or controls. Despite what others may say, no other proposal on the table at the moment does this, not one. The best that people who are opposed to the backstop and who, at the same time, state they do not want a hard border on the island of Ireland can come up with is a promise it will never happen or a promise they will sort it out over the next two years. This is not acceptable. The Irish Government and anyone in the House cannot accept this. The backstop is a legally operable mechanism to avoid a hard border by aligning customs and regulations and nothing else is being proposed by anyone else that does this, other than a promise to come up with something in a year or two or three. This is not something the Government can accept. This is why we have to hold so firmly to our position on the backstop.

In terms of what would happen in a no-deal scenario, it is always a difficult thing to speculate about. If, in a few weeks, we end up in a scenario where the UK leaves the EU without a deal we will have a real dilemma because Ireland is part of the European Union and we will have obligations to protect the Single Market, the United Kingdom will have joined the World Trade Organization and will have obligations to implement WTO rules, and the UK and Ireland will have an obligation to honour the Good Friday Agreement, protect the peace process and honour our commitment to the people of Ireland and Northern Ireland that there will not be a hard border. What would we have to do in that scenario? We would have to negotiate an agreement on customs and regulations that would mean full alignment so there would be no hard border. We already have that agreement and that is the backstop. Nobody who is opposed to the backstop can credibly state he or she is also against a hard border unless he or she can come up with something else that aligns customs and regulations and allows a border to be avoided. Nobody else has done that yet. There is a reason it took a year and a half to two years to negotiate the backstop. It is because it was difficult to do. We have done it and we cannot give it up in return for a promise that it will be all right on the night or a commitment just to sort it out over the coming two years. It took us 18 months to sort it out. We have a proposal that works and we have to stand by it.

Departmental Expenditure

10. Deputy Joan Burton asked the Taoiseach the amount his Department spent on communications and advertising in 2018; the way in which this compares with the years 2011 to 2017, inclusive; and the proposed spending for 2019. [1359/19]

11. Deputy Brendan Howlin asked the Taoiseach if he will report on the proposed spending in 2019 by his Department on communications. [2545/19]

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

A decision was taken in 2017 to fund and run cross-governmental public information programmes centrally. As a result of this, in the period between the fourth quarter of 2017 and July 2018, several public information campaigns aimed at improving citizens' lives, such as the Healthy Ireland campaign, the Project Ireland 2040 campaign and the self-employed benefits campaign, were run and funded centrally by the Department of the Taoiseach. This was

a departure in approach from previous years, when such campaigns were led and funded by the relevant line Department. The amount spent on these campaigns in 2018 was €1.8 million. Included in this figure is the spend on the purchase of space in various media, including print, digital, cinema and radio, as well as creative production. This is greater than the amount spent between 2011 and 2017 but it is not a like-for-like comparison. That is precisely because of the decision to change the approach and to centralise such spending. Over 90% of spending in 2018 was incurred in the first part of the year prior to July 2018 as campaigns were being run and funded centrally during that time. Following a budget cut of €2.5 million in mid-2018, public information campaigns are now funded by the relevant line Department, as opposed to being funded centrally by my Department. This is a reversion to the former practice under previous Governments.

Spending on communications in my Department from 2011 to 2017, inclusive, varied significantly year on year, from a low of approximately €6,000 in 2014 to €580,000 in 2012 and €100,000 in 2011. That figure for 2011 includes expenses associated with the management of logistics for public attendance at the visit of President Obama and the National Day of Commemoration. The figure for 2012 includes a public information campaign on the fiscal stability treaty. Given the change of approach to the funding of campaigns, it is not intended to fund large campaigns from my Department in 2019.

Spending for 2019, therefore, will be significantly lower than that for 2018 and will be sourced from the administration budget of my Department. It is not possible to give an indicative figure as to what the outlay will be as this will depend on factors such as whether there are any significant inward State visits and if events, such as the outcome of the Brexit negotiations for example, require some additional expenditure on communication.

Deputy Joan Burton: One of the most striking things about the Taoiseach's Government has been its absolutely dedicated focus on public relations and spin. The Taoiseach had to withdraw the strategic communications unit but I am not sure that his Government, overall, will withdraw from the field of public relations. We were told recently about the massive cost overruns in the national children's hospital. I believe the Taoiseach indicated that cutbacks in the Department of Health alone would amount to €50 million and that collective cutbacks in other Departments would amount to another €50 million.

How much of a cutback is the Department of the Taoiseach going to take to help with the funding of our badly needed, and badly budgeted for, national children's hospital? I ask that because the Taoiseach was the line Minister when these initial estimates were made. Does the Taoiseach intend to take any responsibility in his own Department, rather than making Departments which give vital services to people, such as education and others, bear the brunt of the cuts? Will the Department of the Taoiseach bear any significant share in these cuts that have been announced for other Departments? The specific cuts scaring many people concern indications that it may be impossible to replace worn-out machinery and facilities in hospitals that badly need such replacement.

Deputy Brendan Howlin: I welcome the clarification that the Taoiseach is moving back to the traditional way whereby health promotional initiatives are funded by the Department of Health and education initiatives by the Department of Education and Skills. Notwithstanding the Taoiseach stating that his initiative was a new departure, taking the budget line away from line Departments, €290,000 was spent on promoting Healthy Ireland yet the Department of Health's own promotion was not diminished. It was a case of the funding being as well as, not

instead of. There was also spending of €30,000 on videos promoting the budget last year.

What communication plan does the Taoiseach's Department have for this year? As the Taoiseach said, some things might be unknown. Will there, for example, be a referendum this year? Do we know and, if so, will the Taoiseach's Department be involved in expending money on that? Has that been decided yet? To be clear, in respect of normal line Department expenditure, is the Taoiseach telling us that his Department will no longer be involved in any expenditure to co-support or co-fund promotional videos or social media in that regard?

Deputy Micheál Martin: We have been seeking a statement from the Taoiseach for well over a year on what protections are being put in place to prevent the abuse of public funding to promote members of Government personally and to link communications to political rather than public priorities. Before the current Government took office, advertising was not undertaken for basic announcements and speeches but this is becoming common practice. This appears to be part of the Taoiseach's stated objective of finding a way of balancing journalists, whom he believes are too negative.

In the past, the Taoiseach promised me that he would publish guidelines on when paid promotion may be undertaken. He has so far failed to do this. Will it be done any time soon? In that context, who decides what publications get allocations to do magazines on various issues? Yesterday, there was a very fine piece in *The Irish Times* on the centenary of the Dáil. It was a large publication and I think it was funded by the Department of Culture, Heritage and the Gaeltacht. Did other newspapers get the same access or what happened with the broadcasting of the event? Who makes these decisions?

I ask that question because I know when we got documentation under freedom of information provisions well over a year ago, it was clear that the then Minister for Culture, Heritage and the Gaeltacht, Deputy Humphreys, was making the personal decision as to how much money each publication would get. That is open to abuse. No one is going to refuse public funding. There should be far more transparency, as well as set guidelines and set rules on how allocations of that kind are made. The Government is otherwise open to the argument that it is currying favour through that use of public money. Let us call a spade a spade. The last time I raised this issue certain people in the media world were annoyed that I did so but there needs to be transparency on this issue.

I have no issue with funding being put aside, in the form of a general sum, in order that public service obligations of the kind that I have just mentioned can be met by the print media. It does, however, have to be done at arm's length in a transparent way and not at the behest of a Minister or the Government itself. That is fair and that is where we should be heading. All of the advertising of the national development plan, NDP, last year was about various projects and specific plans and most mentioned aspect was the new children's hospital. That was the biggie in the NDP.

We know now that there has been a huge increase in the cost of that project, as I mentioned earlier. It is more than €1 billion than provided for in the NDP. It constitutes 9% of the total capital health provision. I will add that many of the plans for other hospitals have not moved at all. The Taoiseach mentioned that inflation was a factor in the cost of the national children's hospital. Does that mean then that the cost for the new National Maternity Hospital is going to go up dramatically? Does it mean that costs for other hospital projects are going to also go up dramatically? How stands that NDP in respect of health now and, in particular, the national

children's hospital?

An Leas-Cheann Comhairle: The Taoiseach will have about four minutes. I call Deputy McDonald.

Deputy Mary Lou McDonald: Will the Taoiseach confirm when the referendum on the extension of voting rights in the Presidential election will be put to the people? This topic was already raised by Deputy Howlin but I would like a direct answer.

The Taoiseach: On these matters generally, the Government will continue to engage in what Government should do. I refer to policy formation, programme implementation and communicating with the public. All of those things work together. We cannot get our policies across the line if we are not willing to communicate them and programme implementation itself requires a degree of communication. The Government, therefore, will do all of those things as it always has. It will communicate and form policy and drive the implementation of those policies and programmes. They all marry with one another. They cannot just be separated.

On the national children's hospital overrun, the increased cost this year is anticipated to be about €100 million. Of that, €50 million will come from the Department of Health and the other €50 million will be spread across the capital budgets of all of the other Departments. I am sure that will include my own, although I am not quite sure what sort of capital budget we have for this year. It is important, though, to see that in context. The total capital budget for this year, the amount we have going to invest in our public infrastructure, is up 25%. It is now up to about €7 billion so we have to reprofile, defer or delay, however it is described, about €100 million out of €7,000 million.

Deputy Micheál Martin: That is in the early stages. The Taoiseach is being disingenuous.

The Taoiseach: Anyone who has been involved in government in running Departments will know there is regular reprofiling of spending.

4 o'clock

A sum of €100 million out of €7,000 million is a reprofiling which will cause some projects to be delayed.

Deputy Micheál Martin: There is a lot of make-believe in all of this.

The Taoiseach: I guarantee that the level of scaremongering about what will not be done or what might be cancelled will go well beyond anything remotely connected to reality in terms of what we have to do to find that additional funding for the children's hospital.

It is the case that the costs of capital projects across the board are escalating and not just Government projects but also in the private sector. This has much to do with tender price inflation, construction going well, a shortage of construction workers, along with increases in materials and pay costs and professional fees. It is a just statement of fact that the cost of construction projects is rising, not just for the children's hospital. That is a cause of concern for us but it is not necessarily entirely under our control. One can really only know the cost of a project when it goes out to tender. One factor we will have to consider when it comes to large projects in particular is not making the actual final decision as to whether we are going to go ahead until we have the final cost. That has not been the practice in the past. The decision has always been made to go ahead. We may need to consider for a larger projects that we can only

go ahead when we have the definite final cost.

Deputy Micheál Martin: The tender came in at €650 million.

The Taoiseach: No, it did not.

Deputy Micheál Martin: It did. Originally, the tender came in at €650 million.

Deputy Mary Lou McDonald: That was for the Mater site.

The Taoiseach: That was not for the final complete project.

Deputy Micheál Martin: However, a tender came in.

The Taoiseach: It was a tender.

Deputy Micheál Martin: A tender came in and the Government went for it.

The Taoiseach: It was not the tender for the final cost of the project. That only came in more recently.

Deputy Micheál Martin: However, a tender came in.

Deputy Brendan Howlin: There is a unique delivery system.

The Taoiseach: The Department does not have a communications plan for this year. I am sure there will be many things happening which will require the involvement of the Department in communications, not least around Brexit. It can be done by my Department or by the Department of Foreign Affairs and Trade.

The affordable childcare scheme will come in later in the year. We need to make sure the people know about that. It will involve a significant increase in subsidies for childcare and the extension of subsidised childcare to middle income families in particular. There will be many reasons we need to speak to the public over the next several months.

Deputy Micheál Martin: It is to buy somebody.

Deputy Brendan Howlin: It will be running up to May.

The Taoiseach: Most of that will be done, however, by the line Departments. Where something crosses more than one Department, my Department may have an involvement in it.

Deputy Thomas Byrne: Is that before or after May?

The Taoiseach: As I said, there is no communications plan. Deputy Micheál Martin asked who decides which publications get which advertising contracts. I do not know who decides that but I do know it is not me. I have never made a decision of that kind.

Deputy Micheál Martin: A Minister did, however.

The Taoiseach: The Deputy's understanding of this and the way he is spinning it is not in line with the facts.

Deputy Micheál Martin: It is not about how I am spinning it. I had the documentation and it was black and white.

22 January 2019

The Taoiseach: The referendum is still planned for May but we have to get the legislation through.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Éamon Ó Cuív - to discuss extending eligibility for the native woodland grant to lower yield classes; (2) Deputy Joan Burton - to discuss child adolescent psychiatric services, CAMHS, in the Dublin 15 area; (3) Deputies Seamus Healy, Mattie McGrath and Jackie Cahill - to discuss funding for equipment and staffing of the new 40 bed modular unit at South Tipperary General Hospital; (4) Deputy John Curran - the continued failure for the past five years to increase funding to the local and regional drug and alcohol task forces; (5) Deputy Seán Crowe - to discuss the growing waiting list for speech and language supports for children in Dublin South-West; (6) Deputy Fiona O'Loughlin - the delay of the new mental health unit in Naas hospital, County Kildare; (7) Deputies Joan Collins, Ruth Coppinger, Richard Boyd Barrett, Pat Buckley and Sean Sherlock - the ten-hour strike taking place today by up to 500 members of the National Ambulance Service Representative Association, the safety concerns arising in the Cork ambulance service and to seek clarification on protocols for working time and safety for those who are employed by the National Ambulance Service who crew ambulances; (8) Deputy Martin Ferris - to discuss waiting lists for children with special needs; (9) Deputies Mick Wallace, Clare Daly, Caoimhghín Ó Caoláin and Jim O'Callaghan - to discuss the current funding for the deaf community in Ireland, the current funding crisis facing the Irish Deaf Society, the urgent risk of it having to close its services due to the delay by Government in allocating vital, already promised and immediately necessary funding, and the failure of the Government to provide funding to the Irish Deaf Society; (10) Deputy Donnchadh Ó Laoghaire - to discuss the potential upgrade of the L2455, Lehenaghbeg-Lehenaghmore road; (11) Deputy John Lahart - to discuss plans for security screening by customs officers at Dublin and other approved airports after 30 January; (12) Deputies Pat Casey and John Brassil - the need for the Minister for Health to update the House on the implementation of the falsified medicines directive; (13) Deputy Louise O'Reilly - to discuss free access to abortion services for women from the North of Ireland; and (14) Deputy Gino Kenny – a nuclear submarine incident in the Irish Sea in November.

The matters raised by Deputies Éamon Ó Cuív, Joan Burton, Martin Ferris and John Lahart have been selected for discussion.

Ceisteanna (Atóigáil) - Questions (Resumed)

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Brexit Negotiations

27. **Deputy Thomas Byrne** asked the Minister for Education and Skills if he will report on preparedness for a no-deal scenario in Brexit negotiations in his Department. [2981/19]

Deputy Thomas Byrne: As of today, 26 sitting days remain until 29 March. As well as our economic prosperity, all-island economy and relationships with our young people and among themselves, our students stand to be dramatically affected by Brexit. While there were some stakeholder engagements with the Department of Education and Skills some time ago, we have not heard much about the plans for the education system.

Minister for Education and Skills (Deputy Joe McHugh): Coming from a Border county, a no-deal Brexit is the worst possible outcome and would not be in the interests of the UK, Ireland or the EU. While I, along with my Cabinet colleagues, continue to watch developments in the UK closely, my Department continues work to prepare for the UK's exit. This work, at national and EU level, continues to intensify, taking account of all possible outcomes.

Central to all planning scenarios, the maintenance of rights and privileges under the common travel area, CTA, will protect much of the valuable and rich co-operation which takes place between education on a North-South and an east-west basis. My officials have engaged with colleagues in the Department for Education in the UK on a set of principles which are designed to maintain and build on this co-operation. I am working closely with my Cabinet colleague, the Tánaiste and Minister for Foreign Affairs and Trade, to conclude this process. It is important to note that, notwithstanding the type of Brexit, the CTA will be in place.

Naturally, I do not wish for a disorderly Brexit, but prudently, I am preparing for this. As part of my Department's contribution to the Government contingency action plan, an amendment to the Student Support Act 2011 has now been included as one of the parts of the proposed miscellaneous provisions (withdrawal of the United Kingdom from the European Union on 29 March 2019) Bill. This will facilitate the continued payment of SUSI grants to Irish students attending UK and Northern Irish higher education institutions and to UK and Northern Irish students studying in Irish higher education institutions.

As well as that amendment, I also recently announced that EU fees would continue to apply to UK and Northern Irish students for the 2019-2020 academic year. This brings certainty to UK and Northern Irish students who can be assured that the EU fees will apply for the duration of their studies in Ireland. However, equally important, both of these actions will ensure that Irish school leavers seeking to pursue their higher education in the UK and Northern Ireland will have certainty as they are making their CAO or UCAS choices at this time.

My Department will continue to monitor all Brexit developments carefully. I can assure all stakeholders in education that the contingency planning is being constantly refined to reduce risks arising from Brexit substantially.

Deputy Thomas Byrne: I will leave the memorandum of understanding to my colleagues who deal with Brexit and foreign affairs. However, we want legal certainty for students. A year and a half ago, I and my party suggested that we would unilaterally say that, at the very least, students resident in Northern Ireland would qualify indefinitely. Why can we not simply say that students resident in the North, as well as in the UK, will be entitled to the same status as every other Irish and EU student for the foreseeable future? We believe that would send out a positive signal and, in all likelihood, would be reciprocated. It would at least ensure that there is no hard educational border on this island for students.

I note the changes which will be made to the SUSI legislation, which has to happen. Will the bilateral agreement that the Department has in place remain regardless of the Brexit negotia-

tions? Will any aspect of this bilateral agreement or the memorandum of understanding have to be legislated for? If so, will it have to be done before 29 March? What is the status of the memorandum of understanding in the context of a British crash-out and the EU stating it does not agree to aspects of it? Does it have to be run past the EU?

Deputy Joe McHugh: I agree with the Deputy on bringing certainty to these matters. We are already in the first fortnight in January and students in Northern Ireland do not have certainty. It is not good enough if we are going to look at long-term planning or long-term commitments to North-South co-operation as well as the movement of people. Statistics show that the number of students from the South going North has gone down over the past five years. However, the number of students coming from the North to study in the Republic is going up. At the same time, we have to give a little more certainty. People do not live in six-month, nine-month or 12 month vacuums. Students who are doing their junior certificate or their GCSEs are in that space of thinking ahead to where they will get their university education. I aim to work with the Deputy on that point.

The Deputy asked about guarantees in the event of a no-deal Brexit. I suppose the honest answer is we do not have any guarantees of any variety in the space in which we find ourselves. My officials and I, with the Cabinet as a collective, are trying to control what we can with these omnibus Bills. The free fees aspect of the matter is outside legislation and will be covered by an administrative or policy change. Over 200 students are in the Irish SUSI system this year from the United Kingdom and nearly 1,500 students are getting grants in the United Kingdom and Northern Ireland, so we must ensure that aspect is protected at all costs.

Deputy Thomas Byrne: The Minister has critiqued the decision he made last week simply to give certainty for this year. He said he agreed with me and would work with me on the issue. As the Minister said, this is an administrative measure and I urge him strongly to take a unilateral administrative decision to allow students from Northern Ireland and the United Kingdom the same status as Irish and EU citizens from now on, whatever academic year in which they start. It would be really positive and it would not be any skin off anybody else's nose but it would certainly indicate our education system is open and we do not want a hard border. Fianna Fáil suggested this a year and a half ago and I simply cannot understand why it is done on an *ad hoc* basis every year.

If a person is thinking of going to university in his or her own jurisdiction, that person may make a late decision. If the person is thinking of going to a different jurisdiction, the decision will not be made six weeks before the Central Applications Office, CAO, deadline, and it will not be made just because the Minister has made this decision in January. I suspect anybody thinking of coming to the South or from Britain would have made such a decision some time ago. Perhaps the Minister's announcement would have been too late. If he had taken Fianna Fáil's proposal, this would not have been an issue at all.

Deputy Joe McHugh: Let us see what we can do in the space. For example, the University of Edinburgh announces measures one year at a time and I know a student who is looking to go to the Netherlands, with that decision possibly taken two years ago. Let us look at the creative space in which we can allow ourselves to work, whether it is on a North-South or east-west basis. I am prepared to work with the Deputy on that.

Dáil Éireann
Special Educational Needs Staff

28. Deputy Kathleen Funchion asked the Minister for Education and Skills if consideration will be given to working with the Teaching Council to propose a specific special education teacher category to register with the council in view of the increasing number of autism spectrum disorder, ASD, units being established in primary schools nationally and the increase in the number of children being diagnosed with autism nationally; and if he will make a statement on the matter. [2765/19]

Deputy Kathleen Funchion: Given the increasing number of autism spectrum disorder, ASD, units being established in primary schools throughout the State and the increase in the numbers of children being diagnosed with autism nationally, would the Minister consider working with the Teaching Council to propose a specific special education teacher category for registration with the Teaching Council? This comes from many special needs assistants in the sector who wish to qualify as special education teachers.

Deputy Joe McHugh: I thank the Deputy for the question. The Teaching Council is the body with statutory responsibility for the regulation of the teaching profession, including the registration of teachers in Ireland. The Teaching Council (Registration) Regulations 2016 set out the requirements to be registered as a teacher in Ireland. Under these regulations there are four defined routes to registration, namely primary, post-primary, further education and other routes. My Department has no plans to amend the Teaching Council (Registration) Regulations 2016 to include a special education teacher category.

Under section 38 of the Teaching Council Act, all initial teacher education programmes in Ireland that lead to registration must have professional accreditation from the Teaching Council in accordance with the criteria and guidelines for programme providers published in June 2011 and revised in March 2017. Under the council's criteria for initial teacher education, student teachers in all accredited programmes are required to undertake study in inclusive education, including special education. Schools should endeavour to assign experienced teachers to special classes with appropriate qualifications and, wherever possible, a background in working with students with special educational needs. Schools should also be proactive in meeting the continuing professional development needs of their special class teachers, in addition to developing and reviewing their whole school policies in the education and inclusion of students with special educational needs. The National Council for Special Education, NCSE, support service delivers a range of professional development initiatives and support for teachers working with students with special educational needs in special classes. Schools planning to open special class provision should contact the NCSE support service as soon as they receive their letter of sanction in order to facilitate planning for training of teachers.

Deputy Kathleen Funchion: I thank the Minister. It is disappointing that the Minister has specifically ruled out even considering this as an option. We all know there has been a massive increase in the number of children with additional needs and autism in particular. We know the difficulties they face and I certainly raise it regularly, as the Minister is aware at this stage. There is a constant effort by parents to get these children into ASD units.

A specific special education teacher category would help to address such issues, including the hiring of appropriate staff. It would also help the Department. If a special needs assistant, SNA, wishes to become a special education teacher, there are currently only two options open to that person. He or she can enrol on the level 8 degree with St. Nicholas Montessori College,

which is bizarre, or the Hibernia College master's programme. This must be looked at, along with the general way the Teaching Council approaches everything, including the length of time it takes for student teachers to get a number. That can take up to six months. The council's approach, unfortunately, does not seem to be one of encouragement or assistance when SNAs seek advice on how to progress and become a special education teacher. It is why I am raising the matter.

Deputy Joe McHugh: This is an area in which I have a massive interest as well. The investment this year alone in the special educational needs area will be approximately €1.75 billion, which is a 44% increase since 2011. Special classes numbers have gone from just under 500 to approximately 1,500 and we still have a long way to go. I know from parliamentary questions and letters that there is a massive pressure for additional ASD units, and I am very conscious of the fact we need to do more. I am also very conscious that there is a cohort of people in the SNA sector, as referenced by the Deputy, and 16,000 SNAs will work in the system this year. They are waiting on the implementation of recommendations from the recent SNA review. I met with the Ulster-Connacht division two weekends ago and I committed to trying to complete that as soon as possible. I will deal with that personally.

With regard to training, my confidence lies in the social inclusion and special needs aspect of teacher training. I am also conscious that SNAs have very much been part of the wonderful journey taken so far that has led to a success story. I know they have more to give and that is why we must consider the recommendations for continuous professional development for them.

Deputy Kathleen Funchion: In fairness, I know the Minister has an interest in the area and it is part of the reason I have raised the matter with him. There have been obvious improvements with the increase in the number of ASD units. As the Minister has stated and we know from representations made to us, this is currently not enough. For a special needs assistant to complete the Hibernia College master's degree, according to a stipulation from the Department since 2012, he or she must take a career break of two years, with the degree programme costing €15,000 for the full-time course. The reality is most people cannot afford to do it and it suits people to do it on a part-time basis. The other option from the St. Nicholas Montessori College seems out of sync with the rest of the Department of Education and Skills.

My question is specifically about the Teaching Council categorisation and I urge the Minister even to consider the possibility of reviewing it. We need to be inclusive in schools and I am the biggest advocate of that. We must also acknowledge that there are very specific and specialised needs for children with additional needs. It might be time for the Department to introduce a specific course for teachers who will work with children in ASD units. The Minister mentioned earlier that schools should endeavour to get the most suitable staff but that is not always possible. If a course existed, people with an interest in the area would be funnelled into those positions.

Deputy Joe McHugh: I am certainly happy to look at this to see how we can improve and what supports we can provide for SNAs who are willing to retrain and re-skill, which is really important. I will be working very closely on the very good recommendations made in the SNA review.

I am challenging myself on the language we use regarding autism. I met AsIAm before Christmas and my officials since. On inclusiveness, are we using the proper titles? Even a term like "ASD unit" has all sorts of connotation; perhaps, therefore, it is time to really look at the

language we use. I constantly use the term children or young people with autism, which is also wrong. They are autistic; it is not something that will be here today and gone tomorrow. I will work closely with the representative groups, but I would also like to hear Deputies' viewpoints on our use of language, even in the circulars I issue. I know that my officials are very conscious of this issue. It is a class, not a unit. It is not a disorder; rather, it is something people are born with. With the proper supports and services, they will get through life as well as anybody else who is not autistic.

School Staff

29. Deputy Thomas Byrne asked the Minister for Education and Skills when talks will commence with representatives of school secretaries as recommended by the Workplace Relations Commission; and if he will make a statement on the matter. [3026/19]

Deputy Thomas Byrne: When will talks commence with representatives of school secretaries, as recommended by the Workplace Relations Commission? There was an adjudication a number of years ago between the Department, school secretaries and their respective unions. The adjudication recommended a four-year plan and that talks commence this year. When will those talks commence?

Deputy Joe McHugh: I thank the Deputy for this question about an issue that is close to my heart. While in opposition I highlighted the important role played by school secretaries. As somebody who worked in a secondary school, I realise the burden they are under and the important role they play. I recognise the very important work done by them and other support staff in the running of schools and I am grateful to them for the contribution they make to the education system. I have spoken to a number of school secretaries about their employment conditions.

Schemes were initiated in 1978 and 1979 for the employment of clerical officers and caretakers in schools. The schemes were withdrawn completely in 2008. They have been superseded by the more extensive capitation grant schemes. The current grant scheme was agreed to in the context of the Programme for Economic and Social Progress which was published in 1991. The majority of primary and voluntary secondary schools now receive assistance to provide for secretarial, caretaking and cleaning services under the grant schemes. It is a matter for each individual school to decide how best to apply the grant funding to suit its particular needs. Where a school uses the grant funding for caretaking or secretarial purposes, staff taken on to support these functions are employees of individual schools. Specific responsibility for pay and conditions rests with the school.

On foot of a chairman's note to the Lansdowne Road agreement, my Department engaged with the unions representing school secretaries and caretakers, including through an independent arbitration process in 2015. The arbitrator recommended a cumulative pay increase of 10% between 2016 and 2019 for staff and that a minimum hourly pay rate of €13 be phased in over that period. The arbitration agreement covers the period up to 31 December 2019. It was designed to be of greatest benefit to lower paid secretaries and caretakers. For example, a secretary or caretaker who was paid the then minimum wage of €8.65 per hour in 2015 prior to the arbitration agreement will, from 1 January 2019, be paid €13 per hour, a 50% increase in that individual's hourly pay rate. Following the arbitration process, grant funding used by schools to fund the salaries of ancillary staff was improved to enable schools to implement the arbitration process outcome. My officials have advised me that the Workplace Relations Commission

has not been in communication with them on this matter. If the representative organisations of the secretaries contact the Workplace Relations Commission, my officials will be in a position to deal appropriately with it.

Deputy Thomas Byrne: I do not understand the last point because my reading of the adjudication was that talks should commence this year. As the matter has already been adjudicated on, it is about the Minister and Fórsa agreeing to meet this year. That is what the adjudication states - that the Minister and the union should meet this year prior to the plan running out at the end of the year. When will the talks happen? The truth is that school secretaries are part of a two-tier arrangement. There are school secretaries who are on a contract from many years ago, while others in education and training board schools, particularly those in primary schools, are education and training board staff with pensionable jobs. What is happening - this is a point made forcefully by the unions - is that there are competitions for the patronage of schools, including schools in Dunshaughlin in my constituency where the education and training board is a competitor patron. If the education and training board is awarded patronage, its secretary will be paid directly from the State's resources as a State employee and have a pensionable job, but if one of the other competitors is granted patronage, the secretary in the school will not have that privilege. It is a crazy situation that must end. When will the talks start? They are mandated to take place as part of the adjudication dating from 2015.

Deputy Joe McHugh: I do not have a specific date. Communication has now been initiated between the representative organisation and the Workplace Relations Commission and my officials are happy to work with them. I will be happy if it happens sooner rather than later. I am also conscious of the fact that there have been so many anomalies in the schemes over the years, including the 1978 and 1979 schemes. The scheme was not supposed to continue for as long as it did. When retirements occurred or people left their jobs, they were replaced for a period, but that stopped in 2008. We have had different provisions for school secretaries and there are anomalies. It is something of which I am very conscious and I am of the same opinion as the Deputy on the need for the conversation to start sooner rather than later because the arbitration agreement covers the period up to 31 December 2019.

Deputy Thomas Byrne: With respect, I am not looking for the Minister's opinion. I am certainly happy to work with him, but it is not necessary in this case. What is necessary is for him to make a decision. The arbitration decision states the parties should in the course of 2019 engage to consider the nature of an agreement to apply with effect from 1 January 2020. It is not unreasonable of me, therefore, to ask the Minister when the talks will begin. I do not think anybody needs to contact the Workplace Relations Commission. Contact should be made between the Department and the unions and it should happen as soon as possible. If the unions cannot get anywhere with the Minister, perhaps they might go to the Workplace Relations Commission, but the decision needs to be made as to when the Minister will decide to start talks. The matter has already been adjudicated on and it needs to happen this year.

Deputy Joe McHugh: I appreciate the Deputy's insistence that the talks start straightaway, but it also requires people to talk. I met the union representative group in County Donegal two weekends ago. They were very generous in letting me know that they were going to start a campaign the following week. It only started within the past ten days and the group knows what it wants to do. I support people in sitting around a table and talking to each other, but, obviously, contact between the representative groups must be made. Tá an doras ar oscailt.

Junior Cycle Reform

30. **Deputy Kathleen Funchion** asked the Minister for Education and Skills his views on whether the proposal to remove history and geography from the core curriculum at junior cycle is a progressive development for future generations of schoolchildren; the type of consultation that has taken place in the development of this proposal; and if he will make a statement on the matter. [2766/19]

Deputy Kathleen Funchion: How was the proposal to remove history and geography from the core curriculum at junior cycle arrived at; what consultation has taken place to date in the development of the proposal; and does the Minister believe it would be a positive step in the education system, if pursued?

Deputy Joe McHugh: Since arriving in the Department, I have spoken publicly about how vital it is that young people learn from the past in order that they can plan for the future. At a national, European and international level, it has never been more important for people to understand the lessons of history. As we face the very difficult challenges of Brexit, while also addressing the many aspects of the War of Independence and the Civil War, the decade of commemorations will question the importance of understanding the historical context. I have met officials of the NCCA and asked that a review of the optional nature of history under the new framework for the junior cycle be carried out. I expect to receive a report from the NCCA by the end of the first quarter of this year.

Prior to the introduction of the framework for the junior cycle, history and geography were core subjects only in voluntary secondary schools, which make up 52% of schools. However, it is important to note that currently 90% of students across all school types choose to study history and that 92% choose to study geography at junior certificate level.

The new junior certificate programme has greatly enlivened subjects, with a new emphasis on projects and self-directed learning. As part of the roll-out of the new framework for the junior cycle, history and geography were introduced to schools in September 2018. The minimum time allocated for the teaching of history and geography is 200 hours over the three years of the junior cycle programme, which is the equivalent of three 40-minute periods per week. I understand that for many schools this will lead to increased time provision for the teaching of history and geography.

Deputy Kathleen Funchion: I thank the Minister for his reply, but I am concerned. In general, I do not like the idea of anything being mandatory, particularly in education. I would love to do many things in the education system differently. Currently, Irish, English and maths are mandatory subjects. The Minister has mentioned that a report will be presented in the first quarter of this year. I am interested in knowing what will happen next because I am concerned that, if priority is not given in the junior cycle programme, the number of students taking history at leaving certificate level will be substantially reduced and that, ultimately, the number pursuing the subject at higher level will be decreased. In Britain the subject is currently only available as an elective to those aged 16 years and just 40% of students elect to take it.

As the Minister made reference to it, just as important as our national history, which it is important to know - it is particularly apt that we are discussing this issue the day after the events celebrating an Chéad Dáil - is international history. I am particularly concerned about the teaching of history in looking at Brexit and all of the different things happening throughout

the world. I also mentioned geography, but I am particularly concerned that if there is an option, students might sometimes think history is boring and choose to opt out of taking it. It can actually be a good and exciting subject when taught correctly.

Deputy Joe McHugh: In the first part of her question the Deputy asked what would happen next. At the end of the first quarter of this year the NCCA will report. I am conscious that it has a decision to make and I do not want to predetermine the outcome. I have met the NCCA, my officials and many individuals and groups on the teaching of history. One of the motivations in having Irish, English and maths as core subjects in the junior certificate programme is that they benefit literacy and numeracy, but no subject is of more benefit to one's literacy than history. It is of benefit to one's research skills and in analytical and critical analysis. The Deputy is correct in pointing out that if fewer students take history at junior certificate level, the potential and propensity to take it at honours level in the leaving certificate examinations will decline. There is a little time to work through the issue. I have also asked for the curriculum to be looked at. Perhaps it could even include stair na teanga, the history of the Irish language, which takes us back 3,500 years and can open a lot of doors in respect of our placenames and who we are as a people. I hope that now in the decade of commemorations, the time has come for history to take its rightful place.

Deputy Kathleen Funchion: I welcome the Minister's response because he seems to be quite positive about the subject. I certainly support his comments on the history of the language. I am not fluent sa Ghaeilge. I wish I had studied it a little more at school. It is certainly something which should also be looked at. If one looks at the recent centenary celebrations in 2016, at how much children bought into them and they learned in school, it shows that the teaching of history can be very beneficial and helpful and it would be a real shame to lose it. We do not want it to be a case of fee-paying against non-fee-paying schools. We do not want it to become an elitist subject, where only those attending fee-paying schools will have the option to study history. I welcome the Minister's points because he seems to be quite supportive of the idea of keeping history and geography as core subjects and promoting and supporting them more. As I said, sometimes history can be viewed as not the most exciting of subjects, but that is a bit of a myth. If it was promoted differently, there would be a greater uptake and more students would take an interest in it.

Deputy Joe McHugh: On the Deputy's reference to the Irish language, there is a lovely seanfhocal, with which the Ceann Comhairle will be familiar - ar scáth a chéile a mhaireann na daoine, which means that we live in one another's shadow. We are living in the shadow of the people who went before us. Tá dualgas don chéad ghlúin eile orainn. We have a responsibility to the next generation. Whether in respect of cultúr, teanga ná oidhreacht, we have that responsibility. In the evolving and fast-changing society in which we live, taking a step back and reflecting can be more important than ever. Táim dóchasach go mbeidh an comhrá faoin ábhar seo dearfach.

Schools Building Projects

31. **Deputy Joan Burton** asked the Minister for Education and Skills the location and size of the site for a school (details supplied); when works will commence on the site; and if he will make a statement on the matter. [2755/19]

Deputy Joan Burton: Will the Minister confirm the size of the site acquired for the Ed-

mund Rice college on the site of the Phoenix Park racecourse adjacent to the local GAA club, St. Brigid's? Will he confirm when work is likely to commence on the site? Has it been formally acquired? Will there be an agreement to take up the very kind offer of St. Brigid's GAA Club to share sports facilities and, perhaps, other facilities with the school on the site of the Phoenix Park racecourse?

Deputy Joe McHugh: I thank the Deputy for the question. As she will be aware, a building project to deliver permanent accommodation for Edmund Rice College Carpenterstown-Castleknock is included in my Department's six-year construction programme and will be delivered under my Department's 2020 design and build programme. It is intended to provide the new school building on a site of approximately six acres at the former Phoenix Park racecourse at Castleknock. Work on completing the transfer of the site into my ownership is under way.

A project brief in respect of the school is being finalised and a tender competition is already in progress to appoint the project management team for the 2020 and 2021 design and build programme, of which the project forms part. The tender competition is expected to be completed by March. When appointed, the project manager will lodge an application for planning permission and progress the project through the relevant stages of architectural planning, tender and construction.

My Department is working to deliver the school's permanent accommodation at the earliest possible date. In the interim, since September 2018, the school has been based at the former Institute of Horology property, Mill Road, Blanchardstown, Dublin 15, on a temporary basis.

Deputy Joan Burton: First, residents and parents in the area will welcome the news that what we have known for some time has finally been confirmed and that acquisition of the site is under way. There has been massive concern both this year and last year about the lack of second level school places in Dublin 15, Castleknock and areas around Ongar. I know that the Minister was only recently appointed, but since the Government took office, we have gone back to numbers in respect of a crisis that we have not seen for more than seven years. There is a lot of ground to be made up.

On the Minister's reference to a design and build contract, we had a discussion here about the unfortunate events that happened in Tyrrelstown. According to the analysis offered to me by various people involved in building and construction, design and build is not the best model because it means that the architects and the building company that will carry out construction are one and the same. This means that there may not be the necessary oversight. What steps is the Minister taking to ensure the quality of the build and design in order that the unfortunate events in Tyrrelstown will not be repeated?

Deputy Joe McHugh: In her previous contribution, Deputy Burton asked about St. Brigid's GAA club, to which I meant to refer. With regard to playing pitches, in line with all new schools, there will be a high standard of sports facilities on site. Furthermore, it is intended that a public playing pitch will form part of the wider development in the area. The proposed school site is adjacent to St. Brigid's GAA club but any access by a school to off-site facilities is typically by local arrangement. I am sure that the relationship between the school and the GAA club is a conversation that will go on between them. The new school, however, will have plenty of sports pitches.

On the question on trying to deal with the population explosion, we are managing that. This

is why we used GIS to identify 42 new schools for areas where there will be pressures. In addition, up to 40% of additional accommodation will be provided by existing schools. There is a great emphasis on forward planning within the Department to ensure this happens.

The Deputy also asked what we can do to ensure that we do not make the mistakes of the past such as not having proper insight into what was happening on a building site. We now have a clerk of works on every one of these sites and that will continue. It is important that this happens but ultimately it is a question that faces everybody who builds in the private and public sectors as ultimately, the designers and contractors have full responsibility in ensuring the buildings they build are safe and fit for purpose.

Deputy Joan Burton: Perhaps the Minister could clarify that. He has described it as a design and build contract. After we found out about the Tyrrelstown school issues, all of the experts told us it would be much better if there was an independent architect and design area and for the contractor to be separate. When they were wrapped up together, as was the case with Western Building Systems, it seemed to pose a very high risk in respect of the enormous difficulties and the huge work and cost the Department has incurred. How is this different from what happened then? The Minister is using the same description.

On St. Brigid's GAA club I am glad to hear that the Department has a very positive attitude to co-operation between St. Brigid's and Edmund Rice College.

Deputy Joe McHugh: To be clear, it is not the Department, it is the school that is co-operating.

Deputy Joan Burton: This is what I want to ask the Minister. The six-acre site is a very small site. Is the Minister saying that the school will have to enter into an entirely separate agreement with the GAA? Alternatively, does the Department expect to fund any costs that might arise as a consequence of the school being able to avail of that fabulous local GAA club? They are being very generous in offering this but I do not believe that anybody would like to see them severely out of pocket as a consequence. There may be costs involved.

Deputy Joe McHugh: The only thing I will say with regard to St. Brigid's is that the new site is adjacent to it and like every local parish or community, there are competent people in these organisations who will talk to one another. If there are any issues that need to be resolved, no doubt they will overcome them.

Design-build-operate contracts build good schools if they are built in the right way. It happens throughout the Department of Housing, Planning and Local Government also with different types of rapid-build programmes. They work if they are built and done in the proper fashion. Since the introduction of the new building control legislation, we have had a clerk of works on every site. We will ensure that from the day the first sod is turned on this school, there will be a clerk of works on that site.

Ceisteanna Eile - Other Questions

Dáil Éireann
School Services Staff

32. **Deputy Kathleen Funchion** asked the Minister for Education and Skills his views on whether the working conditions and pay of school secretaries should reflect the work they do in view of the role they play in the running of schools; his plans to support the improvement of working conditions for school secretaries; and if he will make a statement on the matter. [2767/19]

Deputy Kathleen Funchion: My question also relates to the working conditions and pay of school secretaries and if the Minister believes the pay and conditions should reflect the work done by school secretaries and the role they play in the running of schools, the Minister's plans to support the improvement of working conditions for school secretaries, and if he will make a statement on the matter.

Deputy Joe McHugh: We are in the same space as the previous question on this matter. I will pick out a couple of important elements of the answer but will not go over the whole thing again because I already have put it on record.

Schemes were initiated in 1978 and 1979 for the employment of clerical officers, and caretakers were included in that bundle. These schemes were withdrawn completely in 2008. On foot of a chairman's note to the Lansdowne Road agreement, my Department engaged with the unions representing school secretaries and caretakers, including through an independent arbitration process in 2015. The arbitrator recommended a cumulative pay increase of 10% between 2016 and 2019 for staff and that a minimum hourly pay rate of €13 be phased in over that period. This arbitration agreement covers the period up to 31 December 2019. We are now at January 2019. My officials have advised me that the Workplace Relations Commission has not been in communication with the representative organisations yet. Obviously, with both Deputies raising the matter in the Chamber today I am sure that will happen sooner rather than later.

Deputy Kathleen Funchion: I thank the Minister. He will be aware of the Fórsa campaign to support the school secretaries. There is quite an active campaigner in the Minister's constituency who has been on to the Minister regularly. I know that nobody takes the service for granted but the school secretary really plays an integral role in the running of a school. They are the first point of contact for everybody and if there is any sort of an issue the school secretary is usually the first person to contact the parents, and *vice versa* if a parent needed to come into the school or if there is an emergency or for any sort of general day-to-day issues with the school. I believe we all agree that the person with whom one deals the most is the school secretary.

School secretaries have a huge workload, which is not limited to the daily tasks. They must also take on the task of dealing with parents and dealing with issues, some of which are very difficult. In certain cases there is a two-tier situation and in some schools there may be two secretaries with different working conditions. Some 10% are on the scheme where they are paid directly by the Department and the remaining 90% are paid through the ancillary grant. Obviously we cannot allow this situation to continue. We really need to recognise the vital role they play. Many schools would not survive without them. One would always know if the school secretary had been out for a few days because things can start to run behind a bit.

It is a very important issue and one that has run on for years. We met campaigners on the issue last week and some of them have been involved in the campaign for ten, 15 or 20 years.

Deputy Joan Burton: Does the Minister agree it is extremely regrettable that in many cases, valuable people in a school such as school secretaries still must routinely go onto social welfare for the summer, Christmas and Easter holidays? They lose their income when the schools are not open. All Members, and especially those who are parents, have experience of the work school secretaries, who are largely women, do. These women have to go on the dole in those situations. Whatever about that happening ten or 20 years ago, it is not appropriate in an Ireland that has now recovered from some of the very difficult economic things that happened - as the Government keeps telling us. Would the Minister agree that he does not want to see any school secretary being forced to lose his or her job and go on the dole during summer, Christmas or Easter holidays and to have no status as an experienced worker, many of whom have given service to schools for decades, as we have heard at the Fórsa presentation?

Deputy Joe McHugh: Without going over what I said earlier, the figure of €8.65 per hour up to 2015 speaks for itself. To get to the rate of €13 per hour in January of this year cost an extra €22.5 million. Deputy Burton mentioned that there is a break in their contracts in the summertime and that many of them may possibly end up working longer than that during the summer. We all know how committed these people are. The discussion is now being held in the correct place. It has been debated on many occasions in this House over many decades, but we now have industrial relations mechanisms in place and the Workplace Relations Commission's recommendations. Once we receive the invitation to be a part of those discussions, we will be happy to do that.

School Accommodation Provision

33. **Deputy Thomas Byrne** asked the Minister for Education and Skills his plans to provide more post-primary spaces in Dunshaughlin, County Meath and primary places in Ashbourne, County Meath; and if he will make a statement on the matter. [2722/19]

Deputy Thomas Byrne: My question is two-pronged and concerns school provision in my constituency. I have asked about post-primary provision in Dunshaughlin, which the Minister will be aware of because I have mentioned it to him previously. I have mentioned it to his officials and I am sure colleagues from his own party have said it to him too. There is huge pressure on post-primary provision in Dunshaughlin. We still await a decision from the Department about accommodation for Dunshaughlin Community College. A review of the situation in Ashbourne and the possible need for a further primary school there has been under way for some time. I have raised that issue previously, which is why the review is taking place. Can the Minister provide an update on that review?

Deputy Joe McHugh: I acknowledge the Deputy for his creative approach to this question. In April 2018, the Government announced plans for the establishment of 42 new schools over the next four years, that is, from 2019 to 2022. The announcement followed nationwide demographic exercises carried out by my Department into the future needs for primary and post-primary schools across the country.

Where demographic data indicate that additional provision is required, the delivery of such additional provision is dependent on the particular circumstances of each case and may, depending on the circumstances, be provided through either one or a combination of the following options, namely, utilising existing unused capacity within a school or schools, extending the capacity of a school or schools and the provision of a new school or schools.

In addition to the new schools announced, there will be a need for further school accommodation in other areas in the future. Approximately 40% of extra school places are delivered by extending existing schools.

While the announcement did not include a new post-primary school for the Dunshaughlin school planning area, the requirement for new schools will be kept under ongoing review and will have regard for the increased roll-out of housing provision as outlined in Project Ireland 2040.

My Department undertook a review of the position in respect of primary provision for the Ashbourne school planning area in the latter half of 2018. The Department considers that there is a need for increased capacity in the area in the short term and over the medium to long term, taking account of residential development in the area. The Department's approach to achieving this in the first instance is through the expansion of existing provision, and engagement is ongoing in this regard. The Department expects this engagement to conclude over the coming weeks.

Deputy Thomas Byrne: I am very disappointed with the response on the issue of provision for Ashbourne. We have been waiting for this review for some time. The Minister has said that there is a need for more provision. I know that. As I understood it, the review was supposed to decide whether there should be another school in Ashbourne. I know that departmental officials have engaged with principals of schools in Ashbourne. I bumped into them last summer. The truth is that it is virtually impossible to expand the existing schools there. The Minister knows that and it is known that one of them certainly cannot be expanded due to where it is located. I was expecting an answer one way or the other, rather than more engagement on the issue. The engagement happened six months ago.

I received a query to my office today concerning primary school places in Ashbourne from people who received a council house there. Their children go to school elsewhere but their children cannot get a place at a school in Ashbourne. I received another email, on the day this matter arose at the Joint Committee on Education and Skills, from a constituent whose child could not get into a primary school in Ashbourne. It must be said - and perhaps this is why the Department does not seem to be worried about the issue - that this problem often arises for people with eastern European or African backgrounds. These children are Irish citizens, are resident here and are as entitled to satisfaction of their constitutional right to education as anyone else. What is happening here is utter discrimination from the Minister's Department. Because these children generally come from families which do not speak English at home, it does not matter and officialdom does not seem to care about them. That is a fact. If the situation was that children from Irish backgrounds were shouting and screaming about this, we would hear a lot more about it from the Minister. This has to change. There is a particular problem in Ashbourne and the Department is turning a blind eye to it.

Deputy Joe McHugh: I completely disagree with the last part of the Deputy's contribution. There is no evidence whatsoever of discrimination, whether we are dealing with new migrants or Irish people. The measures being used make use of mathematical data and GIS data from Ordnance Survey Ireland, as well as statistics from the Central Statistics Office. We use the raw data and analyse the numbers. There also is an important element of forward planning, and the people holding that information are the local authorities. Meath County Council will know the projected data in terms of planning and residential development. If the Deputy is suggesting that there will be extra demand because of extra residential building, that will be factored into

the review, which will be completed in a couple of weeks. I do not know what the outcome of that review will be; I have not been a part of that. Departmental officials have been doing the enumeration in that regard. The Department looks at the broader spectrum of population and I can categorically state there is no two-tiered system for looking after young people in this country.

Deputy Thomas Byrne: The Minister will forgive me if I do not express full confidence in his forward planning section. To be honest, until recent months the Department of Education and Skills was only taking into account local infrastructure housing activation fund, LIHAF, developments, which were specific developments which received special funding for roads and infrastructure from the Government. It did not take into account all of the planning permissions and rezoning that had occurred in Dunshaughlin, for example. It simply was not working in the correct way. The system was changed subsequently. Meath County Council was quite shocked at the requests it received from the Department. It is a fact that while many children from various backgrounds are affected by the shortage of primary school places in Ashbourne, the majority of those who contact me are people from families whose first language is not English and who do not have access to information. These people, for their own reasons, are not prepared to send their children to a Gaelscoil. I raised the issue of a particular family on television in September 2016. They live in Ashbourne; one parent was Slovak and the other was Polish. They were trying to teach their child English but were offered a place in a Gaelscoil. This is what is happening and it is about time that the Minister opened his eyes to it. If it is happening in Ashbourne, it is happening in other towns as well. We must make sure that everybody, from every background, is afforded proper provision for their education and that the Department knows exactly who is moving into towns so that we can provide a proper education for them. Every time I raise this issue, I am contacted by another person in the same situation, by pure coincidence. This is what is happening on the ground. The demand is there.

Deputy Joe McHugh: I am happy for an official from the Department to make contact with Meath County Council in order to look at the specific areas Deputy Thomas Byrne has highlighted. I assume that conversation is ongoing anyway because the Department is trying to collect the data and projecting building requirements into the future.

One of the most interesting, significant and positive things about this country is the way in which we embrace new communities. We have done it really well. For example, at St. Luke's national school in Tyrrelstown there are many migrant communities which work together in an inclusive way. In my own constituency, I attended a school last Friday in Letterkenny where 32 different nationalities are represented. We have embraced new communities. People are living side by side and communities are working together, and much of the credit for that is due to the school system. The Department of Education and Skills, long before I became Minister, had been working on that to ensure that we provide a totally inclusive education for all young people.

Apprenticeship Data

34. Deputy Fiona O'Loughlin asked the Minister for Education and Skills the status of his plans to improve the participation of women in apprenticeships; and if he will make a statement on the matter. [2732/19]

Deputy Fiona O'Loughlin: My question concerns apprenticeships. It is true to say that

Ireland is lagging far behind many other EU countries in terms of the scale and diversity of apprenticeships currently on offer here. Traditionally there has been an emphasis on craft apprenticeships. That has changed recently. I am most concerned with the fact that only 2% of the total population of apprentices are female. It is the most unequal gender statistic in the State. What practical action has been taken since Fianna Fáil raised this issue in a Private Members' Bill?

5 o'clock

Minister of State at the Department of Education and Skills (Deputy John Halligan):

Several reports have highlighted that the number of women employed in craft apprenticeships is low, reflecting the traditionally low levels of female employment in the craft sectors. While SOLAS offers a bursary to craft employers to encourage them to employ female apprentices, the uptake by women is still low. However, in recent years there has been an increase in the number of women participating in apprenticeships overall, mainly because of the expansion of apprenticeship into new areas. Many of the programmes are in occupations that have a greater gender balance in the workplace such as financial services and others. At the end of 2018 there were 341 female apprenticeships registered, more than double the 2017 figure of 151. I accept that the number is still low relative to the uptake of apprenticeships in general. While this is welcome, it remains important to address issues influencing the low level of recruitment of women in the craft sectors. SOLAS has completed a review of the pathways to participation in apprenticeship for under-represented groups, including women. Areas highlighted for action include setting targets for female participation, consideration of extending the craft employer bursary to other apprenticeships that have less than 20% female participation and a specific focus on female participation as part of the generation apprenticeship national promotional campaign. Women now feature prominently in all aspects of the national promotional campaign. In the campaign there is a specific focus on encouraging women and girls to consider apprenticeships as a means of launching and developing their careers. The forthcoming review of career guidance will focus on encouraging the consideration of apprenticeship options by students at all levels.

We launched 17 apprenticeships last year. We must take things in perspective, including the size of the country, from where we have come and the population compared to that of larger countries. We now have 40 apprenticeships. The number of apprenticeships has increased considerably in recent years. The national programme for apprenticeships was launched two years ago and has been highly successful in advertising apprenticeships in all aspects of the workplace. I agree that the number of women participating is low, but there has been a doubling of apprenticeships for women this year compared to last year. The action plan to expand the numbers of apprenticeships and trainees in Ireland in the period from 2016 to 2020 is in place. We are on track considering the size of the economy.

An Ceann Comhairle: We are not on track with time. We will come back to the Minister of State.

Deputy Fiona O'Loughlin: It is good to see some movement on the matter. However, let us compare the statistics with those in our nearest neighbour, England. In 2016-17, 54% of all apprenticeships there were taken up by women, a sizeable number. The number of women starting apprenticeships in England has been higher than the number of men every year since 2010-11. We can learn a great deal from this.

In general, we need to do more in promoting apprenticeships. We saw the results of the survey unveiled recently showing the number of young people leaving third level before the end of first year. The increased emphasis on career guidance and the pathway through apprenticeships should help. We engaged on this issue at the Joint Committee on Education and Skills where Nessa White, the chief executive of Education and Training Boards Ireland, spoke about a video that her organisation had made about a woman who had started an apprenticeship as a welder. It attracted a good deal of interest to the area, but we need to do more to seek out female role models. Without a shadow of a doubt, we need to put more supports in place. When we brought the Private Members' Bill before the House in November, the Ministers were supportive of it. The Minister of State at the Department of Education and Skills, Deputy Mitchell O'Connor, used the opportunity to promote the grant scheme for female apprenticeships. What practical additional measures will be put in place to incentivise employers and women to take up these positions?

Deputy John Halligan: I will give some statistics. Women are strongly represented in the financial sector, in which 45% of the participants are female. The corresponding figures are 60% in accounting and technical services and 45% in auctioneering and property services. One incentive we put in place was the promotion of a bursary. I am unsure whether the Deputy is aware of it, but it incentivised employers to employ women. SOLAS offers a bursary – I gather it is for a sum of €2,666 – to eligible employers to encourage them to employ female apprenticeships in any of the craft apprenticeships. It applies at the relevant education and training board rate of €95 per week. I have asked those responsible to consider increasing the bursary and believe we will do so. As set out in the action plan for apprenticeships and traineeships in Ireland, SOLAS has completed a review of the pathways to participation in apprenticeships. The purpose of the review was to ensure the national apprenticeship system would be more reflective of the range and diversity among the population, but it will take some time. Last year and the year before we had fewer women involved, but we have doubled the number since we put in place the incentives and initiatives mentioned to attract more women into apprenticeships. I am confident that within the next year the number will double again. We are taking a step forward.

Deputy Fiona O'Loughlin: I accept what the Minister of State is saying. I am aware of the bursary. I mentioned that it was in place. I accept that the number has doubled and that we are now at a figure of 4%, which is still rather low, given that 96% of apprentices are men. Although we can see progress, far more has to be done. Although the bursary is in place, far more must be done for women who wish to take up apprenticeships. The provision of adequate supports must be facilitated through organisations such as SOLAS and ETBI, as well as the FIT initiative, with which we engaged recently. All of the State training agencies should help the relevant apprenticeship groups that are under-represented. People with disabilities are also under-represented. Only 1.5% of those involved in apprenticeships have a disability. It is important that we look at them as an under-represented group. This is possibly where we need to work with employers to put in place incentives to ensure we will have genuine equity and equality across the board.

Deputy John Halligan: We have incorporated the national census question about disability into the apprenticeship registration process as a means of gathering more robust data for participation levels. My Department has now set annual targets for diverse participation in apprenticeships. They include targets for the participation of those with a disability and women. The aim under the action plan is to have 600 female apprenticeships by 2019 and 1,000 by 2020.

This is a slow process bearing in mind where we were and the low number of women who were involved in apprenticeships.

It is important to note that when we make a call for apprenticeships, it is done across all diverse groups. We have been taking into consideration the low uptake by females and disability groups in the apprenticeship market, but it is happening and the numbers are increasing. SOLAS, my Department and others, including Enterprise Ireland, IDA Ireland and all other agencies, are aware that we need to get more women into the workforce. In particular, we need to get more women involved in apprenticeships. I am convinced. My aim and that of my Department is to double the numbers. If we reach our quota of 600 next year, we will have doubled the number of female apprenticeships for two years in a row, which would be a really good step forward.

Schools Building Projects Status

35. Deputy Martin Heydon asked the Minister for Education and Skills to outline the status of and progress on the new school building planned for a school (details supplied); and if he will make a statement on the matter. [2744/19]

Deputy Martin Heydon: I raise a school issue of great importance in south Kildare. St. Paul's secondary school in Monasterevin has a major school building project, of which the Minister will be aware, as I have raised the matter with him since he took up office. As you will be well aware, a Cheann Comhairle, the latest delay in the project occurred in November. The project has been beset by numerous delays, not all of which have been of the Department's making. The latest delay in November was due to a legal challenge to the pre-qualification process. Teachers, parents and pupils in Monasterevin are desperate to receive assurances that the project will proceed as soon as possible. I would appreciate any update the Minister could provide for the House on this important matter.

Deputy Joe McHugh: Does Deputy O'Loughlin wish to comment also?

Deputy Fiona O'Loughlin: I will come in afterwards.

Deputy Joe McHugh: I appreciate the frustration on this matter and I will try to reassure the parents and the community. The major building project for this school is at an advanced stage of architectural planning, stage 2b – detailed design, which includes the applications for planning permission, fire certification and disability access certification and the preparation of tender documents. All statutory approvals have been obtained.

The outcome of the pre-qualification process for the main contract has been notified to contractors who expressed interest in tendering for this project. Feedback and issues arising from this have resulted in a legal challenge to the pre-qualification process for the main contact from one unsuccessful contractor. This matter is being handled on my Department's behalf by the Office of the Chief State Solicitor. The Deputy will appreciate that as there is an ongoing legal challenge to the project, it is not possible for my Department to comment further at present. When the pre-qualification process for the main contract and reserved specialists contracts can be successfully concluded, the project will then be progressed to tender stage.

Regarding the site, legal representatives for both parties are working together with a view

to concluding the conveyancing. There has been significant progress recently on foot of close and intense engagement from all parties. All parties continue the work to ensure the acquisition completes at the earliest possible date, and at this point it is still not anticipated that the completion of conveyancing will impact on the timelines for delivery of the building project.

The Department met representatives of the school last month to update them on the ongoing legal challenge and the status of progress on the project and will continue to engage with the school. I wish to emphasise that my Department is fully committed to getting the project delivered as quickly as possible.

Deputy Martin Heydon: I welcome the Minister's commitment that this is a top priority. That is what the parents, pupils and staff in St. Paul's want to hear. The principal and the chair of the board of management were reassured after meeting officials from the Department last month. Nevertheless, these are exceptional circumstances. I do not think I have ever come across a school project which was hit by so many delays for various reasons over the years. Just when we thought we could see light with construction commencing in the third quarter of 2019, as hoped, this latest legal challenge, which is outside the Minister's control, has caused further delay. We now need more prefabs in September, but there is no space on the grounds. What was once a hallway is now a classroom. The staff are excellent and there is a great spirit among the pupils in this school but many of these pupils entered first year thinking by the end of their six years, they would see a new school, and are starting to wonder if this will be the case. They require reassurance that this is the Department's top priority and everything will be done to progress it as soon as possible.

Deputy Fiona O'Loughlin: I add my voice to this issue. I had a meeting about St. Paul's in Monasterevin with the Minister and the forward planning unit in Tullamore. The situation in which the students and teachers find themselves is deplorable. Were this a private organisation or company, I do not doubt that it would be closed on several health and safety grounds. Some 160 boys have the use of only two toilets for the full day. There are no PE facilities or proper lunch facilities and there is a very bad situation regarding the use of their small hall. This has been ongoing for ten years. While Kildare County Council and the Department of Education and Skills have had to deal with several issues over time, the court date has now been put back three times, with the next date down for 28 January. The Minister can do nothing about that but this is a crisis for St. Paul's. The sod must be turned so that we know that the school building will happen. I understand that the land has not yet been signed over to the Department of Education and Skills and to St. Paul's. I and other Deputies have been reassured that this will not stand in the way of the school progressing, but we need reassurance on this matter.

Deputy Joe McHugh: I thank both Deputies for their interventions. Conveyancing is ongoing but I will outline the chronology of events which has contributed to frustration on this. The Office of the Chief State Solicitor is handling the matter on behalf of the Department of Education and Skills. The first listing of the motion for return before the High Court was on Monday, 5 November 2018. The matter was adjourned on that date at the request of counsel for the Department until 26 November and by consent with the registrar to allow sufficient time to assess all options. On that date, the matter was adjourned for a further two weeks until 10 December, as the Deputies are aware. On 10 December, the matter was adjourned until Monday 14 January 2019. On that date, the matter was adjourned for a further two weeks until 28 January. It is anticipated that further adjournments will not be required, and I hope that is the case. The Department continues to liaise with the Office of the Chief State Solicitor on all options. Most importantly, my officials will remain in touch with the school. I thank both Deputies for

raising this issue, which I am sure is also of interest to the Ceann Comhairle.

An Ceann Comhairle: That is putting it mildly.

Deputy Martin Heydon: I thank the Minister for his response. There is great hope that there will not be further adjournments. There may be legal requirements and we must ensure that the Department's next move is the right one, as there cannot be further delays on this. People get very nervous when matters are in the courts in case they lose control of the process. Hopefully there will be no further adjournment on 28 January and we can get some clarity. It is important that the Office of the Chief State Solicitor and the Department work closely.

I acknowledge the Minister's point relating to significant progress being made recently on conveyancing; however, everyone will relax more when that is over the line. I hope that there will be significant progress on this by the time the Minister is next before the House for ministerial questions. This must remain a top priority because the staff and pupils of Monasterevin do not deserve this. We must work doubly hard to resolve this as soon as possible.

Deputy Joe McHugh: We hope to get things over the line and move on so that we can complete the pre-qualification stage. Then we can move into the tender stage, which takes seven to eight months. I and the Department officials will ensure that it remains a top priority.

Scoileanna Gaeltachta

36. D'fhiabraigh **Deputy Catherine Connolly** den Aire Oideachais agus Scileanna céard é stádas an phróisis chun aitheantas mar scoil Ghaeltachta a bhaint amach; cén lín scoileanna breise a chuir iarratas isteach chuig an aonad um oideachas Gaeltachta sa Roinn roimh an 1 Meitheamh 2018; agus an ndéanfaidh sé ráiteas ina thaobh. [2664/19]

Deputy Catherine Connolly: Tá ceist dhíreach simplí agam i ndáiríre. Cad é stádas an phróisis chun aitheantas mar scoil Ghaeltachta a bhaint amach agus, go háirithe, cad é lín na scoileanna breise a chuir iarratas isteach chuig an aonad um oideachas Gaeltachta roimh 1 Meitheamh 2018? Sin an síneadh ama a bhí i gceist chun deis a thabhairt do na scoileanna iarratas a chur isteach.

Deputy Joe McHugh: Gabhaim buíochas don Teachta fá choinne na ceiste. Tá feidhmiú na scéime aitheantais scoileanna Gaeltachta i mbunscoileanna agus in iar-bhunscoileanna Gaeltachta mar phríomh thiomantas sa pholasaí um oideachas Gaeltachta 2017-2022. Seoladh an scéim i mí Aibreáin 2017 leis an iarAire Bruton agus liom féin chun deis a chur ar fáil do scoileanna i limistéir phleanála teanga na Gaeltachta aitheantas a ghnóthú mar scoileanna Gaeltachta bunaithe ar shainchritéir teanga-bhunaithe a chur i bhfeidhm agus ar an gcoinníoll go mbíonn siad páirteach sna próisis teanga-bhunaithe a bhfuil foráil déanta dóibh in Acht na Gaeltachta, 2012.

Tá 133 bunscoil agus 28 iar-bhunscoil lonnaithe sna limistéir phleanála teanga Ghaeltachta. Tá 106 bunscoil agus 27 iar-bhunscoil ag iarraidh aitheantas mar scoileanna Gaeltachta a bhaint amach trína bheith rannpháirteach sa scéim. I mí na Nollag foilsíodh tuarascáil a thugann achoimre ar thuairimí na scoileanna maidir le feidhmiú na scéime, de réir mar a tuairiscíodh do na cigírí le linn na gcuairteanna comhairleacha chuig na scoileanna. Léiríodh go bhfuil na scoileanna ag glacadh go dearfach leis an scéim.

Níl iarratas curtha isteach ag 27 bunscoil agus ag iar-bhunscoil amháin chuig an Roinn chun páirt a ghlacadh sa scéim aitheantais scoileanna Gaeltachta. Tugadh deis bhreise in Imlitreacha 0021/2018 agus 0022/2018 do na scoileanna nár léirigh spéis sa scéim foirm um léiriú spéise a chur isteach chuig an aonad um oideachas Gaeltachta sa Roinn roimh an 1 Meitheamh 2018. Níor léirigh aon scoil sa bhreis spéis sa scéim roimh an 1 Meitheamh 2018.

Le déanaí, eisíodh litreacha chuig príomhoidí agus boird bhainistíochta na scoileanna nach bhfuil sa scéim go fóill ag leagan amach na buntáistí a bhaineann le bheith rannpháirteach sa scéim. Tá cuairteanna comhairleacha cigireachta eagraithe do na scoileanna seo ag an aonad um oideachas Gaeltachta, agus tabharfar deis eile do na scoileanna seo spéis a léiriú sa scéim go gairid. Mar iarAire Stáit sa Roinn Cultúir, Oidhreachta agus Gaeltachta, tá an Ghaeilge agus teagasc na Gaeilge inár scoileanna ar fad mar thosaíocht i mo ról mar Aire Oideachais agus Scileanna.

Deputy Catherine Connolly: Bhí a fhios againn faoin stair agus faoin gcúlra. Tá a fhios agam go bhfuil an polasaí seo, a d'fhoilsíodh breis agus dhá bhliain ó shin, thar a bheith dearfach. Don chéad uair riamh, tá straitéis chuimsitheach do scoileanna sa Ghaeltacht agus tá fíos leagtha síos. Níl mé ag easaontú le haon rud sa pholasáí mar is iontach an polasaí é. Aithnítear sa pholasáí sin go bhfuil stádas na Gaeilge, go háirithe sa Ghaeltacht, thar a bheith goilliúnach. Aithnítear freisin an ról lárnach atá ag scoileanna. Is é croílár na straitéise i ndáiríre ná an ról lárnach atá ag na scoileanna chun an Ghaeilge a sheachadadh don chéad ghlúin eile agus don phobal. Tá díomá orm nach bhfuil aon dul chun cinn déanta ón uair dhereanach a chuir mé an cheist. Thug an t-iarAire an freagra céanna - go raibh 133 bunscoil i gceist agus go raibh 106 iarratas curtha isteach as an bhfigiúr sin, agus go raibh 28 iar-bhunscoil i gceist agus go raibh ceann amháin tar éis iarratas a chur isteach. Tugadh síneadh ama, ach níl aon dul chun cinn déanta ar chor ar bith. Sin é an scéalanois. Níl dul chun cinn déanta maidir leis na scoileanna sin.

Deputy Joe McHugh: Maidir leis an gcúlra, tháinig an scéim seo isteach sa bhliain 2017 agus bhí €1 milliún ar fáil fá choinne na scéime. Bhí suas le €2.3 milliún ar fáil anuraidh agus beidh suas le €5 milliún i gceist i mbliana. Aontaím leis an Teachta maidir le tábhacht na scéime seo. Bhí mé i gcúpla bunscoil sna ceantair Ghaeltachta roimh an Nollaig. Tá siad ag bogadh ar aghaidh agus ag treabhadh ar aghaidh. Níl aon mhíbhuntáiste le feiceáil leis an scéim seo. Tá 27 bunscoil taobh amuigh den scéim. Tuigim na deacrachtaí. Má tá breis comhairle nó sonrai suntasacha de dhíth, tá mé anseo. Tá mé ag iarraidh mo chuid tuairimí agus mo chuid pointí maidir leis na rudaí dearfacha atá le baint amach ón scéim seo a chur in iúl ar na meáin phobail. Ní bheidh mé ag déanamh stiúrthóireachta ar son na scoileanna. Má tá smaointe ag an Teachta faoin bhealach is fearr leis an scéim seo a bhaint amach i gcomhthéacs an iar-bhunscoil amháin agus na 27 bunscoil atá taobh amuigh den scéim, ba mhaith liom iad a chloisteáil. Tá sé thar a bheith tábhachtach agus thar a bheith dearfach go bhfuil daoine óga ag labhairt trí Ghaeilge agus ag déanamh comhrá trí Ghaeilge. Tá dearcadh dearfach agam maidir leis an scéim seo. Tá mise agus mo chuid oifigeach tiomanta nach mbeidh aon rudaí diúltacha i gceist maidir leis. B'fhéidir go bhfuil tuairimí ag an Teachta maidir leis na scoileanna a bheidh i gceist ina contae féin.

Deputy Catherine Connolly: Ní féidir liom easaontú. Níl aon mhíbhuntáiste ag baint leis an scéim seo. Níl ach buntáistí i gceist leis an dátheangachas, go háirithe i gcomhthéacs na Gaeilge. Tá díomá orm go bhfuil 27 bunscoil tar éis diúltú iarratas a chur isteach. Níos tábhachtaí, cad atá déanta ag an Roinn Oideachais agus Scileanna chun na scoileanna seo a mhealladh i dtreo na scéime seo? Is é sin an rud. Is mór an uimhir é 27. Dúradh linn breis is seacht mí ó shin go mbeadh síneadh ama i gceist. Cad atá déanta sa tréimhse sin? An bhfuil anailís

ar bith déanta chun a fháil amach cén fáth an bhfuil drogall ar 27 bunscoil agus iar-bhunscoil amháin iarratas a chur isteach. An féidir leis an Aire tuilleadh sonraí a thabhairt dom maidir leis an achoimre a luagh sé? An bhfuil sé le fáil?

Deputy Joe McHugh: Bhí mo Roinn i dteagmháil leis na scoileanna chun sonraí breise a fháil uathu, más féidir. Tá an doras oscailte. Tá an scéim oscailte do na 27 bunscoil agus an iar-bhunscoil amháin. Má tá aon fhadhb, deacracht nó rud crua ag tarlú taobh istigh de na scoileanna seo - má tá imní ar an scoil nó ar phobal na scoile - tá mé ar fáil. Tá an cuireadh ginearálta tugtha agam. Níor oibrigh an bata mór san am atá thart agus ní bheidh mé ag úsáid an bata mór ag an am seo. Má tá fadhbanna ann, tá mé sásta pleán a chur le chéile le mo chuid oifigeach chun na sonraí a bhaint amach.

English Language Training Organisations

37. **Deputy Fiona O'Loughlin** asked the Minister for Education and Skills the position with regard to the provision of mediation for English language school teachers; and if he will make a statement on the matter. [2731/19]

Deputy Fiona O'Loughlin: My question is on the provision of mediation for English language school teachers. Will the Minister of State make a statement on the matter?

Minister of State at the Department of Education and Skills (Deputy Mary Mitchell O'Connor): I thank the Deputy for asking this question. Before I answer, I pay tribute to her for her work on the Committee on Education and Skills, from which she knows that we are progressing the Qualifications and Quality Assurance (Education and Training) (Amendment) Bill 2018. English language teaching is important to Ireland. It is also important to the students who come here to study the language if we are to ensure that they have a good experience and receive quality teaching.

We want to ensure that teachers are qualified and are treated properly, fairly and consistently by their employers. To this end, I recently appointed Mr. Patrick King, the former general secretary of the Association of Secondary Teachers in Ireland, ASTI, as a mediator for the sector. He is meeting the employer and employee representative bodies to identify and discuss relevant issues. Recently, I wrote to 119 of the schools in question inviting them to meet Mr. King. His objective is to explore whether there is scope for a set of minimum employment standards that could be agreed for the sector, that is, registered employment agreements, REAs. These efforts complement what I was doing in the Seanad just before Christmas when it debated the Qualifications and Quality Assurance (Education and Training) (Amendment) Bill. A date in early February has been set for returning to the Seanad.

For interested parties that might be listening in, including those to which we have written, we are encouraging them to submit their views on relevant issues. These submissions will assist the mediator in his work. A dedicated email address is now open to receive submissions: elemediation@education.gov.ie.

I wish Mr. King well in his work and I encourage all relevant stakeholders to engage meaningfully with him. It is in all of our interests to strengthen the quality of English language provision in Ireland.

Deputy Fiona O'Loughlin: I thank the Minister for her kind words on the work we do at the committee and for her update on the area of mediation. We must acknowledge that the English language teaching sector has been blighted in recent years with some schools closing overnight without any notice impacting on vulnerable students, many of whom were left in a situation with very poor English and having paid very significant fees to those schools. We must also acknowledge the situation of the teachers involved. In early December, in the case of Grafton College, 35 teachers were left without jobs and 20 teachers did not even receive their previous pay into their bank accounts. It is a difficult situation.

The Minister mentioned the Qualifications and Quality Assurance (Education and Training) (Amendment) Bill 2018. I accept that the Bill is before the Seanad but my party is not happy that there is no stakeholder engagement. It came up at the Joint Committee on Education and Skills also that we would prefer that there would be stakeholder engagement on this Bill.

Deputy Mary Mitchell O'Connor: I apologised to the Deputy previously because that was a mistake made with the Department during August. Apologies for that.

I was shocked at what happened with Grafton College and to the students, although they came under the students' assistance fund, but also to the teachers. That is why I, with my officials, whom I thank, really pushed that we put this together. We have now engaged Mr. Pat King and I am confident that at least now there is a mediation process.

I ask those who own the schools to engage. If we have a quality product, that will only help all the various stakeholders. It is embarrassing to see schools go to the wall and fail. We do not want that to happen. As I said, we want to have a quality product for students.

I wanted to ensure that teachers in such schools know that they will be paid and that there are proper financial structures behind them because currently we are not sure of that. All of that will happen under the Qualifications and Quality Assurance (Education and Training) (Amendment) Bill 2018. The Deputy will be aware I am bringing in the international education mark. For a school to get an international education mark, it will have to show its books and the background of the school. As a result, we will be altogether more confident in what is happening.

Deputy Fiona O'Loughlin: I agree with the Minister that engagement is crucial. We should have as much engagement as possible to ensure that we have a good Bill which when enacted will protect both the students and the teachers.

I acknowledge the inclusion of a fund in the Bill to protect the pupils of language schools who may find themselves out of pocket as a result of such a closure.

Unite has proposed that a similar teacher protection fund be introduced to protect teachers in the event that a school closes. This would address loss of wages and the loss of employment for teachers in a situation where a school closes, particularly in cases such as Grafton College which closed two weeks before Christmas. This fund would deal with a specific instance where a school has not followed procedure and as a result employees are not able to make an application to the insolvency fund. Has this issue of the provision of such a fund, which would protect teachers as well as protecting students, been examined?

Deputy Mary Mitchell O'Connor: There is a mediator appointed and all the various issues will be looked at to see what we can come up with. It is the first time in this sector that we have sent in a mediator to explore whether there is scope, as I said, in the sector, to put REAs in place.

That will transform the sector.

Written Answers are published on the Oireachtas website.

Saincheisteanna Tráthúla - Topical Issue Debate

Forestry Grants

Deputy Éamon Ó Cuív: First, I appreciate the Minister of State, Deputy Doyle, coming in and taking this Topical Issue himself. Deputy Doyle has a keen interest in land use type. We had much discussion about that in the Joint Committee on Agriculture, Food and the Marine when he chaired it. The Minister of State has considerable experience of the uplands. He is aware of the fact that before farming took over, uplands sustained forestry in their natural state.

The issue is something that seems to be becoming prevalent with schemes that are being brought forward in areas such as housing and agriculture. The basic concept of the scheme is fantastic that we would grow more woodlands of native species but as one drills into the conditions, one finds that fewer people are able to avail of the scheme.

Obviously, people right throughout the State would like to grow hardwoods. There are many, particularly those with land of not such good quality, who would like to avail of the scheme but the problem is that under the Land Types for Afforestation 2017 manual that applies to the native woodland grant and premium categories, GPCs 9 and 10, one cannot get the grant or premium if the land is incapable of growing a crop of yield class 14 Sitka spruce. They use Sitka spruce as an indicative crop. That is a highly commercial crop but our reasons for planting hardwoods are far beyond commercial forestry. The Minister of State would accept that the reasons the State is so keen on native woodlands include the habitat they provide from an ecological point of view because of the timber it provides in the long term, but not necessarily that these provide the most commercial timber crop, and also the ecological advantages because of carbon sequestration. It is worthy of note, when one looks at Norway's policies, that it would appear they are much more willing to plant these uplands on the basis that they were naturally planted.

There is an irony in one case that came to me that it is within a mile and a half of the biggest timber mill in the country. Be that as it may, it is still being excluded from this woodland grant.

One farmer who raised this issue with me - this is a widespread problem - stated that he had planted timber previously. He had alder that grew to 8 ft in six years. He had sown 20 years ago a softwood pine and it is at 35 ft. He had grown birch trees with success in small quantities on the same land. I ask the Minister of State to review the rules and determine the purpose of the scheme. Is it as I outlined, namely, for the purpose of having more broadleaves or hardwoods to benefit the ecology and habitats? If it is, should we require a high rate of commercial productivity or, rather, have separate rules for native woodland hardwood species?

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Andrew Doyle): I thank the Deputy for his comments and for raising this very important issue.

Native woodlands are perhaps the most complex and biodiverse habitats in the country.

They include ancient oak and ash woodlands, some of which are more than 400 years old, recently planted woodlands and naturally emerging woodlands such as birchwood colonising cutaway bog. As well as representing reservoirs of biodiversity, they deliver other important ecosystem services such as water and soil protection, wider habitat linkage and carbon sequestration. Native woodlands also have a significant economic potential as a source of quality hardwood, renewable energy and other wood and non-wood products, and as the basis for enterprises offering outdoor activities. In addition, they represent an invaluable resource for local communities to enjoy their local natural heritage.

The Department operates a package of measures to encourage farmers and other landowners to create new native woodland and restore existing native woodland. Approximately 1,000 ha of native woodlands have been established under the Forestry Programme 2014-2020. The programme also set a target of 1,950 ha for native woodland restoration projects. A budget provision of almost €24 million has been set aside for these initiatives.

As the Deputy stated, two of the grant and premium categories in the current forestry programme are specifically targeted at native woodland establishment. These planting categories attract the highest grant and premium rates of all categories under the Department's afforestation scheme. The mid-term review of the forestry programme, completed early last year, further increased the rates to encourage more landowners to plant native trees. The premium is now paid each year for 15 years at a rate of €665 per hectare. In 2018, a total of 374 ha of new native woodland was planted, a 38% increase over the previous year and 83% of the target. These forests will become a long-lasting feature of the landscape, providing environmental benefits on an ongoing basis and adding colour and diversity that can be enjoyed by local people and visitors alike.

In 2018, my Department introduced the woodland environmental fund. This initiative provides an opportunity for businesses to partner with the Government and Irish landowners to get behind the national effort to plant an additional 5 million native trees between now and 2020. Under the fund, businesses can be associated with individual native woodlands and use the environmental benefits linked to these forests to demonstrate they are meeting their corporate social responsibilities. There has been considerable interest from corporate Ireland in the initiative and I am confident it will result in the establishment of additional new native woodlands.

With regard to extending the eligibility criteria for establishing native woodlands to include land associated with lower yield classes, my concern would be that such land may not support native tree species. The current requirement is that the land be yield class 14 or greater. Yield class is measured in units of cubic metres per hectare that a particular plantation will grow per annum. Suitable sites must be capable of supporting the vigorous growth and sustainable long-term development of these native trees, based on minimal site preparation and inputs. Recent increases in afforestation levels for native woodlands demonstrate the positive impact existing measures are having on this planting category. In this regard, the Department will continue to promote the establishment of native woodlands through the afforestation scheme.

Deputy Éamon Ó Cuív: I acknowledge what the Minister of State said towards the end of his reply but 374 ha of native woodland will not have a significant impact in terms of producing more high-value nature areas or bringing any great biodiversity, etc. While I welcome the 374 ha of new woodland, it is of minuscule impact when considered in terms of the entire country. The Department is basically excluding huge swathes of land that is not very productive in terms of sheep, cattle or other farming but must be put to some use because land that is allowed to

grow wild is a disaster from an environmental point of view, as the Minister of State, as an up-land farmer, is aware. The current rules are akin to stating that it would not be permitted to use such land for sheep or cattle because there would not be a high yield class. Much of this land could be used for native woodland. Obviously, the farmer would not get a massive economic return but many farmers in such circumstances are not expecting that. However, they need to get enough of a premium to make it valuable to plant these woodlands for the very reasons outlined in the Minister of State's very articulate reply. I ask him to reconsider the scheme in the context of the areas of the country which are now excluded from any forestry. Special areas of conservation, SACs, and natural heritage areas are almost completely excluded from forestry. However, many other areas are now excluded because they do not have a sufficiently high yield class. I ask the Minister of State to reconsider the scheme and recognise that disadvantaged areas require special measures.

Deputy Andrew Doyle: To clarify, the only option in some SACs and acid-sensitive areas where conifer plantations are not permitted is a native woodland scheme. The Deputy was incorrect to state otherwise. In my part of the country, a native woodland scheme is the only option in areas where conifers may not be planted due to acid-sensitive water test results. That may not be the preferred choice of some landowners or farmers.

The mid-term review included an increase in the minimum number of broadleaves from 10% to 15%. Every conifer plantation must comprise at least 15% broadleaves, although that does not necessarily mean native woodland species. However, hillside sites such as Derrybawn in Glendalough, which were cleared of conifers, now support certain native species of broad-leaves.

The current forestry programme will run until 2020. The Department and I are trying to roll out the next programme and harmonise it with the next Common Agricultural Policy to reflect many measures in the environmental pillar. In many ways, forestry is the low-hanging fruit. Conifers perform better in terms of various standards and qualities regarding economic performance and carbon sequestration whereas broadleaves and native woodlands in particular have the advantage in areas such as biodiversity. We need to be cognisant of marrying those potentially complementary characteristics.

Although I am not an agronomist or silviculture expert, the basic point is that if the soil type is capable of supporting native woodland species, such planting should be allowed. However, although the fact that an area is an SAC precludes conifer plantation, it does not necessarily preclude the planting of native woodland species.

Child and Adolescent Mental Health Services

Deputy Joan Burton: I draw the attention of the Minister of State to the fact that there are very severe shortcomings in the child and adolescent mental health service, CAMHS, in the Dublin 15 area. I draw his attention to a case I sent to the Department some time ago, on which I have yet to hear a response. It is typical of what a number of parents are experiencing. The consultant psychiatrist in CAMHS in Castleknock took extended leave two months before the start of this year, with absolutely no indication of a return date. Since there is no psychiatrist available to prescribe, children with ADHD who require medication, very often to assist with their attendance at school and normal functioning, are unable to obtain their medication. Where does that leave the parents? The problem is ongoing. Throughout the service nationally, we

are short approximately 60 psychiatrists. While the case I raise concerns Dublin 15, the area, unfortunately, is not untypical of the rest of the country.

The second case involves a 13 year old who has transferred to secondary school. The child has a range of conditions, from autism to behavioural issues and panic attacks. The child's mother is working practically full time. Both she and the child's father have jobs, but they do not know when they will receive help from the psychiatric service. There is no guarantee when this help will come.

The third case is that of a family who contacted me over the weekend. It concerns a young teenager who has developed severe mental health difficulties and had an emergency appointment, just for reference purposes. It appears that the earliest the child will get to talk to somebody is in about three months. It will simply be a counselling service.

We have had discussions here on mental health, an issue on which the Ceann Comhairle has led. We all know that children in need require very early access to services. When I was a Minister, I was very involved in ensuring the really lovely community facility in Corduff was opened. It was to have a child and adolescent mental health service. I know from the staff working there that there are simply not enough of them to enable this to happen. Everybody involved in government does his or her bit to help different areas - that is a matter in which I was very involved - but I am disappointed that in an area such as Dublin 15 which has a massive child and youth population, including a significant number of children with difficulties such as autism, ADHD and panic attacks, there is a lack of psychiatrists to meet children and provide them with a service in real time.

Minister of State at the Department of Health (Deputy Finian McGrath): I thank the Deputy for raising the issue of CAMHS in Dublin 15. A priority for the Government and the HSE is ensuring appropriate and accessible mental health services for children, and that services are provided in the most accessible manner for those who require them. In the recent budget an additional €55 million was provided to progress new developments in mental health services this year. It brings overall HSE mental health services funding to nearly €1 billion in 2019. The HSE service plan for 2019 commits to further development of CAMHS against a background where the population of children and the demand for the specialist service are increasing.

All aspects of CAMHS nationally are being improved by the HSE. They include better access, reducing waiting lists and strengthening links with other services such as primary or disability care services. Access is based on a professional clinical assessment and urgent cases are prioritised. Around 18,000 referrals are expected for HSE CAMHS in 2019. The number of referrals to CAMHS has increased from around 10,700 in 2011. There are widely acknowledged difficulties in recruiting and retaining specialist CAMHS staff, particularly consultant psychiatrists.

The HSE indicates that there is a treating consultant child and adolescent psychiatrist working in the Dublin 15 area. There is no consultant psychiatrist in place on the Castleknock team, owing to illness, as the Deputy rightly mentioned. However, there are two psychiatry registrars working on the CAMHS team who are qualified to prescribe appropriate medication. They have access to consultant colleagues on other teams within Dublin north city and county CAMHS, should it be required.

Concerted efforts have and will continue to be made by the HSE mental health service to

recruit a locum consultant, notwithstanding the shortage of consultant psychiatrists nationally. Another factor to be taken into account in this instance is the increasing and more complex nature of the demand for services, particularly CAMHS. I understand there were 1,631 referrals by CAMHS teams across Dublin north city and county in 2018.

Opportunities to continue to develop services that will treat children and adolescents at the lowest level of complexity, thus avoiding the need for specialist interventions, remain challenging. The executive is focusing on the consolidation of earlier interventions and building more proactive services at primary care level, rather than secondary specialist mental health services for children and adolescents. Developing these services will also enhance community teams to ensure higher quality services for those individuals with higher acuity and greater need.

I ensured that there were various new initiatives agreed to in the HSE service plan 2019 to bring about change in a way we could promote youth mental health and deliver services, particularly at prevention and early intervention levels, thus helping to reduce pressures on the specialist CAMHS. The measures include new digital mental health services, improved supports for relevant sports, community and voluntary groups active in this sphere and expanded out-of-hours CAMHS provision.

The Deputy raised three important cases. From the point of view of a family or young person, waiting three months is not good enough. I totally accept this and will push to address the matter. The Deputy also highlighted the issue in Corduff.

Deputy Joan Burton: I thank the Minister of State for his reply. Any parent faced with the difficulties outlined will be very disappointed by it. Let me quote from the letter from the first parent I mentioned:

The consultant psychiatrist from CAMHS Castleknock has taken extended leave some 2 months ago, with absolutely no indication of a return date. This means no kids with ADHD, some barely able to read ... without the assistance and monitoring of extremely important medication are being seen/treated. They're ... being backlogged onto an already packed waiting list [this is basically what the Minister of State said to us in his rather complicated reply]. There has been no consultant at all with CAMHS Castleknock for this period. While Blanchardstown CAMHS sees kids with ADHD after a maximum of a year, Castleknock are working with emergency cases only because of this situation.

I know the mother who wrote the letter which also states: "So kids like mine have absolutely no idea if they'll receive the urgent medication within the already unacceptable waiting time of a year."

The Minister of State said: "Opportunities to continue to develop services that will treat children and adolescents at the lowest level of complexity, thus avoiding the need for specialist interventions, remain challenging." When the IMF came to Ireland, when the country had collapsed, it used the word "challenge" all the time. When Sinn Féin sat down many years ago to work on the Belfast Agreement, I would say there were those who said it was difficult and "challenging". Very often bureaucrats use the term "challenging" when mentally putting up their hands and saying there is not an awful lot they can do about a matter. If children develop mental health difficulties that cannot be addressed, the problem may become more, rather than less, difficult.

An Ceann Comhairle: Thank you, Deputy.

Deputy Joan Burton: The Minister of State is suggesting that local GPs could provide the service, and I understand this, but it is not there.

An Ceann Comhairle: We will hear the Minister of State's response.

Deputy Joan Burton: What is the Minister of State doing to provide this earlier baseline level of service that would at least improve some of the situation? Perhaps he will share that with us.

Deputy Finian McGrath: I will explain in detail what we are trying to do. I take the point the Deputy raised on challenges and I will respond to it. I reiterate that improving aspects of all policies and services for promoting positive mental health for young people, including CAMHS, is a priority for me and is in the HSE service plan for 2019. This objective relates to all areas nationally, including Dublin 15. Tomorrow at the Department of Health, the Minister will meet all of the CHO leads and all executive clinical directors of the HSE to present a progress report to me on CAMHS, as well as an action plan in this regard for the year ahead. I certainly will bear in mind the specific issue raised by the Deputy and I will continue to keep under close review the efforts made by the HSE to enhance CAMHS in Dublin 15. The three genuine cases mentioned by the Deputy must be prioritised, and this is something I will push with the Minister.

Deputy Joan Burton: This is the Taoiseach's constituency. What attention do other constituencies get?

Child and Adolescent Mental Health Services Provision

Deputy Martin Ferris: As the Minister of State is probably aware, last week the health committee highlighted that there are massive delays throughout the country for children who need a special needs assessment. He is also aware that under the Disability Act 2005, the assessment of need must start within three months of the completed application being received by the HSE and that the assessment, outside of exceptional cases, must be completed within three months of commencement. This gives a total of six months. The committee also heard that in Kerry and Cork, which produce the highest number of applications and the most reports, have the highest level of overdue assessments. According to the figures I have, in Cork and Kerry those waiting for overdue assessments amount to 1,718.

In the second quarter of 2018, the HSE recorded an average waiting time of 2.5 years for an assessment of needs for children referred from Kerry and Cork. By any standard it is shameful and outrageous that parents who already have the worry of a belief they will get a negative assessment are also burdened with this totally unacceptable delay. While we can speak about facts and figures until the cows come home, the essential point is what these delays mean for a child who must wait this length of time for an assessment and what they mean for a child who cannot communicate and is waiting for speech therapy. Milestones that most children can expect to meet as normal are not being met for these unfortunate children. The ramifications of these overdue assessments are to the public purse and to those who are now adults with special needs who were not assessed and did not receive the necessary interventions in time.

Does the Minister of State not think it is now time to put in place the necessary resources to provide adequate services for our most vulnerable children and their families? It is not me saying this. The HSE claims it will need 400 more therapists in the years ahead. As I have said, Cork and Kerry, because of the number of people there who are overdue for assessment, are seen within the HSE as a priority.

What is also very disturbing is that the standard operating procedures mention taking 90 minutes for screening. This is proposed for cases in which many therapists and doctors would state that 40 hours are required for assessment, particularly for children on the autism spectrum. Not alone are there 1,718 children waiting for an assessment, there is the added dimension of a proposal for a 90-minute screening period where up to 40 hours may be necessary. It is not me or anybody else in the House saying this, it is coming from Dr. Cathal Morgan, who states the standard operating procedures are not adequate to meet the requirements necessary to help resolve the problem.

Will the Minister of State enlighten us on what proposals he has to try to deal with this? In most instances regarding special needs resources we are probably pushing an open door with regard to the Minister of State in charge. I wish to hear his reply on what can be done to try to improve the sector and, in particular, deal with the 1,718 children awaiting assessment.

Deputy Finian McGrath: I thank Deputy Ferris for raising the issue of waiting lists for children with special needs and commend him on his work in the Kerry area because it is something in which he has been very involved. He has also been very supportive of progressing services for all children with disabilities.

The Government and I recognise that the waiting times for services for children with disabilities need to be improved significantly. A Programme for a Partnership Government commits the Government to improving these services and increasing supports for people with disabilities. This commitment is guided by two principles, namely, equality of opportunity and improving the quality of life of people with disabilities. Significant resources have been invested by the health sector in services for children with disabilities over the past number of years, in particular since the Independent Alliance went into government, with a particular focus on early assessment and intervention for children with special needs.

A number of initiatives are under way to improve access to therapy services. The HSE recognises that early intervention services and services for school-aged children need to be improved and organised more effectively, and this process is well under way nationally. The HSE is engaged in a reconfiguration of existing therapy resources for children into geographic-based teams. This will include Kerry. The objective is to provide one clear referral pathway for all children, irrespective of their disability, where they live or the school they attend. The implementation of this project was at a standstill for some time pending the resolution of various industrial relations issues. These have now been resolved. The appointment of children's disability network managers has long been identified as a critical enabler for the project. A number of these managers were appointed last November and recruitment for the remaining posts is ongoing, with interviews scheduled for the week commencing 28 January. It is envisaged that the children's disability network managers will be in place in the first quarter of 2019. Their appointment will enable all geographic areas to reconfigure this year, in line with the policy on progressing disability services for children and young people.

I am aware that in many parts of the country, parents experience significant delays in access-

ing the assessment of need process and additional measures are being taken to address this. I accept the Deputy's argument that Kerry is one of them. These include a standardised process to be used nationally for conducting the assessment. This will help children and young people with a disability to access the services they need as quickly as possible. The requirement for additional resources to provide appropriate and timely services for children and young people with complex needs has been identified by the HSE and the National Disability Authority. The allocation of 100 new development posts as part of budget 2019 will support the efforts to address the waiting times for access to therapy services.

The HSE is also addressing waiting lists with a cross-divisional team working on a detailed analysis of waiting times and resource deployment throughout the country. National service improvement groups and the HSE primary care unit are working with the chief officers in each area to address waiting lists. I take Deputy Ferris's views on board. We need to move on this as quickly as possible.

Deputy Martin Ferris: I thank the Minister of State for his response. I take his word that the Government has recognised that the waiting time for services for children with disabilities needs to be improved significantly. The Minister of State mentioned that A Programme for a Partnership Government committed to improving these services. This Government is now into its fourth year and one would have assumed that this would have been much further on. I hope the commitments from the Minister of State today on this issue will be realised in the short term.

The Minister of State also mentioned the standardised process to be used nationally for conducting the assessments. Is that standardised process the standard operating procedure, SOP, or is it more detailed than that? Children with extreme special needs, be that autism or severe intellectual disabilities, will need a standardised assessment, compared with that of 90 minutes, of up to 40 hours. I hope there will be adequate time for the proper assessment of children in need.

The appointment of 100 extra personnel was also mentioned by the Minister of State. The HSE itself claims that it will need 400 more therapists in the coming years. I hope that will also be dealt with. One thing that has always struck me in my constituency work dealing with children with special needs and their parents on the issue of special needs therapy and assistance is the need for early intervention. Early intervention can be crucial. In many instances it can give a child an opportunity. I refer to speech therapy or whatever other necessary requirements there may be for a specific child. I hope early intervention for children with special needs, which has been mentioned, will also be a priority. The Minister of State said there is going to be a particular focus on the service.

Deputy Finian McGrath: I thank Deputy Ferris for raising these particular issues. I accept his figures regarding Cork and Kerry. It is about more than the argument about facts and figures. It is about young children and it is time for resources.

On the standardised process, there has to be adequate time for assessment. That is a very sensible argument and it is something I am pushing very strongly. We need to get those children in quicker and to give them quality time as well. I accept too that the 100 new therapy posts are not enough. We could do with more. However, it is a start for 2019 but I intend to roll out more as we go along.

It is also important to recognise that this year €1.9 billion is being provided for health and personal social services for a wide and complex range of services and supports for people with

disabilities. That is an historic figure and the most ever spent on disability funding. That is the record of the Independence Alliance in Government. I reiterate that there will be €1.9 billion in 2019. One of the key priorities of the HSE is to improve waiting times for therapy services for children, as Deputy Ferris mentioned. Additional funding secured by the HSE for these therapeutic services has been invested in progressing disability services for children and young people's programmes.

Since 2014, the roll-out of the programme has had a targeted investment of €14 million as well as the provision of 275 staff to increase services for all children with disabilities. As I stated, budget 2019 provided for 100 new posts for children's disability services. It is a start. I accept Deputy Ferris's argument that we need to push this up to the figure of 400 that he mentioned. Initiatives such as the reconfiguration of therapy services into local geographical teams and the provision of these new therapy posts are expected to have a significant positive impact on the waiting lists.

All CHO areas have improvement plans to deal with the assessment of need waiting lists. I am committed and the HSE is committed to working in partnership with other service providers to achieve the maximum benefits for children and adults who require access to therapy services. It is aimed to ensure that the resources available for therapy resources are used in the most effective manner possible. The HSE is acutely aware of the importance of addressing waiting times for children with special needs and I assure the House that every effort is being made to tackle the issue. This is something I personally prioritised as well in the HSE service plan for 2019. We have dealt with respite care and residential places but we need to deal with the assessment of need issue.

Customs and Excise Staff

Deputy John Lahart: I thank the Minister for Transport, Tourism and Sport, Deputy Ross, for attending in person. It is much appreciated because I need his co-operation in a matter of some importance. I wrote to him today on this matter.

Deputy Finian McGrath: He is here now. That will save Deputy Lahart writing.

Deputy John Lahart: I also wrote to the CEO of the Irish Aviation Authority, IAA. I had also written to the Minister for Finance, Deputy Donohoe, in his capacity as the Minister over the Revenue Commissioners but he responded to state that this area is very much the responsibility of the Minister for Transport, Tourism and Sport, Deputy Ross.

My Topical Issue matter concerns the proposed removal of security screening derogation for customs officers stationed at Dublin Airport, and other customs-approved national airports, with effect from 30 January, which is next week. I need the assistance of the Minister in this because he may not be fully apprised of some of the issues concerned.

In his reply to my parliamentary question which was provided pretty speedily on 16 January the Minister stated that:

The enhanced procedures the Deputy asks about were decided by my Department and adopted by the National Civil Aviation Security Committee on the basis of a risk assessment by the Irish Aviation Authority (IAA), which has responsibility for regulating aviation

security in Ireland.

The Minister further stated that a “number of reviews and-or audits of security practices and procedures at the State airports pointed to the need to make [more] improvements”. Has the Minister read those reports? Can he confirm to the House whether customs enforcement officers employed by the State were ever identified in any of those reports as a risk to the security of the national airports?

I ask that because I advise the House that I have been reliably informed that customs officers, who are part of a law enforcement agency of this State, have not and never have been identified as a risk to aviation security in any IAA report, nor in the 2015 national aviation policy nor in the 2017 security audit review at Dublin Airport. I would like the Minister to respond to those points specifically.

In his reply to my parliamentary question, the Minister also quoted from Regulation (EC) No. 300/2008 that:

All persons other than passengers, together with their items carried, shall be screened upon entering critical parts of security restricted areas in order to prevent prohibited articles from being introduced into these parts.

Does the Minister and his Department intend to implement this regulation fully to include all law enforcement agencies, including Customs and Excise, An Garda Síochána, the Airport Police and the Defence Forces? I ask that because that is not what is intended to apply from next week. Is the Minister aware that all law enforcement officers, including customs officers, currently comply fully with all European Union and IAA regulations?

In 2018, the Dublin Airport Authority, DAA, confirmed that its traffic from the UK had increased to almost 10.1 million passengers. The impact of Brexit now means that an additional 10.1 million passengers will potentially, from the end of March, become third country passengers, thus increasing the burden of EU customs controls for passenger traffic at Irish airports and at Dublin Airport in particular. In that situation, why would the Minister impose such security measures in the midst of Brexit when customs enforcement officers will be entering into possibly one of the busiest periods in recent times and again with no aviation security risk attached to them?

To summarise, in the absence of any identifiable risk to aviation security by customs officers, I request an immediate deferral of the implementation date of 30 January 2019, pending further clarification as to the level of the associated risk. That is because the work carried out by customs enforcement officers is not confined solely to airside operations. Customs officers have to move between airside and landside in the airports throughout the course of their shift on any given day and sometimes multiple times. The implementation of these changes will impose further impediments on customs officers carrying out their duties on behalf of the State.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I thank Deputy Lahart for raising this matter. I understand his concerns, particularly those on the inconvenience that will be caused to customs officers and others affected by the regulations. Aviation security is a highly regulated area, to which international agreements and EU rules and regulations apply. Elements of it are, naturally enough, highly confidential and that means that I am restricted in what I can say in this debate. I am also restricted in what I know. I am sure that the Deputy will understand that. What I can advise the House is that aviation security remains a priority area at

national and EU level. It is under constant review and scrutiny in response to new intelligence on threats and risks. Ireland is obliged to play its part in the international effort to make flying as secure and safe as possible. If we aspire to be a highly connected nation, we need to make sure our international airports are up to international best standards in security terms. The past decade and more has seen a significant step-up in how airports and aircraft are secured. That is for the benefit of all, even if it has introduced some inconvenience. That is always the balance that needs to be struck, namely, the level of inconvenience versus doing what needs to be done to make sure people are safe.

Aviation security is highly regulated by international agreements under the United Nations' International Civil Aviation Organization, ICAO, and European regulations. The State is committed to implementing best international practice in this field. In Ireland the national civil aviation security programme sets the standards for civil aviation security. The programme reflects what is required under EU Regulation No. 300/2008. It is reviewed and updated annually by the National Civil Aviation Security Committee, NCASC, which includes several Departments, including representatives of the Revenue Commissioners, An Garda Síochána, the Defence Forces, the State airports and the main airlines operating in Ireland.

In accordance with the agreed 2018 security programme which provided for enhanced airport security measures on 1 June 2018, my Department issued notice that the long-held access exemptions of Revenue officials and the Airport Police were to be revoked and replaced with new screening procedures. Work has been ongoing at the airports in preparation for the introduction of the new procedures which will take effect from 30 January 2019. What this means in practice is that these staff will no longer have unchecked access to the designated secure areas of the airport. Instead, they will have to undergo security checks. It will be a quick and streamlined process, with special facilities provided.

The Deputy should be aware that this is not an arbitrary step but part of a programme of security enhancements. The specific measures in question have been subject to a detailed risk assessment by the Irish Aviation Authority which is responsible for regulating aviation security. Moreover, the measures were also informed by findings and recommendations contained in a confidential report by the Paris-based European Civil Aviation Conference which was invited to review and audit security arrangements at Dublin Airport in early 2018. It has been made quite clear to all involved that personnel will continue to be exempt from security screening if they are responding to an emergency without delay. The Department has been in regular communications with Revenue management, airport management and the Airport Police. Much work has been undertaken at all of the airports to communicate the procedures and protocols that will be put in place. The introduction of the new measures will improve security practices at airports which are in everyone's best interests.

Deputy John Lahart: Everybody, except customs service officers, has been engaged with. This is not a matter of inconvenience and I need the Minister to engage with me because the deadline is eight days away.

Section 25 of the Customs Act 2015 and other legislation exempt authorised officers of the Revenue Commissioners and the customs service from search. Customs service officers became aware that they would be searched by a private security company known as the Airport Search Unit, ASU, and employed by the Dublin Airport Authority. Customs service officers have the same exemption as members of An Garda Síochána and Army personnel. Why are they not included? In the jurisdiction of a port or an airport customs service officers have pow-

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ers which far exceed those of other personnel. They have been exempt from search at Dublin Airport since its opening.

For reasons yet to be explained, their exemption is about to be withdrawn, but the exemption remains in place for gardaí and Army personnel. Dublin Airport is the place of work for customs service officers. What would happen if a garda had to be searched by private security personnel each time he or she entered his or her or any Garda station? Under the new guidelines, from 31 January, an off-duty garda will be able to pass through security in Dublin Airport without being searched, while a customs service officer will not.

The role of customs service officers involves access to all areas of Dublin Airport, landside and airside. They cross these lines numerous times every day to deal with a variety of situations. Security screening could potentially interfere with court evidence because this decision affects dog handlers, customs service officers' transportation vans and cargo customs service officers who regularly bring suspected narcotics through security. To the best of my understanding, this is not applicable in other EU airports.

What is the purpose in a private security company, not the State security agencies, searching an enforcement officer in the course of his or her duties? Will the Minister ask for a report from his Department on this issue? A question mark has been placed over the role and integrity of customs service officers who are one of the first lines of defence in the country in preventing narcotics smuggling.

An Leas-Cheann Comhairle: We have gone over time by 30 seconds. I have to have some order.

Deputy John Lahart: This is an important issue. They also prevent illegal cigarettes from coming into the country which would have an impact on the retail trade.

An Leas-Cheann Comhairle: The Deputy will have to conclude.

Deputy John Lahart: The previous speaker went over time by 45 seconds.

An Leas-Cheann Comhairle: Two wrongs do not make a right.

Deputy John Lahart: It is a question of justice and fair play. Will the Minister review the decision and the implementation date of 31 January 2019?

Deputy Shane Ross: I thank the Deputy for repeating much of what he said before. I understand the emphasis he is putting on this issue. It is quite clear that the personnel in question will continue to be exempt from security screening if they are responding to an emergency. They will not be affected in their course of duties. I am determined that I will not be involved in the minutiae of security arrangements at Dublin Airport or any other airport. Neither is it my position to tell the authority whether it should use a private security firm or any other type of security arrangement. I am constrained in what I can say about security. I am also constrained in what I know about it. I am not privy to the way the system operates in a detailed fashion.

Deputy John Lahart: Was the Minister privy to the report?

Deputy Shane Ross: Perhaps I might be if I had asked that question. However, it is not one I would normally ask or be inclined to ask. The lifting of the exemption was made on the recommendation of reputable bodies and in a reputable review. It brings security to a higher

standard.

Deputy John Lahart: Are customs service officers a security threat?

Deputy Shane Ross: I did not interrupt the Deputy.

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

Deputy Shane Ross: I am determined not to interfere with any security measure which will bring it to a higher standard. I will mention the points raised by the Deputy with my officials to see if they carry particular weight in the light of the fact that there are 14 days to go.

**Criminal Justice (Mutual Recognition of Probation Judgments and Decisions) Bill 2018:
Order for Second Stage**

Bill entitled An Act to give effect to Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions, as amended by Council Framework Decision 2009/299/JHA of 26 February 2009 amending Framework Decisions 2002/584/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA and 2008/947/JHA, thereby enhancing the procedural rights of persons and fostering the application of the principle of mutual recognition to decisions rendered in the absence of the person concerned at the trial; and to provide for related matters.

Minister of State at the Department of Justice and Equality (Deputy David Stanton):
I move: "That Second Stage be taken now."

Question put and agreed to.

**Criminal Justice (Mutual Recognition of Probation Judgments and Decisions) Bill 2018:
Second Stage**

Minister of State at the Department of Justice and Equality (Deputy David Stanton):
I move: "That the Bill be now read a Second Time."

While the Bill is quite technical, it has a simple purpose. Its aim is to facilitate a person who is under the supervision of the probation service in one EU member state but lives in another to return home and continue his or her supervision there. The purpose of a probation order is to prevent reoffending through offender rehabilitation. A key part of rehabilitation is reintegration into the community and this is very challenging if the person is away from his or her home, family and community. This Bill will create the legal framework to facilitate the return of a person to his or her home country while ensuring the necessary probation supervision continues and that the legal consequences for failing to engage with that supervision can be enforced if necessary.

The Bill applies to individuals who commit an offence while temporarily in another member state, perhaps on holidays or working or studying abroad. For example, if a person living in Ireland goes on holiday to another member state and commits an offence for which the court in that member state imposes a community service order, that person would have to stay in that

state, potentially for months, to carry out the community service. He or she could be away from his or her family and perhaps lose a job and accommodation. The consequences could be quite significant for the sentenced person. Under this Bill, that person could have the community service order transferred to Ireland. The person could return to the State, carry on working and living with family and carry out the community service under the supervision of the Irish Probation Service. If he or she failed to comply with the community service order, the Probation Service could enforce the order through the Irish courts so the community protection element is there too.

The Bill also provides for probation orders or community service orders imposed by the Irish courts on individuals who are not resident in the State to transfer to that person's home state if the person wishes to return home. An example would be a member state student studying in Ireland over the summer who commits an offence for which one year's probation is imposed. Under the provisions of this Bill, that order could be transferred to the person's member state to allow him or her to return home and continue studies while still undergoing the necessary probation supervision to divert him or her from further offending. A probation decision may only be transferred under the Bill where the person has moved or wants to move back to his or her home state. The Bill cannot be used to remove a person from one state to another if he or she does not wish to go. The benefits for the individual are obvious and this is likely to encourage compliance will the probation decision.

In addition to probation and community service orders, the Bill also applies to other types of probation supervision, some of which can arise in respect of more serious offending. These include suspended sentences, conditional release from prison and post-release supervision orders. This Bill allows for the transfer of serious offenders who may have served a lengthy prison sentence and are subject to several years of post-release supervision into and out of the State. This is perhaps an even more important aspect of the measure as rehabilitation is so important in such cases. Having somewhere to live and family support will assist such offenders reintegrate into society and reduce the risk of reoffending. Ultimately, communities are safer when probation is successful.

I now propose to outline in more detail the content of the Bill, which contains 32 sections and largely reflects the European Union framework decision. Part 1 of the Bill contains a number of general provisions, including provisions on commencement, interpretation, the application of the Bill, expenses and a power to make regulations. Section 4 specifies that the courts and the Minister for Justice and Equality will be designated as the competent authorities for the purposes of the framework decision. Part 2 establishes the rules and procedures that will apply where Ireland is the state that issues the probation judgment. Section 10 provides that a request to forward a probation judgment to another member state may be initiated by either the director of the Probation Service or the person who is the subject of the probation decision. Section 11 provides that a probation judgment may only be forwarded to the member state where the person habitually resides, with the person's consent and when any appeal process has been completed. The Minister is not obliged to transfer a judgment to another member state. In limited circumstances, a judgment may be forwarded to a member state other than that in which the person resides with the consent of that state.

Sections 12 and 14 make provision for information flows between the State and the member state in which the person normally resides, including the penalties that will be available if the person fails to comply with the probation conditions and any adaptations of the judgment that the other member state intends to make. Section 13 provides for the transfer of responsibility

for the supervision of the person to the other member state and section 15 provides for the circumstances in which the State may seek to have the person returned to the State, for example to face further charges. Part 3 establishes the rules and procedures to apply where Ireland is the state executing the judgment, that is where the person subject to a probation order is coming into Ireland to have their probation supervised in this State.

Sections 17 to 19 define a number of important terms in the Part and set out the types of probation measures that the State may recognise and supervise under the Bill. Sections 20 and 22 address a number of procedural steps which may be taken where documentation received is incomplete or sent to the wrong place. These sections also establish evidential rules. Section 21 permits the Minister to accept a request for transfer of a person who is not normally resident in the State but is an Irish citizen or has close ties to the State.

Sections 23 and 24 establish the procedure for accepting or refusing a request to transfer a sentenced person into the State. The court is obliged to endorse the judgment unless specified grounds for refusal are present. Grounds for refusal include incomplete documentation, immunity, specialist treatment not being available, lack of consent and the judgment falling outside the scope of the framework decision. If the court endorses the judgment, section 28 provides that the Minister must recognise it and take the necessary steps to begin supervision of the person.

Sections 25 and 30 make specific provision for judgments relating to a suspended sentence or conditional release to ensure that such judgments correspond with the comparable provisions in national law and comply with the requirements of the framework decision. Sections 26 to 29 establish certain procedures that must be followed in respect of a judgment transferring into the State and section 31 provides that a person may not appeal the original judgment in the executing state. Section 32 provides that responsibility for the judgment and the supervision of the person will transfer back to the issuing state if the person absconds or is prosecuted for another offence in that state.

As I previously mentioned, this is lengthy and technical legislation but its aims are straightforward. This Bill establishes a system to return non-resident offenders subject to probation measures to their home country. It does this in order to support rehabilitation and ensure the necessary enforcement options are available to local authorities to safeguard the public. I know that Members of this House are aware of the valuable work with offenders carried out by our Probation Service. The Probation Service has been actively involved in preparing the proposals in this Bill and has the structures in place to begin operating the new procedures without delay. It is difficult to estimate the number of people who may wish to transfer their probation supervision under a measure such as this but it is not likely to be very great. However, for those individuals who find themselves abroad, away from family and community supports, it will be a valuable tool to support rehabilitation and reintegration with the ultimate goal of providing safer communities. I commend the Bill to the House and I hope Deputies will support it.

Deputy Jim O'Callaghan: I propose to share time with Deputy Mary Butler.

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

Deputy Jim O'Callaghan: Fianna Fáil supports this important legislation which will considerably ease the difficult circumstances in which Irish people can find themselves abroad, and that European Union citizens can find themselves in if convicted of an offence in Ireland. As

the Minister of State indicates, the purpose of the legislation is to ensure that if a person from another European Union member state receives a probation order or community service order in Ireland, that citizen will be able to spend that time in the other member state under the operation of its probation service or community order sanctions. Similarly, an Irish citizen convicted in a European country and given a probation order or community service order could have that dealt with in Ireland as opposed to abroad. It makes sense.

When I first read about the legislation we are discussing, I wanted to consider the similar legislation dealing with individuals convicted of offences and serving terms of imprisonment. As I am sure the Minister of State knows, on the same day this decision was signed, 27 November 2008, another Council framework decision was also signed, namely, Council Framework Decision 2008/909/JHA. Unfortunately, Ireland has not implemented that decision, which relates to the principle of mutual recognition of judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union. A statement was made by the European Commissioner for Justice and Consumers, Ms Jourová, on 4 January in response to a question submitted in respect of whether Ireland had implemented this decision. She stated that following the end of the transitional period on 30 November 2014, member states were requested to notify formally their transposition measures before 15 May 2015 but Ireland did not comply with this obligation within the required time. She indicated that based on the information provided subsequently by Ireland, the Commission is currently analysing the matter with a view to an infringement procedure against Ireland pursuant to Article 258 of the Treaty on the Functioning of the European Union.

It is clearly a matter of deep concern that we have been so delayed in implementing the legislation before the House. It is a matter of even greater concern that there is another Council decision out there concerning people who are imprisoned in member states of the European Union that has not been implemented in Irish law. The Minister and the Government must explain the reason for this delay and steps must be taken to ensure the Council decision can be implemented into Irish law as soon as possible.

Having said that, it is important to implement the decision we are discussing on the mutual recognition of judgments on probation decisions with a view to the supervision of probation measures and alternative sanctions. The Minister might agree that anybody involved with the criminal justice area will recognise that we should be very slow to put persons into prison. Prisons should be places for persons who are a physical threat and danger to members of society, people convicted of offences or those who have applied for bail and been previously convicted of offences. They are the individuals who should be occupying places in prison to ensure society is protected from violent individuals. Aside from that, we should try to ensure that persons who are not a physical or sexual threat to others are not in prison. This is why it is so important for courts to recognise that when it comes to sentencing, so many more opportunities are available to them than merely incarcerating a person convicted of an offence. It is important to note that in respect of a probation order, if a judge in the District Court has found that the facts of the case against the offender have been proved but does not proceed to a guilty finding, he or she can make a probation order. This puts an offender under the supervision of a probation officer for a period of up to three years and is not a recorded conviction.

Probation should be used as much as possible if it is appropriate in the District Court. We have a very effective Probation Service. The purpose of a probation order made in the District Court is to try to ensure that a person who comes before a court, probably for the first time, does not continue on a path of criminality. The benefit of a probation order is that a person is

given a chance and told that he or she will be put on probation and that it will have the effect that he or she will not have a conviction. Obviously, a probation order in a higher court, be it the Circuit Court or High Court where it can sometimes apply, is recorded as a conviction. Let there be no doubt about the benefit of a probation order in the District Court. Its objective and benefit involve trying to divert someone, generally a young person, from a path of crime. We saw recently how important it is to have a juvenile diversion scheme in place. Unfortunately, it does not seem to have been operating to its 100% potential, as we saw from the statements made last week, but it is very important that the State tries to divert young people from a path of crime. This is why a probation order is so important.

We are also aware that there are community service orders that can apply. They are provided for under the Criminal Justice (Community Service) Act 1983 and indeed under the Children Act. It can order an offender to do between 40 and 240 hours of unpaid work in the community if the person is over 16 and has been convicted of an offence that otherwise would have involved a jail sentence. As the Minister of State indicated, sometimes an individual can be given a partially or fully suspended sentence with a condition of Probation Service supervision. That will sometimes apply in respect of individuals who have been convicted of a serious offence but where the court suspends part or all of the sentence. It depends on the convicted person availing of and subjecting himself or herself to the Probation Service. There are similar supervision orders under the Misuse of Drugs Act and temporary release provisions.

The benefit of all of these measures is that if a person from an EU member state is convicted in Ireland or is in receipt of a probation or community order, it makes sense for him or her to be able to go back to the country from where he or she came to serve his or her probation or community order there. I do not know if it applies to the UK. I think the UK might not have implemented this decision under its discretion regarding justice decisions. It is a very difficult situation if an Irish person gets caught up in the criminal justice system of another country. Not everyone who comes before the courts on a criminal charge is a lifelong villain. Many people find themselves before the criminal courts in this country or other countries through misfortune, consuming too much alcohol, taking drugs or making stupid decisions. If that happens to an Irish citizen in another EU member state, it makes sense for us to try to get him or her back to this country so he or she can serve his or her probation or community service order here. I know Deputy Butler will talk about the impact this can have on families. It can have a very serious impact on them.

I welcome the fact that this legislation has been introduced belatedly by the Government. I urge the Minister of State and the Government to ensure that the other Council decision made on the same day, Council Framework Decision 2008/909/JHA, is transposed into Irish law as soon as possible. We will support the Bill. I suspect part of the reason this legislation is being given priority over the other Council decision of the same date is because of statements made by Mr. Justice Hunt in the Teelin case against the Minister for Justice and Equality where the judge stated that the State had failed to implement the framework decision by the time specified in that respect, and the United Kingdom had apparently exercised a right to opt out of its implementation. In addition, the State had declined to make resources available to receive the respondent for probation supervision on a voluntary basis.

It is important that the Government responds to important statements from experienced judges such as Mr. Justice Hunt but it is also important that we do not just react to the Judiciary. This is a decision of the Council that was signed in 2008. There was time for it to be transposed into domestic law. I understand that it was to be done by 5 December 2011. It is now more

than 11 years after the signing of this decision and the other decision in respect of custodial sentences and they still have not been transposed into Irish law. I think the Minister of State will have to answer that but we will support this legislation.

Deputy Mary Butler: The effect of the Bill will be to allow an Irish resident who is sentenced to a period of probation for an offence committed while temporarily in another member state to return home and be supervised by the Irish Probation Service. It will allow a resident of another member state who commits an offence in Ireland for which he or she receives a sentence of probation to return to his or her country of residence under the supervision of the probation services in that state. The current situation where an offender is sentenced to a period of probation in another jurisdiction in any other member state outside of Ireland means that the offender is away from family and friends and has no pathway which allows him or her to be transferred home.

When I looked at this Bill and decided what I would say, my first thought was for the parents. In some instances, it makes life very difficult for very elderly parents whose children have done wrong, have been sentenced, are serving their sentence and have the opportunity to avail of probation but are unable to return to their own country. It is very difficult, particularly if the parents are elderly. The last thing we want elderly parents to worry about if they are not well is how their son or daughter is surviving in another country and what will happen when he or she gets the opportunity to come home. It would make life much easier on a number of levels if the offender was able to come back to his or her own area to remain under supervision by probation officers in his/her country for the duration or remainder of the sentence. There is no doubt that the person must serve his or her sentence and that if he or she is lucky enough to receive probation, he or she must adhere to the terms and conditions.

When one stops and thinks about it, it could be anyone's brother, sister, niece or nephew. It is a very difficult situation, particularly for parents who have brought up their child with the best intentions and want him or her to do well in the world. The child may not have had the opportunity to do well and may go down the wrong path. It must be an awful worry for a parent every night thinking whether he or she will ever get an opportunity to bring his or her son or daughter back home.

Returning home would better serve as a means for rehabilitation and integrating the person back in the community, which is best achieved with the support of a family network and support services here. This Bill would also allow the State to provide the necessary support in a practical and legislative way to Irish citizens who find themselves sentenced to a period of probation in another member state while also allowing the State to impose sanctions, if necessary, on the offender. However, it would be done in the offender's home state. At the moment, the arrangement in place could have a detrimental effect on the mental health and emotional well-being of the person who offends and their families, who must feel powerless and frustrated at not having their loved one closer. The effects of this Bill will be positive for the offender, his or her family and friends, the wider community and, of course, the participating member state. I am happy to support it. The Bill allows for a better outcome that will have a more lasting and positive effect on all members of society. I am disappointed that it has taken almost a decade to complete the process. The failure to implement the framework decision has also drawn criticism from the Judiciary, as my colleague has said. In the *Minister for Justice and Equality v. Teelin*, the High Court considered an extradition request in which the respondent argued that the failure by the State to implement the framework decision provided grounds for refusing to order his surrender to the UK. The respondent was convicted of stabbing an individual with the head

of a screwdriver, causing a puncture wound to the victim's head. He was sentenced to seven years' imprisonment. The respondent was aged 17 at the time of the offence and was in the UK for a brief holiday. Having served three years of his imprisonment, he was initially released on licence in 2013. As a condition of his release on licence, he resided at a probation hostel. The respondent did not have any connection to the UK and he found it difficult to live with strangers away to be away from his family and friends. The Teelin case provides a practical example of the type of circumstances where, once implemented, the framework decision will be of benefit to offenders by providing for their rehabilitation and reintegration into society. It also demonstrates the harm caused by the failure to implement the framework decision.

Fianna Fáil supports increased opportunities for social reintegration by allowing the probation measures that have been imposed on offenders to be supervised in the country in which they live. I hope that this Bill will become law very soon.

Deputy Donnchadh Ó Laoghaire: Ar an gcéad dul síos, ba mhaith liom a rá go mbeimid ag tacú leis an mBille seo. Is Bille praiticiúil agus luachmhar é. B'fhéidir go bhfuil sé beagánín déanach ach tá sé úsáideach agus beimid ag tacú leis. I welcome the opportunity to discuss this Bill today. It certainly has been a long time in coming. It provides for mutual recognition of judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions. Mutual recognition is a central part of the order of European law and is a significant part of the European arrest warrant. It is important that there are safeguards within that, which is a point to which I will return. In this example it is of value. The Bill is, to a large extent, technical in nature but it is actually quite practical legislation and it makes sense. Every year thousands of EU citizens are convicted of offences while temporarily abroad in other member states. The proposals of this legislation are part of a package of measures aimed at ensuring such offenders comply with the penalties or sentences imposed on them while maximising the chances of effective rehabilitation or reintegration into the communities in which they live and to which they will return. Its implementation would mean that those convicted of an offence may serve probation decisions and alternative sanctions in their country of ordinary residence. The Bill also provides for the procedures to apply if an offender who has been sentenced abroad seeks to serve a probation decision or alternative sanction in Ireland.

The benefits of this measure have been outlined by several agencies. The European Union Agency for Fundamental Rights report from 2016 states that social rehabilitation:

is to be achieved by having persons serve their sentences, or having suitable alternatives to detention (probation measures) supervised, 'closer to home'. The Framework Decision on probation and alternative sanctions also aims to improve the protection of victims and the general public while encouraging suitable alternatives to detention.

Likewise the European Commission has noted that prisoners overseas are often more likely to face custodial sentences when compared with nationals living in the jurisdiction, as the sentencing judge may consider supervision and probation measures to be inappropriate due to a fear that a sentenced person may not participate or may flee the jurisdiction. It is to be hoped that the proper implementation of the framework decision will give greater confidence to judges here and abroad that alternatives to custodial sentences will be properly served, monitored and implemented abroad and in the home country of the offender.

As I stated at the outset, the Bill is a long time in coming. The deadline for the implementation of the framework decision was 6 December 2011. We have missed that deadline by seven

years. The only other jurisdiction that has not implemented the framework decision is Britain, which is a point to which I will return.

The value of these measures has been well outlined by me, the Minister and the other speakers but, while not wanting to be too fussy, I take slight issue with one of the points raised by Deputy O'Callaghan, which related to revelations that the Garda youth diversion project was not working to maximum capacity. I have no issue with it. It is important to state that the Garda youth diversion project was not the issue, rather it was the non-referral of cases and the referral of cases which were deemed inappropriate. Perhaps the Deputy was misspeaking because I am sure he did not intend to criticise the project. It is important to put that on record, however, as the Garda youth diversion project is an excellent project. The evidence I have seen suggests that it is effective and that it does encourage young people away from criminal offences and, potentially, a life of crime. I have seen the benefit of it at first hand. We have an excellent youth diversion project in Togher. It won a prize in the youth category of the Tidy Towns competition a year or two ago. There is excellent work being done there. There are serious issues with the cases that were not referred to the project. The Minister of State will be very aware of those very worrying cases. I am sure we will have an opportunity to debate that in the future. Indeed, there has been some speculation in respect of adult cases which were not properly progressed. That is a matter to which we will return. It is a very worrying area but it is not necessarily germane to this specific debate.

Perhaps one of the main reasons we are addressing this particular issue now is the criticism of the Department of Justice and Equality and of the Government by Mr. Justice Hunt in the Minister for Justice & Equality v. Teelin in 2015. Within that judgment, there was an affidavit from James Dixon of the Bournemouth probation office who stated:

there would be clear advantages to Mr Teelin serving the remainder of his custodial sentence in Ireland. He is a young man with a history of mental health problems and therefore I think that regular contact with his family would greatly assist in keeping him stable and focused. It would also give him more opportunity to make plans and prepare for release to his home area.

Although this was a specific case in the High Court, I am sure similar situations were and are not uncommon insofar as inadequate supports existing for someone who is released from a prison setting and who is on probation thereafter. In his judgment Mr. Justice Tony Hunt was of a similar opinion to the probation officer and scathing of this jurisdiction for delaying the framework decision, using quite strong language to outline this frustration. The judgment reads:

it is a lamentable state of affairs that an absence of resources dictated that no arrangement, whether formal or informal, could be devised so as to accommodate both the respondent's desire and that of the United Kingdom Probation Service that he should be supervised in his own country of residence, rather than for an extended period in a country with which he has no real connection. It is impossible to see what meaningful benefit or rehabilitation could accrue to the respondent from a protracted period of residence in a probation hostel in a town and country with which he has no real connection.

It is also a matter of regret that neither of the respective jurisdictions has seen fit to implement the Framework Decision on probation matters within the specified time limit, which might have allowed the respondent to have a formal method of instituting a type of supervision arrangement apparently thought to be desirable by the probation services in

both jurisdictions. This State has failed to implement the Framework Decision by the time specified in that respect, and the United Kingdom has apparently exercised a right to opt out of implementation thereof. In addition, this State has declined to make resources available to receive the respondent for probation supervision on a voluntary basis.

The facts of this case illustrate clearly that the respondent is precisely the kind of person who could be benefitted by a transferred probation arrangement. All successful probation arrangements result in the accrual of a dual benefit, to the individual supervised and to society in general, the possibility of which has now been lost in the case of the respondent. Furthermore, the taxpayer in the United Kingdom might have been spared the expense of further dealings with the respondent.

Mr. Justice Hunt noted in his remarks that Britain decided to opt out of the implementation of the framework decision. Had Ireland implemented it and Britain not done so, I am not sure whether Mr. Teelin would have benefitted from it in any event. Plainly the UK is not going to implement this framework decision. In the context of Brexit it probably would not be able to even if it so wished.

7 o'clock

Will the Minister of State clarify what current arrangements exist between Britain and Ireland and between North and South or whether there are forthcoming plans to deal with this issue? Clearly, the most common instance in which we will be dealing with this is where a person may have committed an offence in the North or the South and who wishes to serve their probation in their home community. There potentially is a lot of traffic between Ireland and Britain as well, but the cross-Border element is significant. I would appreciate if the Minister of State would address what exists currently, what might exist in the future and how we might see the benefits that exist from this legislation enjoyed by people in an all-Ireland context.

Probation is a chance for someone who has previously offended to reintegrate and hopefully become a more active citizen going forward. Integration is better improved by being within one's own community with the links and supports that exist there to help rehabilitation. It gives the person access to familial support and the support of others in their lives, to be part of their rehabilitation process and it is a very valuable tool in the justice system.

In order to fulfil this mandate, the Probation Service will need adequate and increased resources to enjoy the full benefits of this legislation. Sinn Féin will be supporting the Bill.

Deputy Sean Sherlock: I will not detain the House for too long. The Labour Party will support the Bill, which fulfils a very simple purpose, as the Minister of State has said. That is to facilitate a person who is under the supervision of the Probation Service in one EU member state but who lives in another EU member state to return home to continue his or her supervision there. We will support the Bill. The Minister of State has outlined the intention of the Bill very clearly. It gives effect to the provisions of the EU Council Framework Decision 2008/947/JHA.

While I have the opportunity, I wish to refer to the Probation Service and praise the work it does. It is very instructive to look at the monthly offender population reports. The January report shows there are 9,850 people who are guests - if you will - of the service. Of that figure, 1,471 persons are in custody and 8,379 are in the community. That is a testament to how successful the Probation Service is. It is worthwhile for us to acknowledge the vital role it plays

in Irish society.

While it is not germane to the Bill I wish to also refer to the social enterprise strategy called A New Way Forward. I understand a review was carried out for 2017 - 2019. The whole *modus operandi* of the social enterprise strategy is to support social enterprises within the criminal justice system. It is a laudable initiative, the main aim of which is to ensure there is not a rate of recidivism. There are 20 social enterprises employing people who have had convictions, with 46 jobs created within social enterprises up to October 2018. While it is not pertinent to the Bill, I believe there is a clear case to be made for ensuring that the social enterprise strategy continues and for resources to be put into it to create more jobs for people who have a history of offending. Through an increase in educational and training roles and jobs, there is less likelihood of reoffending. The Labour Party would wholeheartedly support any resources the Government might put into that strategy.

While we are speaking about the prisoner population and those who are being looked after within the community by the Probation Service, I acknowledge the role of the Department of Foreign Affairs and Trade in providing consular assistance to those Irish citizens - and there are a few - who are serving time in prisons overseas and especially outside the European Union. It is encouraging to know that the Department of Foreign Affairs and Trade takes a very humane approach, notwithstanding some of the crimes that have been committed abroad. The Department takes a very humane approach to ensuring that the welfare of prisoners abroad is maintained insofar as is practicable, and it is worth acknowledging the Department's role in that.

The Labour Party supports the Bill and I thank the Minister of State for bringing it before the House.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I listened with interest to the Deputies' comments on the Bill and I thank all Members who contributed to the debate. As I had indicated in my opening remarks, the primary purpose of the Bill is to implement the EU Council Framework Decision 2008/947/JHA on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions.

I believe the Deputies have fully realised that the Bill is not controversial and is necessary legislation that is required for Ireland to adhere to its obligations under the EU framework decision. While the Bill is lengthy and quite technical its aims are straightforward. The legislation will enable a person on whom a probation measure or alternative sanction has been imposed to return from the sentencing state to his or her state of ordinary residence without any adverse effect on the measure or sanction imposed, enhancing the prospects of the sentenced person's reintegration into society. These are important measures to assist imposing and enforcing criminal sanctions on non-residents, while maintaining a focus on rehabilitation and reintegration.

Once enacted, the Bill will increase the chances of social reintegration by offenders by ensuring that probation measures imposed on them can be followed up and supervised in the country in which they live. This allows the offender to maintain ties with family, to continue employment or education, and to engage with support services in his or her home country, all of which assist in rehabilitation and reintegration. Successful reintegration reduces the risk of reoffending, improving the protection of victims and society.

The measure is one of a series of EU mutual recognition measures in the area of criminal

law. This measure addresses probation supervision and two similar measures address pre-trial supervision and custodial sentences. I am happy to advise colleagues that Bills that will transpose those two measures are currently being drafted and the Government aims to bring them before the House later this year. Together these measures create a comprehensive system to facilitate the rehabilitation of offenders by allowing citizens to return to the member states in which they live during and following the criminal proceedings.

The Probation Service has been actively involved in the preparation of this legislation and has the necessary structures in place to begin operating these new procedures, once the provisions are in force. I join with colleagues in the Chamber who have acknowledged the great work of the Probation Service. It has the full support of everyone in the House in the work it does. We will continue to research and examine these issues to ensure we have the most up-to-date methodologies in place to deal with people who need support.

Reference was made to co-operation with the United Kingdom. The UK opted out of this framework directive and for this reason, these measures will not apply to the UK. The Probation Service will continue to co-operate with the UK authorities on individual cross-Border cases as it does at present. As this is done on an administrative basis, there are limits to what can be done. That is the situation for the information of the House.

I thank Deputies for their contributions. Matters raised in the debate will be considered further in advance of and during the consideration by committee of this Bill. I look forward to further debating the Bill on Committee Stage. I commend the Bill to the House.

Question put and agreed to.

**Criminal Justice (Mutual Recognition of Probation Judgments and Decisions) Bill 2018:
Referral to Select Committee**

Minister of State at the Department of Justice and Equality (Deputy David Stanton):
I move:

That the Bill be referred to the Select Committee on Justice and Equality pursuant to Standing Orders 84A(3)(a) and 149(1) of the Standing Orders relative to Public Business.

Question put and agreed to.

Residential Tenancies (Amendment) (No. 2) Bill 2018: Order for Second Stage

Bill entitled an Act to amend the Residential Tenancies Acts 2004 to 2016; to provide for powers to carry out investigations of landlords and impose administrative sanctions; to provide for offences in relation to non-compliance with rent increase restrictions in rent pressure zones; to increase the notice periods to be provided in the case of termination of a tenancy by a landlord; to provide for annual registration by landlords of tenancies and to amend the registration process; to provide for mandatory publication of determination orders by the Residential Tenancies Board; and to provide for related matters.

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

move: "That Second Stage be taken now."

Question put and agreed to.

Residential Tenancies (Amendment) (No. 2) Bill 2018: Second Stage

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I move: "That the Bill be now read a Second Time"

We all know that we are in the middle of a serious homelessness crisis. All of our efforts, as a Government and as an Oireachtas, are being directed towards solutions that will help bring this crisis to an end. Fundamentally, supply must be - and is being - increased, thanks to the policies that this Government is spearheading through Rebuilding Ireland. As supply increases we also have to ensure that we are protecting people who are currently struggling with housing affordability and security issues. This places a particular focus on the need to continue to reform our rental sector. The rental sector in Ireland still needs to develop and mature in order to provide a viable, sustainable and attractive alternative to home ownership, rather than serving as a temporary refuge or a staging post on the route to home ownership.

Our rental market is not like that of other European countries yet. It is true that we do not have a mature rental sector. We are trying to transform the sector, but we do so at a time of under-supply which makes it very challenging. We do not have a cost rental market. In other countries, provision of cost rental accommodation provides 20% to 25% of total accommodation. We are at the very early stages of building a cost rental sector. If we get it right, the long-term benefits are obvious. What we do have is the Residential Tenancies Board, RTB, which provides strong protection to both tenants and landlords. A professional landlord sector similar to other European countries is beginning to build in Ireland, but the majority of our landlords, some 86%, own only one or two properties. Many are accidental landlords following the financial crash in this country, which is still having an impact today on housing, banking and public and private debt levels. The make-up of our landlord sector, with its over-reliance on small and accidental landlords, has to be borne in mind. We have to be careful, in making changes to Irish tenancy law, that these changes do not inadvertently cause an unsustainable exit of landlords from the rental sector, which would only make things worse.

Recent data from the RTB tells us that landlords have left the market. Over 1,700 have done so since 2015. This is a real and legitimate concern that all of us must keep in mind as we progress new reforms in this sector. We have to work with what we have and secure continued participation in the residential rental accommodation sector, as we improve and reform it. This will require participation from the traditional landlord as well as participation from the larger, institutional landlords, some of whom have only recently begun to participate in this sector here.

The Residential Tenancies Act was passed in 2004 and represented the most significant legislative reform in the private rented sector in over a century. Prior to 2004, the rental market operated in a crude and fragmented manner. There was little or no security of tenure for tenants and recovery of possession presented a nightmare scenario of long and expensive court proceedings for landlords. Even minor disputes arising during the course of a tenancy had no avenue of resolution other than the courts. The combination of these factors resulted in the absence of a secure, regulated rental market that could offer a real, attractive longer-term housing solution to people searching for a home. Rented housing represented a tenure choice of last

resort for many. It was perceived as being only for student housing, for bedsits, as a short-term solution or, indeed, the only solution for the most marginalised and vulnerable in our society who could not afford anything better. This, thankfully, is not the private rented market of today. More people are renting now than ever before. Figures from the RTB show more than 339,000 tenancies registered from both private and approved housing body landlords at the end of 2017. People are not renting solely because they cannot afford to buy a home, although I recognise this is a challenge for many in Ireland today. Many people are renting because they prefer the flexibility that renting offers, because they do not want to take on the significant debt that is a mortgage, or the liability that home ownership can sometimes be. It is also true that Irish life is changing, and has been for some time, resulting in people staying in education longer, marrying or committing to a partner later and putting down roots in a community at an older age than my generation's parents might have. These factors are also leading to a growing demand for rental properties, different types of rental properties from the ones we may have seen before, and a better functioning rental sector.

Not only in our rental policy have we sought to meet this demand, but also in the new planning and building guidelines that we have developed in the past 18 months around build to rent apartments, more cost effective apartment delivery and the introduction of new concepts like co-living. These reforms are now leading to an upsurge in planning applications for new apartments.

While it is the case that renting has been a negative experience for some and has not meant a secure and safe home, for the vast majority renting works and we need it to continue to work, but work better than it has been working, with greater transparency and accountability for tenant and landlord. The Residential Tenancies Act 2004 introduced real security of tenure for tenants in the private rented residential sector for the first time. It set out minimum obligations for landlords and tenants and provided access for both tenants and landlords to a cheap, informal and independent dispute resolution service. The Act laid out conditions for rent reviews and prohibited the charging of rents in excess of market levels. It set out fair procedures for the termination of tenancies and provided for notice periods linked to the duration of a tenancy. Under Rebuilding Ireland, rent caps in the form of rent pressure zones were introduced to limit what had until then been very steep increases in rents, particularly in high demand areas. What we have seen in these areas to date has been a moderation of rent inflation, particularly for existing tenancies, but rent inflation, and rents themselves, remain unacceptably high in many parts of the country.

People earning a good salary for a hard day's work are being pinned to their collar because their rent is too high.

Deputy Darragh O'Brien: Will copies of the Minister's speech be circulated?

Deputy Eoghan Murphy: Copies should have been provided to Deputies by the office but we were caught by the change of time of this debate. We were notified that we would be required in the House later. My office is hopefully making copies of the speech at the moment.

Deputy Darragh O'Brien: I thank the Minister.

Deputy Eoghan Murphy: This is also having an impact on their ability to save for a home. That is not the kind of quality of life we want for our citizens. Others are having to make unacceptable sacrifices to meet the rent, or are sacrificing time with their families by making long

commutes because they cannot meet the rent closer to where they work. Still others are living in overcrowded situations, or have to move back in with parents at a time in their lives when they should not have to. Those really suffering have found themselves without a home and are in emergency accommodation today. There are too many in that situation. Those scenarios demonstrate the importance of the legislation we have before us.

The Bill I am introducing, the Residential Tenancies (Amendment) (No. 2) Bill 2018, builds on what has been achieved by the Residential Tenancies Acts to date, by the Residential Tenancies Board and under the RPZ legislation. The Bill provides for the future development of the rental sector and with it stronger protections for our citizens who do not yet, or may never, own their own home. The Bill centres on priority proposals in order to facilitate quick passage through the Oireachtas. It does not address everything that we need to do in the rental sector. Indeed, a further rent reform Bill will follow this Bill. However, this Bill contains the priority measures that we believe are necessary and must be enacted now in the best interests of existing and future tenants. I hope colleagues in both Houses will facilitate its quick passage.

The Bill delivers on a number of commitments flowing from Rebuilding Ireland and the commitments made in September 2017 to provide the RTB with additional powers and resources to deliver enhanced protections to both tenants and landlords. The key measures and reforms are designed to enhance enforcement powers for the RTB, provide greater security of tenure for tenants and further underpin the operation of the RPZ arrangements, along with some further targeted priority measures. The Bill is set out in three parts with 25 sections and I will now refer in some detail to the main provisions.

Part 1, preliminary and general, contains standard provisions dealing with the Title, collective citation and commencement of the Bill. It also provides for definitions and interpretation of terms used in the Bill and in the Residential Tenancies Acts 2004 to 2016.

Part 2 amends the Residential Tenancies Act 2004 and provides for a number of key changes to the regulatory framework. Section 3 amends section 19 of the Act of 2004 to provide a definition for substantial change in the nature of the accommodation provided under the tenancy in respect of which an exemption applies from the rent increase limit of 4% per annum in RPZs and to require a landlord to notify the RTB, and to provide supporting information, where an exemption to the application of the rent increase limit is claimed. In addition, section 3, if enacted, will create three new offences, namely, non-compliance with the rent increase limit provisions, knowingly or recklessly furnishing information to the RTB which is false or misleading in a material respect in a bid to claim an exemption from the rent limit and non-compliance with the new requirement to notify the RTB of an exemption claim.

Sections 5, 6 and 7 provide for technical amendments to ensure that various notice periods afforded under the Residential Tenancies Act, such as termination notices and rent review notices, are correctly applied. The amendment to section 66 of the 2004 Act under section 7 extends the notice period that a landlord provides in the context of an impending tenancy termination. This applies to tenants who have occupied a dwelling for more than six months and less than five years. For those tenants occupying a tenancy for six months or more but less than one year, the notice period currently at 35 days will increase to 90 days. For those with tenancy of one year or more but less than two years, the notice period will increase from 42 days to 120 days. For those with tenancy of two years or more but less than three years, the notice period will increase from 56 days to 120 days. For those with tenancy of three years or more but less than four years, the notice period will increase from 84 days to 120 days. For those with tenancy

of four years or more but less than five years of a tenancy, the notice period will increase from 112 days to 120 days. The provision aims to assist tenants by giving them extra time to accommodate themselves where a landlord needs to terminate a tenancy.

Where a tenancy termination notice is determined to be invalid due to a defect in the notice or an error occurring during the service of the notice by the landlord, the Residential Tenancies Board, RTB, will be empowered to permit the landlord to remedy such a defect by issuing a remedial notice to the tenant. The notice will provide at least a further 28 days on top of the original termination notice period. Significantly, the Bill provides for review of these new tenancy termination provisions during the third year of their operation. I will speak later on to some further intended amendments to the existing tenancy termination provisions.

Sections 9 and 10 empower the RTB to charge a fee for its mediation services if it is deemed necessary in the future. Section 11 technically amends section 123 of the Act of 2004 to make it mandatory for the board to publish its determination orders and notices of cancellation thereof. Currently, the board has the option whether to so publish. The amendment aims to enhance transparency in this area.

A significant change to current practice will be made through section 12. Tenancies will be required to be registered annually with the RTB. The aim is to more regularly gather accurate and detailed tenancy and rent data to inform rental market policy development and implementation. Currently, a tenancy might not be required to be re-registered until the expiry of a six-year period. This could occur where a tenant continues to reside in the same dwelling during that period. Section 14 introduces a technical amendment to provide a legal requirement that the address at which the landlord ordinarily resides and the address of the landlord's authorised agent are both supplied on the registration of a tenancy. This provision is in the interests of transparency and the efficient operation of protections under the tenancy law. As such, landlords will be obliged to supply their own address and not only that of their agent.

Sections 15 and 16 provide for the RTB to charge fees for annual registrations of tenancies. These will include a €40 fee per tenancy registration by private providers and a €20 per tenancy registration by an approved housing body. Fees will be increased by 50% for late tenancy registrations in line with the move to annual registration of tenancies. A registration fee can only be charged in respect of the same dwelling once a year. A discounted single registration fee can be applied where the same landlord registers not more than ten tenancies of dwellings in the same property. This could apply, for example, with up to ten apartments in the same block. The key change from the existing registration fees is that AHBs will be charged fees that are half those applicable to private providers. Currently, all landlords pay the same registration fee, which is €90 per tenancy. The reduction in AHB fees is proposed in recognition of the public service they provide in meeting the housing needs of those in receipt of social housing supports, their charitable or similar status as well as the low incidence of such bodies requiring the services of the RTB, such as dispute resolution services.

Section 17 empowers the RTB to pursue updates to its register from landlords with regard to rent alterations relating to tenancies in their dwellings. A new criminal offence is created with regard to non-compliance with the requirements to update rent information on the RTB register. Perhaps the most significant achievement of this Bill, if enacted, will be the introduction of a sanctioning regime to provide for the carrying out of investigations of landlords by RTB-authorised officers and the imposition of administrative sanctions by RTB-appointed decision-makers. Under the new Part 7A, the RTB will be empowered to cause, of its own volition or

on foot of a complaint, an investigation to occur in respect of possible improper conduct on the part of a landlord with regard to complying with the requirements of the rent increase limit of 4% per annum in rent pressure zones. The measure will include the new requirement to notify the RTB of a rent limit exemption claim as well as the requirements to register a tenancy and keep the rent details related to the tenancy updated with the RTB.

Section 18 provides for several measures. An administrative sanctioning regime for the RTB is provided for. Provision is made for the appointment by the RTB of authorised officers and decision-makers as well as provision for their powers and functions, including powers of investigation, inspection and sanction for the RTB. The section confers power on the RTB to initiate an investigation without a complaint being made by the public. Subject to certain conditions, the RTB will be required to cause an investigation to be carried out upon receipt of a complaint of improper conduct by a landlord under the Act. Oral hearings regarding matters under investigation may take place. Sanctions may be imposed that take into account the nature of the improper conduct in question and may comprise one or all of the following: a financial penalty of up to €15,000, payment of RTB investigation costs of up to €15,000, and a written caution. The section provides for a right of appeal to the Circuit Court in respect of a sanction. If no appeal occurs, the section requires the Circuit Court to confirm all sanctions. The section also provides for other ancillary matters relating to procedures to be adopted by the RTB.

Part 3 provides for the repeal of certain provisions contained in the Residential Tenancies (Amendment) Act 2015 that have not come into operation and have been overtaken by the provisions in this Bill.

I will need to introduce Government amendments, including technical amendments to the Bill and to the Act of 2004, as the Bill makes its way through the Houses of the Oireachtas. I was keen to publish the Bill as soon as possible to let everyone in the sector know that the Government is serious in its intent to stamp out any improper conduct by landlords, particularly with regard to flouting the rent increase restrictions. I hope to introduce an amendment to allow the RTB to publish rental amounts in its register. This proposal is receiving due diligence by the Office of the Attorney General. Enhanced rent transparency is our goal, and it is an important one. Specific amendments to better tailor the Act of 2004 to the operation of AHBs are under consideration, including a possible provision in the context of impending cost rental accommodation provision by AHBs.

Other significant proposed amendments to the Bill are being worked on by my officials as well as by officials in the Department of Education and Skills and the Office of the Attorney General. The aim is possibly to extend the application of certain provisions of the Residential Tenancies Acts, especially those connected to rent setting for purpose-built student-specific accommodation let under licence by private providers or let under licence or tenancy by public providers. To be clear, purpose-built student-specific accommodation let under tenancy by private providers is fully under the remit of the Residential Tenancies Acts. Any student who has signed a licence agreement with a private provider who wishes to raise a complaint or dispute with the RTB can do so. If the RTB finds that the purported licence agreement is in fact a tenancy, it can go on to resolve the underlying dispute.

As mentioned, I intend to examine the need to introduce further amendments to the existing tenancy termination provisions. My intention is for the existing grounds for tenancy termination by a landlord to be carefully examined by the Department and the Office of the Attorney General with a view to bringing forward any necessary amendments to tighten and enhance

legally the operation of relevant provisions and to empower greater enforcement of the provisions by the RTB.

Another area that needs urgent attention by my Department and the Office of the Attorney General is the operation of rent pressure zones in the short to medium term. I imagine Deputies are aware that my three-year designation of the Dublin local authority areas and that of Cork City will expire in December 2019 as rent pressure zones. Active consideration is being given to what amendments might need to be included in this Bill to ensure that, come 2020, tenants will not be hit with astronomical rent hikes. The opportunity is being taken to examine what other changes are needed to the operation of the rent pressure zones and related exemptions. We will need to introduce amendments, but for now I simply wish to flag to the House and to the sector that these changes will be coming. Technical amendments in this area are being examined to ensure that the measures are fair in their application throughout the country and the sector and that tenants have reasonable rent certainty for the future.

In addition to the changes being ushered in by this Bill, the RTB is actively pursuing a range of modernisation initiatives. Government commitments in the Action Plan for Housing and Homelessness were made in September 2017 to provide the Residential Tenancies Board with additional powers and resources to deliver enhanced protections to tenants and landlords. Arising from these commitments, a change management project board has been established to implement and develop the Residential Tenancies Board multi-annual change management plan to progress a number of the proposals announced in September 2017. Demand for RTB services has increased significantly due to the increasing size of the rental sector and because of the changing regulatory structure. In 2017, the RTB received 5,823 new applications for dispute resolution services. This was the highest number of applications the RTB has received in a given year. Almost half of all cases are processed and closed within four to eight weeks. The dispute resolution service offers resolution via mediation or adjudication as well as an appeal process by tribunal.

The proposed new powers for the RTB are a crucial first step in expanding its overall role and function as part of a multi-annual change management programme to enforce tenancy law proactively within the rental sector. Additional powers and functions will be rolled out to the RTB as soon as possible but in an orderly manner. The change management plan will identify priorities and timeframes for their delivery, incorporating milestones along the delivery path. It is recognised that the RTB is not in a position to take on further additional work until the necessary funding and staffing can be provided. Thus, in budget 2019 the board was provided with a 67% increase in Exchequer funding to strengthen its powers and provide for greater local authority inspections in the sector.

The Residential Tenancies (Amendment) (No. 2) Bill 2018 represents a significant evolutionary step in the development of the residential tenant-landlord regulatory environment in this country. The introduction of a sanctioning regime for landlords who deliberately breach the rent pressure zone, RPZ, provisions of the Act is an important step in the development of a wider regulatory framework for the residential rental sector in the coming years. This is a forward-looking Bill that recognises the need for the broadening of its remit to ensure the good working of the private rented sector. Most of all, it will contribute to the continued development of the rented sector as an attractive long-term housing option and a crucial factor in the development of a sustainable housing policy as we continue on the road to economic recovery. I intend to build further on the published Bill, and the final enactment will represent true progress in the rental sector. In making these reforms, we will be able to help not just the people strug-

gling today to meet the rent but also those who cannot meet the rent and who find themselves in emergency accommodation this evening.

Deputy Darragh O'Brien: I will share my time with Deputy Eamon Scanlon. I thank the Minister for outlining the Bill. We have waited quite some time for this. Everyone across the House agrees that the rental sector and the legislation which governs it require reform. We want to see tenants' rights strengthened, and therefore I welcome the proposal to lengthen the notice periods and the additional powers given to the Residential Tenancies Board. They are overdue and I am pleased to see this. Fianna Fáil will support the Bill in broad terms, although some elements will have to be gone through in more detail and considered on Committee Stage. I am generally concerned about the over-reliance on the courts. While the Bill gives the RTB the additional powers which most of us want it to have, when it makes a determination it will still require recourse to the Circuit Court where many of the blockages and delays have occurred. The Minister might expand further on Committee Stage on the advice he received on this. Deputy Ó Broin and I had also discussed with the Minister the matter of criminal sanction and whether the process might be made easier if it was a civil sanction so that recourse to the courts would not be necessary.

The legislation and revision of these regulations take place in the middle of a rental crisis where there is insecurity in the market. Fianna Fáil wants to see improved security for tenants but also increased supply. We must strike a balance so that the introduction of legislation and regulations does not have a negative impact on supply. The vast majority of landlords are individuals with one or two properties. Figures from last year show that about 6,000 of these individual landlords have left the market, something which is driving up rents in many places. We must look at supply, and the roll-out of the cost rental model is crucially important in this. We must look at what works in other parts of Europe and diversify our rental market. Rents in Ireland are approximately 36% higher than at the height of the previous boom. As the Minister noted, there are people who pay €500 to €700 more in rent than they would pay in mortgage payments, were they able to secure a mortgage to buy the same property. The Minister has outlined some of the reasons he believes people are continuing to rent longer, such as getting married later in life, travelling or changes in lifestyle. Much of it, however, is because they cannot afford to buy a home. We must all know people in our constituencies throughout the country who, having been fortunate to save a deposit and buy a home, save themselves hundreds of euro each month by paying a mortgage in comparison with what they paid in rent.

We need a review of the rent pressure zones, RPZs. While they have worked to an extent, they are imperfect. There must also be a review of areas outside the RPZs. The review must look at exemptions for new properties.

The Minister referred to two very significant areas not covered in the Bill on which he will introduce amendments on Committee Stage. Certainly, Fianna Fáil wants to ensure that purpose-built student accommodation is included in the RPZs. Fianna Fáil has published legislation on this, as has Sinn Féin. We met the Minister on this during the summer and I want to see this on Committee Stage. We would like to have sight of the amendments in advance of Committee Stage so that we are not put in a position where we must disagree with the Minister. All of us recognise that many of these changes are needed. Between the Government, Fianna Fáil, the Labour Party, Sinn Féin and others, we can work together to agree the amendments, particularly on purpose-built student accommodation to ensure that students are not gouged in the new academic year, as the Bill must pass through both Houses before summer. I give Fianna Fáil's commitment that we will work constructively to ensure its passage through both Houses,

and that it is done speedily, however, student accommodation must be covered.

Transparency is very important. The Minister is receiving legal advice on the rent price register and I wonder about the nature of that advice. It is not something I would have thought would be especially problematic and I hope that is not the case. Will the Minister enlighten us on that? Price transparency is something that will help the market and help the Department and the RTB in their collection of data.

Annual registration is something that requires interrogation. First, how might this affect price? Second, what administrative burden might it place on the RTB? I would like to return to this on Committee Stage to see how this would work in real terms. A balance must be struck between giving the RTB additional powers and tying it up in red tape. It has had a substantial increase in complaints. The Minister observed how it has undertaken more than 5,000 individual investigations. The Committee on Housing, Planning and Local Government must ensure that it is properly resourced so that it can carry out the additional functions or powers that this legislation may give it. On Committee Stage, we might see the plans to expand the RTB, the additional funding that is required to do so and the additional staff that will be necessary to carry out its new duties.

Other things are needed. The Minister said another Bill on rent reform is forthcoming. There are other possible policies. Fianna Fáil and others have called for a national rent deposit scheme, which would be very important. I refer to the local authority quality certificate. We also need to examine tax treatment and ensure that we keep good landlords in the market because that is part of our housing solution. We need to see how we can move forward together to ensure the speedy implementation of the cost rental model.

My main concern about the Bill is its over-reliance on the courts. The Minister has told the housing committee that criminal sanction is required, but my grave concern is that every stage will require recourse to the courts to implement determinations. That clogs up the courts but also prolongs the implementation of many of these judgments.

While this Bill is published in the context of current abuses in the market, especially by landlords, there are other matters of concern such as third-party complaints, anti-social behaviour and the role and responsibilities of tenants. These may not be matters for this Bill but ought to be examined in future. Colleagues have told me that they would like the Bill to be clear about how complaints are made and how they are worked through. Someone deemed to be affected in such cases may not always be a landlord or tenant but may be a neighbour. We must consider mechanisms that allow other valid complaints to be made. The RTB can make a determination on whether they are spurious. In many instances, communities can be affected by bad landlords. In some, they can be affected by bad tenants.

We broadly welcome this legislation. It is an improvement on and adds to what we have. It does not do everything we want, but I give the Minister a commitment on behalf of Fianna Fail that we will work speedily to improve this Bill on Committee Stage. We are considering potential amendments, as I am sure other colleagues are. I ask that the Minister give us early sight of the purpose-built student accommodation amendments and the price register amendments as soon as he can, as doing so would allow for an easier passage of same on Committee Stage.

We support the Bill because we view it as an important step towards strengthening tenants' rights, improving the process and giving additional powers to the Residential Tenancies Board

that are badly needed.

Deputy Eamon Scanlon: We all know that there are many landlords who abuse their position of power, as they would see it, in how they treat their tenants. There are also many good landlords who look after their tenants and treat them fairly. I welcome that the Bill provides the RTB with powers to investigate and sanction landlords who engage in improper conduct, including non-compliance with the rent increase restrictions in rent pressure zones, RPZs. The Bill makes it a criminal offence for landlords to implement rent increases that contravene the law and do not adhere to new definitions of “substantial change”, fail to co-operate with an investigation and fail to register and update tenancies with the RTB.

My colleague mentioned the national deposit scheme. Every Deputy knows that there are people, in particular students, who have been badly treated by landlords. Many have not got their deposits back. Frivolous excuses are used - a mark on a wall, the property being dirty, something not being right, etc. Any opportunity in the wide earthly world is taken to avoid returning a deposit. There must be more legal controls over deposits in order that people can have a better chance of getting them back. In 99% of the time, everything in the property is in a good condition apart from normal wear and tear. Sometimes, though, any excuse is used so that tenants do not get all or any of their deposits back.

The requirement for an annual registration of tenancies with the RTB is a mistake. Currently, a tenancy is registered when the tenant moves in and the landlord pays €90, which covers the tenancy for four years. If that situation changes and the tenancy must be registered every year, it will mean a cost of €360 over the same period. The Minister will say that the landlord has to pay it, but we all know that it will be the tenant who ultimately pays. That would be unfair. It would also be another charge on the tenant that he or she can badly afford. If the tenancy must be registered every year, set the charge at €25 or a figure that would equate to the same level over four years.

There are many vacant properties in rural towns. Where I come from in the north west, plenty of accommodation was available up to a year ago in many small towns like Ballymote, Tobercurry, Boyle and so on. Due to pressure in the major towns and cities, people have been forced out into rural areas and have taken up all of that accommodation. I understand that Sligo County Council does not have even one house available in Ballymote or Tobercurry. Roscommon is in a similar situation with Boyle. People are finding it difficult to get accommodation. Many properties in the centre of these small towns used to be small businesses before they closed. They are empty at the moment. The Government has picked out certain towns across the country where it will try to regenerate town centres, but there used to be something in rural areas a number of years ago called the rural and urban renewal scheme. If people invested in and did up these types of property, they would get tax relief on their rental income. Such a measure would not cost the Government anything and would generate hundreds of rooms for accommodation purposes, be they flats or whatever. However, it would cost money. Currently, it does not pay landlords in rural areas to carry out such work. The old incentive worked before and could work again, but it should be specifically used in town centres to help people restore properties to liveable condition.

I do not know whether my next issue is relevant to this Bill. People in certain housing estates are living in fear because of serious anti-social behaviour at night. I am aware of it happening in Sligo town and other areas across my constituency. The people being affected by this anti-social behaviour are usually elderly. They are truly afraid to say or report anything. This

issue must be examined carefully and addressed. Currently, it takes too long to deal with anti-social behaviour, which is unfair on many of the people affected.

I wish to raise a further issue, one that I have raised previously and that my colleague mentioned. Some families have one person working in the house and two, three or four children. I encountered a case recently where a family was spending €750 per week on rent. The family cannot go on the housing list because its income is over the limit. It applied to the county council for a loan to purchase a house it could afford, but the council refused the application, saying that the family did not have the capability to repay the loan. This is despite the fact these people were paying €750 per week in rent to a landlord, which would be more than enough to repay a mortgage. Things are happening as regards the overall situation, but it needs to be addressed if we are to give such people some hope that they will be able to get houses of their own for themselves and their families. In fairness, the council's interest rate is good at 2.5% and makes purchasing a house achievable, but people are getting no credit for the amount of money they are paying in rent. I am referring to people who have been renting for the past five, six or seven years and whose rental records show that they never missed a payment. Despite this, the council will not take that into consideration when they apply for loans. This issue needs to be addressed.

An Leas-Cheann Comhairle: Next is Deputy Ó Laoghaire. Actually, I meant Deputy Ó Broin. My apologies.

Deputy Eoin Ó Broin: Do not worry about it.

I thank the Minister for the Bill's outline. Sinn Féin opposed the RPZs when they were introduced in 2016 because we believed that a 12.5% rent increase over three years for tenants who were already paying rents that were too high was unsustainable. We also argued that RPZs would create perverse incentives for landlords outside the RPZs to jack up rents even higher than those levels. During the debate, we specifically warned that it would create a two-tier rental market, with long-term secure tenants subject to compliant landlords while new tenants into the market would have to pay much higher prices. We also warned that there were too many loopholes. For example, many of us raised the significant issue of the lack of any statutory definition of "substantial renovations".

We have been proven right in all of these matters. From the RTB quarterly index, we know that the cap is being breached regularly. From the most recent quarterly index in particular, we see that the two-tier market between long-term secure tenants and new entrants to the market is in evidence. We know that the loopholes, particularly that regarding substantial changes, are being breached actively in the form of regular "renovictions". In some senses, the welcome changes in this Bill are a kind of admission of failure, in particular, to listen to what many on the Opposition benches warned and, in fact, proposed useful amendments in 2016. If we had been listened to then by the Minister's predecessor, it would not have been necessary for him to be addressing some of the issues that, thankfully, he is addressing today. I do not say that to gloat in any way but to urge the Minister to listen carefully to what all of the Opposition Deputies will say in terms of potential constructive amendments to this Bill so that we can try to enhance it over the coming weeks.

As the Minister will be aware, my party's preference in 2016 was rent certainty. The Minister will be aware we are strong advocates of a rent freeze as an emergency measure now, but given that rent pressure zones are what is on the table, we will engage constructively with this

Bill in the spirit in which it has been presented so that, notwithstanding our criticisms of the overall system, we try at least to make sure it works in the best interests of tenants as well as landlords.

On that basis, I welcome the main provisions, and the Minister will be aware this is Sinn Féin's position. I strongly welcome increased protections for tenants and increased powers for the Residential Tenancies Board, but I urge the Minister to listen to us on the Opposition benches when we say there are a number of significant weaknesses in this Bill which, with sensible amendment on Committee Stage, can be addressed, making it a much better instrument for everybody.

I echo Deputy Darragh O'Brien in expressing disappointment with the delay in the Bill. However, I suspect the Minister privately also has been disappointed in the delay. The delay is not his responsibility or that of the officials in his Department, but I still want to put that on record. Like Deputy O'Brien, I give a clear commitment that my party will progress this Bill through the House as quickly as possible and in the spirit which the Minister has asked us to do, but we will not allow the speed of progress to undermine in any way our responsibility to scrutinise this legislation. The Residential Tenancies Acts have become a complex web of legislation - the Minister knows that far better than me - and it is incumbent on us, particularly on Committee Stage, to spend the requisite amount of time to ensure that this latest range of amendments do not unduly complicate that already complex set of rules and regulations. We can do both of these if we work in that spirit of co-operation.

In terms of the detail of the Bill, first, I welcome the legal definition of "substantial change". It is quite a technical definition. I hope that on Committee Stage we can tease out some of the rationale for those definitions so that we can get into the substance of that, but I always felt a legal definition was required. I welcome the fact that it is here. I welcome the sensible proposal to roll over Part 4 tenancies when they expire so that they are not new tenancies but simply extensions of the existing Part 4 tenancies, something that should have always been in the original legislation and will be welcomed here.

I welcome strongly the extended notice to quit periods. I would like the Minister to consider two suggestions. The first is a small addition to the minimum notice to quit period of 28 days. All of the notice to quit periods immediately above that have increased somewhat. I suggest even to give it an extra seven days to increase it to 35. Given what is going on in the rental market, some extra little bit of comfort there for tenants would be welcome. If, however, the intention of this amendment is somehow to deal with the large number of family presentations into homeless services because of vacant possession notices to quit, it will not fix that problem. The Minister will be aware of my position. I urge the Minister to consider some form of the Focus Ireland amendment, whether by way of a Government amendment to this Bill or in his next round of legislation, to try to deal with that particular issue. Otherwise, while we might be giving families at risk of homelessness a little extra time, ultimately, if we cannot keep them in those properties, they will still end up presenting as homeless. That does not detract from the fact that this is welcome. However, if it is intended to tackle that particular problem, it will not and, therefore, I urge the Minister to consider additional action.

I welcome the publication of determinations from which many of us benefit, but I have one concern which I would like the Minister either to address on Committee Stage or consider. It is not necessary for the names of tenants and landlords to be published when those determinations go live. The value of the determinations is for us to have that record and others taking

cases to have the detail of those determinations. Both for the privacy of tenants and landlords as well as for their own protection and reputation, there should be some consideration of the redaction of the names of landlords and tenants when the full determinations are published. My understanding is that happens currently in Workplace Relations Commission cases. I could be wrong and maybe the Minister could check that. That might be something, although small, worth considering.

I am not clear at all as to why there is a proposition to charge for mediation. The point of mediation is to try to encourage an agreement between landlords and tenants so that we do not have to go through adjudication and possibly to tribunal. If we make it an expense, especially for low-income tenants, or indeed some landlords who may be in financial difficulties with mortgage arrears etc., it is less likely to work. I am not sure of the rationale. I urge the Minister to reconsider that.

I understand the logic in terms of the resetting of invalid notices. I am not against that in principle. I merely ask the Minister to come back on Committee Stage with an explanation as to why it is only 28 days as opposed to a slightly longer period. That is something we need to tease out. I am not opposed to it in principle but some consideration needs to be given.

Contrary to Deputy Scanlon, I think the annual registration is essential. The policing powers of the Residential Tenancies Board with respect to the RPZs can only work if it has access to accurate data. Members will be aware of the limitations of the RTB's quarterly rent index because it only includes new or reregistered tenancies. Therefore, having those annual data makes absolute sense and underpins much of the good powers the RTB is being given. The fee is moderate. I welcome the fact that the approved housing body sector will pay a lower fee.

I do not understand why the Minister has changed the penalty mechanism that is in place. Having a simple flat penalty disincentivises somebody who is breaking the rules from changing his or her mind. The current system, where there is an incremental increase in the penalty, in some sense incentivises landlords who have been notified of the breach to get their house in order much more quickly. I urge the Minister to re-examine that. If there are good reasons he has chosen to move away from that, he might talk us through them in more detail on Committee Stage.

The real substance and real innovation of the Bill is Part 7A, which is the new sanctions regime. All of the comments I will make are in the context of supporting much of what the Minister is trying to do here and trying to ensure that it is an effective mechanism. Sanctioning or having powers to sanction landlords who are in clear breach of the RPZs only works if landlords fear that sanctions will be used speedily to disincentivise breaches. A sanctions regime is also good for compliant landlords. It is galling for landlords who are doing their job right and staying within the law to see other landlords in breach of the rent pressure zones and being able to do that. Therefore, this is not merely a measure protecting tenants. It is also a measure protecting compliant landlords, ensuring they are not being undercut by those in breach of the regulations.

I welcome the important powers of the Residential Tenancies Board both to initiate and conduct the investigations. The provisions are well outlined in the Bill. It is a pity that these powers are only applicable to breaches of the rent pressure zones and non-registration. I urge the Minister to consider whether, in this Bill or in the subsequent residential tenancies (amendment) Bill that we expect later this year, to expand the applicability of the sanctions regime, for

example, in breaches of section 34 of the Residential Tenancies Act in terms of notices to quit. It would be eminently sensible for this sanctions regime to apply to those.

All rent reviews should be applicable. Why will tenants in rent pressure zones get this added protection but tenants outside rent pressure zones, particularly in areas, whether Limerick, Waterford or Sligo town, that are seeing very significant increases, will not get any protection from this at all? That does not make any sense. That is something the Minister could deal with by way of an amendment to this Bill.

Ultimately, although I do not think the Minister can do it in this legislation, we will need some kind of sanction for serious breaches of minimum standards, such as serious breaches of overcrowding, in the same way as we have legislative provision for serious anti-social behaviour. Maybe it is something that the officials could examine for the subsequent legislation whereby, on foot of an inspection by a local authority or an environmental health officer from the HSE providing a report to the Residential Tenancies Board on a substantial breach of those regulations, sanctions could then be taken.

Debate adjourned.

8 o'clock

National Broadband Plan: Motion [Private Members]

Deputy Catherine Murphy: I move:

That Dáil Éireann:

notes:

- the importance of a reliable and sustainable national broadband network to all homes and businesses in Ireland;
- the significant delays to date regarding the roll-out of a procedurally sound National Broadband Plan (NBP);
- the escalating estimate of total cost for the delivery of the NBP and the lack of clarity regarding those costs;
- that the structure of the sole remaining bidding entity has changed substantially over the course of the process and the significant concerns which exist regarding the robustness of the current iteration of the NBP and the structure of the sole remaining bidding consortium;
- the intrinsic connection between the contracts for, and the operation of, the Municipal Area Networks (MANs) and the roll-out of the NBP;
- that the company with the contracts to operate the MANs is now also a key component part of the sole remaining consortium bidding for the NBP;
- that concerns have been raised by major telecommunication companies regarding

the efficacy of operations of the MANs by a company which is a key component of the sole remaining bidding consortium for the NBP;

— that the Analysys Mason review of the operation and management of MANs pricing and access has not yet been made public;

— that concerns have arisen in relation to the review, by Mr. Peter Smyth, Independent Process Auditor, in November 2018, commissioned into the current process for the NBP, in relation to its completeness and the rigour of its scrutiny of the key relationships and interactions between interested parties, the then Minister for Communications, Climate Action and Environment, Denis Naughten T.D., and Departmental officials; and

— that the Minister for Communications, Climate Action and Environment, having accepted the review, by Mr. Peter Smyth, informed the Dáil in December 2018 that a decision on the contract for the NBP was imminent but that as yet no decision has been notified to the Dáil; and

calls on the Government to provide:

— an immediate update on the status of the process for the awarding of the contract for the NBP;

— a statement from the Minister regarding the report about which its author, Mr. Peter Smyth, made a public comment confirming that, when conducting his report, he didn't ask for written statements from those involved because he said he didn't feel it was appropriate to 'interrogate' people;

— an assurance that the Minister for Communications, Climate Action and Environment, and his Department have been satisfied as to the competitiveness of a process with only one bidder;

— an assurance that rigorous scrutiny has been given to assessing the long-term viability of the sole remaining bidder and its ability to deliver on the project;

— a commitment that no decision will be taken on the NBP contract until the Analysys Mason report is made public; and

— a commitment that any NBP roll-out will prioritise affordability for the end-user to connect to the network.

Although the Minister for Communications, Climate Action and Environment, Deputy Bruton, has not been in his current role for very long, I know he appreciates that the national broadband plan process has been ongoing for several years but many people in modern Ireland still have limited or no access to the tools required to participate in a modern society and economy. It is crucial that we deliver broadband to such people. However, I cannot emphasise enough that we must do so through an unimpeachable process in which the veracity of the winning bidder and its ability to deliver long term are verified as well in a way that focuses on the net result for consumers, particularly in terms of affordability and broadband speed. There is no point going ahead with the process if an average household will not be able to afford to connect to the infrastructure that is finally put in place or the network ultimately proves inadequate. This must be about empowering our citizens to connect to a globalised world in their business and personal endeavours. The process must guarantee the ability of the winning bidder to deliver

the project or else the Exchequer will end up paying by way of a State subsidy and-or citizens will pay the price of not being able to connect to broadband. We must remember that if the contract is awarded, it will run for a considerable period of time. If we do not get it right, it could be very problematic to reverse it and doing so may involve the payment of compensation.

The old adage is that one must learn from past mistakes, yet nothing in the broadband process to date gives me confidence that we will not repeat current and past mistakes when it comes to the tendering process and the eventual awarding of the contract. The results of the clearly flawed process for the development of the national children's hospital are coming home to roost, involving colossal cost overruns, deadlines that have been missed on more occasions than I care to count and serious frustrations on all sides of the project. Members on this side of the House are being asked to blindly trust the people responsible for projects such as the national children's hospital to make the final decision on the national broadband plan. The metro north project went through a similarly incoherent and rocky process involving numerous incarnations and setbacks. The same can be said of Luas and the eventual need for a cross-city Luas line which had been included on the original plans. In fact, there are myriad projects to which one could point as examples of the continued inability of this State to get major projects right first time. I acknowledge that this did not all happen on the Minister's watch. There is ongoing failure in regard to such projects. The penny must drop that we need to look at what we have been doing wrong in regard to such failures rather than just blame it on a system failure. If there is a system failure, one must fix the system.

The problems that have emerged with the national children's hospital, for example, are not in the main resultant from something that happened after the project began. The major cause of the issues is a *laissez faire* approach to the tender and contract process before the project commenced. If one does not ensure that the design plan, building blocks and builder are the correct choices, one will have a less than satisfactory outcome. That is why this period in the life cycle of the national broadband plan is of such importance. If we do not get things right now, we will pay the price at a later stage. We have a one-off chance before any contracts are awarded to ask whether we can stand over the process to date and genuinely believe that the process as it stands will deliver the best possible outcome for users and the Exchequer.

All Members are aware of the significant and serious questions which arose during 2017 regarding the handling of the national broadband plan by the then Minister, Deputy Naughten. At the crescendo of the controversy, I, as well as members of Fianna Fáil and other Deputies, stated that the national broadband plan was fatally flawed. The Government commissioned a report by Mr. Peter Smyth in a bid to prove otherwise and reassure people that the Minister attending various dinner parties and exchanging regular private calls and texts with the owner of the sole remaining bidder was not a problem.

At the time, I raised concerns about the ability of Peter Smyth to be entirely impartial in his report because he was the process auditor throughout the process which caused the controversy. It was a process failure and he was auditing that process. When the Smyth report was furnished to the House, most Members were underwhelmed by its watery findings. In the absence of minutes or a written record of many of the interactions between the then Minister, Deputy Naughten, the Minister of State, Deputy Breen, and Mr. David McCourt, Mr. Smyth took the key players at their word that nothing inappropriate had occurred. When Mr. Smyth commented at a follow-up press conference that he did not interrogate the then Minister or Mr. David McCourt because he did not think it appropriate to do so, he significantly undermined the veracity of the report and left serious question marks over the relationship between a Minister

and a billionaire businessman - an all-too familiar vista in major communications contracts. In that regard, we must consider the learnings, or lack thereof, from past mistakes.

In the same way, we must look to the forerunner of the national broadband plan and ensure the lessons from its roll out and operation inform the broadband plan. The municipal area networks, MANs, project was established in 2004 and contract extensions to run to 2030 were awarded to Enet in 2016. There remain question marks and ongoing court proceedings regarding the detail behind those contracts and their extension. However, in spite of orders by the Information Commissioner and the High Court to release the details in the public interest, the Department has continually refused to do so. It has brought an appeal to the Court of Appeal - which, obviously, will be a costly exercise - to keep information, the release of which has been determined to be in the public interest, out of the public eye. Such secrecy rings warning bells and flies in the face of the stated ambition of an open government or governance approach to the process.

Leaving aside the significant questions regarding the contract process for Enet and the MANs, there are question marks over the operation, efficiency and usefulness of the plan in terms of the end user take-up of the networks. In 2014, BT Ireland wrote to the Department expressing serious concerns regarding how Enet was operating the municipal area networks. Several people and businesses, including public bodies, were unable to connect to the network due to the prohibitive cost. Many industry experts have questioned the scale, coverage and take-up of the MANs across the country. Those living in the intervention area should pay serious attention to this because if we do not learn from that process, exactly the same thing may happen with the national broadband plan.

A recent freedom of information dump from the Department to *The Irish Times* journalist Jack Horgan-Jones included a briefing note prepared for the then Minister in 2016 ahead of a meeting he was due to have with Mr. David McCourt who, at the time, was heading the consortium which had acquired Enet, which was operating the MANs. The briefing note was prepared two years after BT Ireland, a major telecommunications player with significant expertise, outlined to the Department its serious concerns regarding the operation of the MANs by Enet. The briefing note of 2016 makes absolutely no reference to those concerns and states the MANs programme has proven effective. It has not proven effective if concerns are being raised by businesses and individuals and if there is a proven difficulty with take-up and cost. It is surely hard to argue that a briefing that fails to acknowledge the serious concerns of a major industry expert like BT Ireland is comprehensive. One cannot just ignore that.

Thus far, only part of one of the two Department-commissioned reports into the MANs, namely, the Norcontel report, has been put into the public domain. We are still awaiting the publication of the Analysys Mason report into the operation of the MANs. It is ridiculous that we do not have the information to allow us to consider this issue adequately and determine what has gone wrong or right in order to inform our consideration of the contract. Very often one is an expert after completing a process but one really needs to be an expert in advance.

The documentation on the experience of the forerunner to the national broadband plan should seriously comprise one of the most important sets of documentation available to the Minister and Opposition. That such secrecy and obfuscation surrounds this process should be a concern in and of itself. That the Minister and his Department have pushed two court appeals - it may well have been prior to the Minister's tenure - rather than accepting the High Court judgment and a ruling of the Information Commissioner to release details of the MANs contracts

with Enet should raise eyebrows. That the Peter Smyth report is, by its author's own admission, lacking in veracity should raise concerns in its own right. That the process has found itself with only one remaining bidder should raise eyebrows. Surely a contract of this magnitude should have had competitors beating down the doors to win it, yet we are aware that major telecommunications players such as Eir and SIRO pulled out of the process. They cited governance and regulatory concerns. Do we really know what those concerns are? Have they been properly interrogated? Have we satisfied ourselves as to what governance and regulatory concerns Eir and SIRO were referring to? I do not believe we have. At my request, Eir has agreed to appear before the Committee of Public Accounts next month. SIRO has not accepted that invitation. Enet has agreed but with some significant caveats as to what it will and will not discuss.

Both the Minister and his predecessor have been saying for some time that a decision on the awarding of the national broadband plan contract is imminent. This motion is asking the Minister to assure this House and public that such an important decision is not just being taken on the basis that we are too far along a flawed process to turn back and get it right. If getting it right means a delay in the process, that is far preferable to ploughing ahead only to find ourselves a year or two down the road hand-wringing, as we are currently doing over the national children's hospital, and wondering where it all went so badly wrong in terms of costs. Bearing in mind the make-up of the consortium, there is a very high risk in regard to the ability to deliver on this broadband plan. We have got to be concerned about the costs for the end-user, and also the Exchequer, which could end up giving very large subsidies.

As I understand it, there is no comprehensive map within the Department or regulator of the networks that might already exist or the take-up of broadband within those networks. Surely it makes sense to have an audit of current capacity before ploughing ahead with anything new so we can reduce duplication and possibly cost. For example, the ESB rolled out a significant fibre-optic domestic network using EU funds. Individuals with more technical knowledge than I have told me it would not be a major job to use those networks to tack on the necessary hardware for broadband capabilities. Could the Minister comment on that? Similarly, we are aware that Bord Gáis rolled out the Aurora network and that Esat laid lines across parts of the country - for example, between Ballina and Tubbercurry. Again, this was with EU funding. Eir is currently providing fibre-optic cabling to areas it deems economically viable in terms of its bottom line. What consideration, if any, has been given to the possibility of using any, or all, of these networks, even for a partial rolling out of broadband? As I understand it, the ESB domestic fibre-optic network was established at a cost of €59 million. To date, has any discussion taken place between the ESB and the Department about the potential use of those networks?

The MANs, despite being operated by Enet, comprise a State-owned asset. Surely we must ensure that any current or future use of the infrastructure must oblige the user benefiting from the public finances to provide the service to all, regardless of the cost to the provider. Having said that, I am acutely aware of the warning given at a conference by one of the consortia. It said a genuine discussion needed to take place on rolling out broadband to the last 15% of the country in terms of economic viability. It said we needed to have an honest discussion about that. I would like to hear the possible impediments in this regard. I am sure they would have been articulated in outlining the problems with the roll-out.

Rural areas are affected but not-so-rural areas are also affected. Pockets of my constituency, which is really seen as the commuter belt area, are affected. The constituency is not exactly the most rural part of the country but it has pockets with very unreliable broadband. Therefore, it is not an exclusively rural issue. Even in this city, there are spots where broadband is not par-

ticularly good. The required service can be guaranteed only if we get this process right while we have a chance. Otherwise, we might find that a consortium of self-interested businesspeople will be given free reign to choose when and where it suits it to prioritise and how affordable it decides to make the end product. There are those who are not taking up the MANs because of affordability. I cannot emphasise this enough. I ask the Minister to address this in particular when talking about the national broadband plan and what guarantees might exist.

This motion is attempting to ensure we do not make the same mistake yet again. It is very obvious that there is a really serious problem of institutional deficiency in the oversight of capital projects. There are some areas in which we do reasonably well because there is much expertise, such as roads, but with regard to some of the other projects it is as if we are spending Monopoly money, not the people's real money. We have got to be prudent about the process; otherwise it is going to be costly and will potentially not deliver on what has been promised.

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): I thank Deputy Catherine Murphy for raising this matter. This is an important debate on a hugely important project and the Deputy recognises that. It is worth recalling that the programme for Government sets out that one of the biggest challenges facing rural Ireland is to bridge the digital divide with urban areas and remedy the situation for at least the next 25 years. This is the ambition. We need to have next-generation broadband for every household and business. This is the purpose of the national broadband plan. It is a very ambitious plan because it involves reaching 100% of houses and premises in the intervention area. A high-level broadband speed was specified, with a minimum of 30 Mbps. A high standard was expected to be set and the objective required was that the charges would be the same as those applying in urban areas. It is designed to achieve exactly what the Deputy said, which is that access to a network would be available to people in the intervention area on the same basis as it would be available to anyone else. The other feature is that this is to be delivered over a 25-year period. When we approach capital projects, we normally ask how much it will cost to lay it down and people will tell us the investment will be a certain amount. This is an entirely uncommercial area. Everything commercial was carved out and what is to be delivered here is not just to create the infrastructure but to operate it over a long period of 25 years, future-proof it and maintain it as take-up develops over the period.

What we have sought to achieve is ambitious but rural Ireland will remain marginalised if it cannot participate in the cloud-based services we will have, is not able to participate in remote services that will undoubtedly deliver, and is not able to be part of the Internet of things, which is rapidly changing the way in which people consume information and control their lives. The ambition is absolutely right and Deputy Catherine Murphy has recognised this.

The choice of competitive dialogue was also important. Deputy Catherine Murphy rightly recognises that the State came to this not with a ready-made solution designed in Adelaide Road. This was about getting the best thinking available come up with ideas to solve it. As the Deputy knows, five people did come through. Many of them made bids but, as she correctly stated, two of the bids were withdrawn and only one remains.

The Deputy is correct to state we would have preferred if more than one bidder continued through to the end of the process but because there was only one bidder, we have had to take a lot more due diligence and care about overseeing what has been submitted. The Deputy and others are critical that we are not making a quicker decision but the very fact we have had to approach this in a far more rigorous way, assessing not just the technology being put forward

but also the cost at a granular level, going right down into the cost structure to understand what is being bid for, and contesting the bid on an extremely close basis. This has been required by the fact there is only one bidder.

It is also important to remember part of the rules of the competitive dialogue was the State could only support through the competitive dialogue connections deemed not to be commercial. Originally, there was a much bigger intervention area with many more premises but Eir indicated that it believed it could roll them out commercially. It irritates some people to hear that the national broadband process resulted in the commercial sector stepping up to the plate and recognising that if it wanted to supply commercially, it had to make its move and it did so. Of the 300,000 premises, 66% are delivered and they are continuing. The fact of the process has stimulated the private sector and we now have close to 75% with high-speed broadband.

The Deputy was critical of the approach of Mr. Peter Smyth but I am of the view that he approached this with great rigour and he was the right person to do it. He understood the process from the very start.

Deputy Timmy Dooley: He understood what the Government wanted.

Deputy Richard Bruton: He was there to ensure the integrity of the process and he approached it in the right way. He looked at four tests. These were whether the Minister was privy to sensitive information, whether he took any decisions in the process that benefitted Granahan McCourt, whether he was in position to influence changes in the tender documents and, in particular, the evaluation of the submissions. In all cases, Mr. Smyth found that the Minister was not in a position to do so and his conclusions are robust. He is satisfied that neither the former Minister nor Mr. McCourt had the opportunity to influence the conduct of the tender process in favour of Granahan McCourt or otherwise. Mr. Smyth also stated that while it was a cause for concern that the meetings took place he believed the decision of the former Minister to resign - thereby removing himself from the process - insulated the process from any apparent bias created by his engagements with Mr. McCourt. This was a very strong finding from Mr. Peter Smyth. He attended the Oireachtas committee and has made himself available to explain how he reached his conclusion. I strongly believe he was the right person to do so.

Deputy Catherine Murphy referred to the MANs and how they developed. She has been critical of the decision, made before my time, to extend the contract for the first period to the second, which was envisaged during the first period. I assure her that we will learn anything that is to be learned from the MANs process and I am determined to do so. I only recently received the MANs report, which I am considering. I will publish it shortly and take whatever steps are appropriate. I will also ensure that any lessons that can be learned from the process will be learned, should the project be approved for the national broadband plan.

I assure the Deputy we have accurate mapping of those who can provide speeds at the required level. As she knows, the commercial providers have carved out their areas leaving the amber areas for which we will provide. Although the amber areas contain only 23% of the population, they cover 96% of the landmass. We have to reach an area in which customer density is 80 times less than in the areas provided for commercially. This is challenging.

The Deputy asked for an honest debate on the cost of provision. The ambition to achieve 100% reach is the right one. We should not decide we will leave some of our population behind, whereby some people will be marginalised from opportunities in health, education or other

evolving policies the State and others will develop that will require high-speed access. It is right that we aim to deliver this ambition.

I understand that people rightly want assurance. I can provide an assurance that we will not just push ahead because, to paraphrase Shakespeare, to return were more difficult than go o'er. Whatever decision is taken, it will be taken on the grounds that it is in the best interests of delivering the service with robust technology and at an appropriate cost. That is why the time is being taken to evaluate what has been submitted. I refer to ensuring the technology is robust, we can put in place the proper governance, and checks and balances are in the contract to protect the taxpayer and potential users in the future. I appreciate the Deputy's concern and I assure the House I am taking it, and the concerns I know other Deputies will express, extremely seriously so that, whatever way this decision goes, we will make the decision with the best information available to us.

An Ceann Comhairle: I thank the Minister and I call Deputy Dooley, who is sharing time with a number of colleagues.

Deputy Timmy Dooley: With the permission of the House, I intend to take ten minutes and then share the rest of my time with my colleagues.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Timmy Dooley: I welcome the opportunity to discuss this very important issue. Fianna Fáil will be supporting this motion. The Minister is aware that to this generation, broadband is what running water and electricity were to previous generations. It is of that magnitude and importance. The digital divide between urban and rural areas, and semi-urban and rural areas, is brought into stark focus daily. We have just come back to the House after the Christmas period which has given us all an opportunity to spend more time with our constituents than is normally possible.

As children were given gifts and new technologies were purchased in homes over Christmas, the difficulty associated with being unable to connect to the Internet at speeds required for people to live their lives with the kind of comforts and expectations they have come to expect became clear. I refer to students home from college preparing reports or for exams, schoolkids doing their homework and people trying to develop their small and medium enterprises in rural and semi-urban areas. They had ongoing difficulties in connecting to and communicating with the Internet because of the slow pace of this Government in rolling out broadband to any appreciable level. There is no point in even mentioning high-speed broadband.

This is something that, sadly, goes back to commitments given in 2012, principally by Fine Gael. The national broadband plan has been in gestation since then. I do not intend to bore the House by going back *ad nauseam* on all of the dates and times missed during that period. We find ourselves in a situation where, sadly, the Minister is still supporting the principle of the competitive dialogue. Notwithstanding what competitive dialogue processes have delivered in other jurisdictions and at other times, we have to accept that it is a monumental failure in the context of this project. It has left us in a situation where we have just one bidder. The Minister has rightly identified that requires him to go into the granular detail of the cost structure. That is not something he would have had to do if other bidders had remained in the bidding process. It would be useful for the Minister, if he has not done this to date, to communicate with those parties that did not remain in the process. I accept that since the Minister came to office in this

particular Department he has had many issues to deal with.

If he gets an opportunity to go back and read the PwC report which sets out the purpose of encouraging those existing players into the process, he will find that it referred to the benefits to the State of existing operators being able to leverage the infrastructure they already had. That infrastructure already in place would also benefit the taxpayer in being able to spread the costs over that network and speed up the roll out. The competitive dialogue process has, effectively, pushed out those companies. I accept that has happened for different reasons. It has, however, left us with an entity that has no experience in broadband provision. We are left now with a private finance house from Boston with some subcontractors here. I do not believe that is a good way to proceed. It is not in the interests of the State or of the people who have been waiting on the promise of high-speed broadband since 2012.

I have had the opportunity to engage with this process for quite some time. The people I have spoken to who are affected by this in rural and semi-urban areas are deeply frustrated because of the impact it is having on their lives. They do not believe anything from any side of this House at this stage. I do not think they even tune in anymore when we talk about broadband. Those people just do not believe that it is going to happen. Perhaps the strategy of some within the Minister's Government is that the longer this is played out, the more likely it is that people will be burned out and then they will make do with what they have. If that is the case, we will see the continuous erosion of life in rural Ireland.

We have to move on from what has happened. We have to get to a point where the Government commits to whatever it is going to commit to and puts in place whatever financial resources it is in a position to put behind this project. I assure the Minister that this side of the House will accept nothing less than the provision of high-speed broadband to all of the homes in rural Ireland, taking into account the plethora of technologies that can be deployed and still give the kind of speeds that are expected and necessary. I refer in particular to the last mile.

The issues which this motion raises, the delivery of the national broadband plan, the competitiveness of the project, the long-term viability of the remaining bidder and the affordability of the project, are all concerns shared on this side of the House and expressed previously. I do not propose to rehearse the timeline for how we got to this point, other than to provide my own understanding of the situation we find ourselves in within days of the award of one of the largest contracts this State has seen in modern times. The former Minister for Communications, Climate Action and Environment, Deputy Naughten, resigned. We know about that and why it happened. It was as a result of his inappropriate communication with Mr. David McCourt of Granahan McCourt, the sole remaining bidder. If Granahan McCourt's bid is not accepted there is no clear pathway to the delivery of the plan. If the bid is accepted, questions remain as to the capacity of that entity, based on its experience or lack thereof, to deliver against the exacting timelines and in an environment where the availability of contractors is questionable, based on the limited number of skilled personnel in the State and, indeed, outside of it.

Whatever plan the Minister intends to announce, therefore, it is vitally important that he is upfront and honest. It is important that he sets out from the start clear timelines as to when he expects a tender to be signed, when he expects work to begin, the rate at which work will be completed and when the final connection is to be made. That is really important and we need to see in what areas, counties and regions broadband is to be delivered within particular timescales and timelines. That will be a difficult political decision for the Minister and for the Government. We all understand that. If the Minister and the Government are at least upfront

and honest, and people know it will be quarter 4 of 2021, quarter 3 of 2022 or quarter 1 of 2025 before the project is completed, then people will accept that. They will accept that outcome if it is real, verifiable and if they can expect, based on the Minister's recommendations, that it is actually going to happen.

We do not need another fudge. We do not need soft language that gives everyone a sense of a warm feeling. That will not work anymore because people are absolutely burned out on this issue. People will accept that it is perhaps going to be longer than they had originally envisaged, so long as that is set out in clear terms. I think, however, that the issues regarding the national broadband plan date back much further than some of the issues mentioned. By the time the former Minister met with McCourt in New York, both SIRO and Eir had dropped out of the process and SSE was soon to follow. That speaks to the difficulties that existed with the competitive dialogue process. It is important that the Government takes stock of what has happened and tries to ascertain how or why it has happened in this way so that the same process is not used again.

Sadly, the Peter Smyth report skirted around the issue. He failed to accept that there was a lobbying intent by Mr. McCourt. All of those meetings, texts and phone calls did not happen because Mr. McCourt liked the former Minister, or *vice versa*, and that they needed to be having meals, dinners and texts on that basis. In the case of Mr. McCourt, in my view, he did so on the basis that he was seeking to curry favour with the Government and the former Minister. That breaches the principles set out in the guidelines for bidding for this particular project. Mr. Smyth has been complimented, but any fair-minded assessment will find that Mr. Smyth delivered what the Government wanted. When I questioned him before a committee, he made it very clear that he has never had an adverse finding in any of his audit reports. That seems bizarre. He failed to look at the basic issue of canvassing. He accepted canvassing took place at a minimum at the dinner in New York only because there were minutes taken of the meeting. He accepted, however, the assertions of the former Minister and Mr. McCourt that, on at least three occasions when they held private meetings, the national broadband plan was never discussed. While I do not want to assign any wrongdoing to any individual, it is impossible to believe no discussion took place around the national broadband plan between these two individuals when they met on at least three occasions with no officials present.

An Ceann Comhairle: Deputies Michael Moynihan, Gallagher, Rabbitte, Michael McGrath, Aylward and Murphy O'Mahony are sharing time.

Deputy Michael Moynihan: For some time, many Deputies have stated broadband is needed for rural communities to continue what is expected for normal living in 2019. Instead, we have continual changes of deadlines for plans. For example, a roll-out plan was announced before Easter 2014 which was to be completed by the autumn of that year. It never happened.

The Government has no serious intention to get to grips with the crisis in broadband service provision or to get it rolled out. Earlier the Minister quoted Shakespeare. By the time we will have broadband under this Government, this debate will be Shakespearian. We need to grasp this issue because it is of urgent importance to the communities which I represent, as well as many others.

Deputy Pat The Cope Gallagher: I acknowledge that some 65,000 households will be connected to broadband by the end of the year. However, tens of thousands of others will not be. The national broadband plan has had many false dawns, resulting in much disappointment

across rural areas.

To understand how out of the touch the Government is, during the silly season the Tánaiste and Minister for Foreign Affairs and Trade advised people in rural areas to apply for passports on the Internet. To say that to people who will not have high-speed broadband for years shows how out of touch the Government really is. Many people who could work from home should be provided with proper broadband. The Minister should speak to Eir. It provides a service but there are gaps in the fibre optic laid out on the national roads, even around clusters of houses and businesses. The Minister should see if Eir can bridge some of these gaps. Broadband must be provided by way of a comprehensive plan. While the Minister is in a honeymoon period, I believe he will do everything possible. We need answers on the national broadband plan soon. We are answerable to our electorate. It is like saying some can have electricity but others cannot. It is not rocket science. By way of a proper plan, as well as a commitment by the Government and the service provider, broadband could be made available sooner rather than later. I wish the Minister well. Will he take the lead and move on this matter where other Ministers have failed?

Deputy Anne Rabbitte: I am glad the Minister of State, Deputy Canney, is in the Chamber this evening. In Ballinakill, in east Galway, Eir is rolling out broadband. However, there will be a gap of about 1 km on either side of the village. If the Minister could engage with Eir, we could start plugging some of these gaps, providing equal coverage to all communities. The national school in Ballinakill is in that coverage gap when all other national schools in east Galway will be connected. It is unfair to the school's pupils who will not have a shared learning experience, particularly when they go on to secondary school.

When the new contract is signed, will we have a level of priority for what will happen in the first 18 months of the roll-out?

Deputy Michael McGrath: An aspect of this debate which often goes unmentioned is how some urban settlements have poor broadband provision. Some of these urban areas affected are small settlements and others are on the fringes of large settlements. In the Cork South-Central constituency, largely an urban constituency with some hinterland, places like Ballygarvan village, Fountainstown and the outskirts of Douglas have no access to high-speed broadband.

Monkstown village is a good example of the category in which many areas find themselves. On the broadband map, it is included in a dark blue area, meaning it is deemed to be commercially viable for broadband and either broadband is available or there are plans for broadband delivery. When people in Monkstown ask Eir for a status update, they are told Eir's priority is to deliver to the 300,000 homes as per the company's commitment to the Government. There is no timescale, however, for the delivery of broadband in Monkstown. We have tried to get clarity for these areas with the local authority broadband officer, Eir and the Department, as well as through parliamentary questions. We still have not a timescale and it is not good enough. The people affected are expecting delivery.

Deputy Bobby Aylward: Like my other colleagues, I have a short and simple message from rural Ireland. We need broadband and we need it now. People are frustrated, fed up and tired of the delays with the national broadband plan. Since May 2015, when I was elected, I have had representations from people living in rural communities and on the outskirts of rural towns who cannot understand why I cannot give them an update on the progress of the roll-out of broadband services. Frustration on the ground has reached boiling point.

There is also frustration among public representatives due to not having information to bring back to our constituents. When I check a constituent's postcode on the national broadband plan map and it is classified in an amber area for State subvention, I cannot offer any solution. Rural communities have been kept waiting for eight years for the roll-out of high-speed broadband by the Government. I get the sense the Government is not serious about rural communities such as those in Carlow and Kilkenny.

Broadband is not a luxury for schools, families, businesses and farmers but a necessity. If it is not delivered soon, the benefits may be lost forever as investment will not flow to rural and regional areas. Several Ministers have failed miserably to bring this crucial national project to completion. It saddens me to say that I have serious doubts about when, if ever, it will be delivered. It represents one of the greatest Government failures in living memory. When it comes to thinking big and delivering for rural Ireland, the Government falls short. We will never reopen the boarded up shopfronts, create jobs and sustain enterprise in regional towns and villages if we do not have an equal platform for broadband services in order to compete with larger cities. I have numerous examples of people ringing me who want to move back to Kilkenny from Dublin but they cannot do so because their businesses depend on high-speed broadband to which they cannot get access outside of Dublin. It is time for the Minister to get this plan up and running. It is time for no more promises, just delivery.

An Ceann Comhairle: Now for the view from west Cork from Deputy Margaret Murphy O'Mahony.

Deputy Margaret Murphy O'Mahony: The best place.

Broadband is no longer a luxury but a necessity of life, particularly for students and farmers. The only way farmers can access agricultural grants is online. Many farmers in west Cork do not have broadband, meaning they are unable to apply online.

On paper, the Cork South-West constituency is a great place to live and do business. For small and medium-sized enterprises, it offers close proximity to Cork Airport and two good third level educational facilities. I know we are discussing broadband tonight but the Minister is also in charge of regulating mobile phone coverage. The lack of these two services is a major drawback for anyone looking to set up a home or business in west Cork.

Even where cable is being laid, there seems to be a lack of consistency. I know of one case at a crossroads where one house is getting the service but the house opposite is not. The cable is not being laid for it for some reason. I have submitted several parliamentary questions to the Minister's Department recently dealing with the roll-out of broadband but I have received generic answers to specific queries and cases. Perhaps the Minister could look into it.

Deputy Brian Stanley: I move amendment No. 1:

To insert the following after "for the end-user to connect to the network":

" - a guarantee that costs will not escalate over the course of the rollout of the NBP;
and

- an alternative plan, encompassing the use of State infrastructure, is ready to be put forward in the event of the current procurement process failing."

I will be sharing time with Deputy Martin Kenny. The national broadband plan, NBP, is

supposed to connect the remaining 542,000 households and businesses requiring high-speed broadband. Taking County Laois alone, there are 12,721 houses or premises left to be serviced, while in Offaly there are 12,420 left to be serviced. There are large areas in those counties that are not covered, including Banagher, Ferbane, Daingean, Rhode, Geashill, Kilcormac and Killeigh, along with many other places in Offaly. In Laois the areas not covered include Borris-in-Ossory, Ballaghmore, Ballinakill, Clonaslee, Rosenallis, Vicarstown, Ballylynan, Graigue and Crettyard. Almost 12,000 people commute from Laois to work every day and many of them do not need to do so. They have complained to me, saying that if they had services locally, they would not have to commute.

Seven years ago, the previous Fine Gael Government promised to roll out a national broadband plan and three years ago, the current Government committed to providing broadband “to every house and business in the country by 2020.”. That commitment by this Government can never be met in the remaining 11 months to 2020. Will the process even begin by 2020, let alone finish? When will the contract be signed and when will the national broadband plan be rolled out and completed? People throughout the Twenty-six Counties are waiting. I gave the examples of Laois and Offaly but there are tens of thousands of people waiting for this.

In 2012, Sinn Féin proposed the use of State and semi-State infrastructure for this process but that suggestion was not taken up at the time. The delay arises because the Government turned to a privatised model and it is completely trapped by the process. The tender created by the Government - now with only one bidder - may also compromise future Governments and the taxpayer as costs spiral out of control over time. Will the Minister guarantee that the cost will not escalate? We are moving an amendment on that specific point. The Government has created a legal, financial and logistical nightmare. It is a mess, with a succession of delays, broken promises and inaction, and we have still not seen a shovel in the ground or a date for when the first home or business will be connected.

I have asked repeatedly, and I ask it again tonight, that if only one bidder remains in the process, and if the bidder is found incapable or unwilling to proceed, where is the plan B or where is the alternative for rural Ireland? In 2012 we proposed that the infrastructure that is already in place and State-owned should be used for the national broadband plan. In particular, we singled out the electricity infrastructure that is going to virtually every home and is being used to carry some fibre by the ESB. However, this was not considered. Along with the ESB lines was the State-owned metropolitan area network, MAN, which covers 94 towns. This has a network of fibre feeding the MAN that criss-crosses the State but again it was not considered. I can provide a map showing the cables running back and forth across the State. We have a web of fibre right across the country but the Government is trapped between two capitalist entities. Eir is privately owned, having been bought by a French millionaire, while the Granahan McCourt consortium is on the other side. Unfortunately, the taxpayer will pay the bill as it faces the prospect of subsidising the hanging of a cable on every pole. The taxpayer will have to pay a subsidy to Eir so those fibre cables can be hung on those poles. This amounts to an annual charge for our people. That will happen if the process involving the Granahan McCourt consortium is successful. Major financiers have withdrawn from the process and the current consortium is completely different from the consortium we started with. SSE Airtricity, John Laing Group plc and others have pulled out so we have the unbelievable position where the one remaining bidder is completely different from the original entity.

Two actions from the Government destroyed the national broadband plan and the cost will be borne by the taxpayer and particularly the 542,000 households and businesses still waiting

for a service. The first was to rely on private industry to connect 840,000 premises and the second was the Government allowing Eir to cherry-pick the 300,000 households that were easiest to reach and the most commercially lucrative from those 840,000 premises. This ended the hope that any other bidders would participate. The Minister might say that the ESB pulled out but it had to do that once the 300,000 most lucrative premises were taken from the process. When the Minister addressed the Dáil he said the commercial or private sector stepped up to the plate and committed to delivering a service to those 300,000 premises. Eir did not step up to the plate but rather it grabbed the 300,000 premises that were easiest to reach, saying “thanks very much” and telling us to get somebody else to provide a connection to the other 540,000 premises, with the taxpayer subsidising that effort. I told the Minister’s predecessor what would happen the day he made the announcement at a press conference in Government Buildings. I am sad to say it has come to pass.

What are the costs? We have heard figures of €1 billion and €3 billion but we have no idea of the cost and we cannot tell the people, so the taxpayer does not know either. One part of the amendment indicates that costs should not escalate over the period of rolling out broadband because only one bidder remains in the process. All of the power is in the hands of that one bidder. The Minister should not just take our word on this as Professor John FitzGerald commented on State contracts in general last year, indicating that if there is no queue of suppliers and bidders, there would be no saving for the State. There is no queue of companies waiting and the Government is trapped. The only way out of this is at a cost to the taxpayer, with continued delays for rural Ireland. The procurement process from the State was flawed and it is seriously banjaxed now. The Government has failed to outline a plan B and I ask again that it do so now. Will the Minister guarantee that the costs will not spiral out of control within the period of the plan? When will the contract be signed?

Deputy Martin Kenny: I live in rural Ireland and most people there have completely lost faith in the possibility that broadband will be delivered. It is a reality. That is not to say that many people do not have some service, as they might have broadband coming from a pylon or something that is grand during the day but when evening comes and children start doing their homework, the service goes to nothing. It is the experience of most people and they have come to expect nothing better. It is an indictment of the Government’s promises going back to 2012.

I spoke recently to a man in County Sligo who has a small business in a rural area. He is not isolated at all and is on a main road. He has been pleading for five years for broadband as it would make a huge difference to his potential to employ more people in his business. He says he may have been trying to look for Osama bin Laden as somebody in Eir or similar companies to provide a service. He found it impossible and nobody told him anything; he drew a complete blank. People are frustrated and these are the very people the Government has told us it wants to help. These people get up in the morning, work hard, create employment and do stuff but they are being let down across the length and breadth of rural Ireland. They are being let down because there was a choice between the market providing the service or the State accepting that it had a responsibility to provide a service to its people. The Government chose the market.

This goes right back to 1999, when Eircom was sold. I remember the reason given for the sale was that investment was required to provide broadband. Broadband was needed and the Government could not do it so we were going to need the big investors. Everything was going to be great, so what happened? It is a total mess. It is a lesson that needs to be learned. In almost every country in the world, when it comes to proper strategic infrastructure it takes the

state, which has the capacity to borrow money at the right level and the confidence to bring in investors to make things happen, to provide that infrastructure.

9 o'clock

The State has to kick-start it and make things happen.

In this instance, the State is failing and that must be recognised. This is a failure. If somebody steps up and states that he or she made a mess of it, people might start to believe that the Government wants to do something about it. As long as it keeps denying that there is a problem, no one will believe it has any interest in resolving that problem. In my county, Leitrim, there are just over 22,000 households, of which fewer than 11,000 will be provided for by Eir and the other companies. It will be left to the State to provide for the remainder. I have seen lines being attached to top of the Eir poles - some of them have been up there for three years - but nobody has broadband. There are significant questions to be asked about Eir and how it carries out its business. The problem is that the company was allowed to cherry-pick and it cherry-picked the spots where it was going to do this. It then ran the lines past every other house and left matters there. We need to get a grip on this. It is time for the Government to step up to the mark and admit that this has been a total cock-up from start to finish and that it is going back to the drawing board.

Deputy Sean Sherlock: The Minister was here seven weeks ago and stated that ensuring the procurement was brought to a conclusion in a fair and transparent manner was a priority for him and that he proposed to revert to Government with a recommendation. I merely wish to ask the Minister to indicate, in definitive terms, the timeline for the roll-out of the national broadband plan. Perhaps I should have inquired first as to whether it is the intention of the Government to roll out such a plan. The Minister stated that his Department is kicking the tyres on this. I imagine, therefore, that the Department of Public Expenditure and Reform is poring over every dot, line and comma in respect of the cost exposure relating to the national broadband plan. I also imagine that there are probably serious questions to be asked about the potential cost. I say all that on the basis that we are still in the dark about the final cost of the roll-out of the national broadband plan. Many questions remain. I had hoped that the Minister might be a bit more forthcoming. I recognise that there might be constraints on what he can say but, given that there is only one bidder left standing, I thought the Minister might have been a bit more forthcoming regarding information flows to the House because no more than his own office, all our offices here are inundated with testimonials from people who have a significant expectation regarding the provision of the national broadband plan and await an announcement from Government. Based on the Minister's intervention on 4 December 2018, I was given to understand that we would be near enough to an announcement, particularly at this time and allowing for some slippage over Christmas, but that has not happened. Perhaps the Minister could give us some firmer timeline as to what the Government's intentions are in that respect.

We all have testimonials from constituents. I fear for the people who will not be covered by the national broadband plan and who are not covered among the 300,000 but who are deemed to have coverage as matters stand. On 4 December 2018, the Minister indicated that 674 national schools in the State intervention would be covered by the national broadband plan. However, I have examples of situations in places such as Cobh. I will use the example of Cobh as an articulation of other towns in my constituency. When people in Rushbrook approached Eir for coverage for the school, they were informed that it could not be provided even though Eir is stating that it is providing coverage in the area. When one individual approached Open Eir on

foot of advice from ComReg, the company stated that the person was not a wholesale customer and, therefore, it could not provide the person with high-speed fibre even though such fibre is being provided in the area. I fear for those people, clubs and schools that will not be covered by the national broadband plan and that are deemed to be serviced currently but that are told by a provider when they approach it that it cannot provide them with the fibre they seek. What will become of them when the national broadband plan is announced? There is clear evidence in places such as Cobh on Great Island where Eir and other companies are providing but are not providing at an expectation that is commensurate with the times in which we live in view of the capacity that exists to provide X number of gigabits for an average household. What will happen to those people who, it could be argued, are being discriminated against because of that active market failure? I received an email from an individual who informed me that when they asked Eir, their current broadband supplier, about fibre broadband, they were told to talk to Open Eir, which will not talk to individuals because they are not wholesale customers. The person in question stated that they had been previously been with Sky and Three but that these companies are dependent on Open Eir putting down the fibre broadband and do not appear able or willing to advance the project. There are still major gaps in the market. I am not sure what role ComReg is playing in addressing the market failure that exists throughout the country regarding those areas that will not be covered by the national broadband plan.

I will wrap up my contribution this evening by asking the Minister if it is still the case that we might not have a national broadband plan on the basis of figures that may or may not have been presented to the Minister - assessments of cost that may make it too prohibitive if it runs into billions of euro - and whether that is part of the Minister's assessment that is under way in terms of kicking the tyres on the proposal before us. If a price is agreed, what is to stop Granahan McCourt from coming back and holding us all to ransom, telling us through the tender process that it is not able to roll out the plan at the cost it will agree and having us over a barrel for an additional payment? This has already happened in this State with countless numbers of projects. As a result, there are still serious questions to be answered. We support the motion.

Deputy Michael Fitzmaurice: I support the motion. I have been here for four years. This is about the 20th time we have discussed rural broadband during Private Members' business yet the circus goes on. This has supposedly been coming to rural areas since 2012. I am from a rural area. I worry about competence in respect of what is happening. I am not saying it directly to the Minister because he is not long in the job but if someone has been trying to do something for seven years and is unable to deliver, serious questions need to be asked of the people involved in the process. Do children in rural areas not deserve to have proper broadband to allow them to do their work at school or are we talking about a different Ireland? Is there a yuppie Ireland that will have everything beaming out of it and another part that does not deserve the same type of coverage? I do not and never will accept what the Minister has come out with and what previous Ministers have come out with when Eir got the contract.

Deputy Martin Kenny and I stood beside Department officials at a meeting in 2016. On that day, they told us that Eir had tried to get these 350,000 households three times. It was stated to us at that time that the company would not get them because, if it did, the good apples would be gone from the tree. That has now caused this fiasco. Whether the EU wrote to me or came to me, I could not give two damns about it. What are we going to do now? We are caught by the short and curlies because of this so-called letter that came from Europe. As usual, being good politicians, we Irish will tell the EU we will do what it says and it is the master. What this means is that a few more years have passed and rural areas right around this country are still left

without broadband. Is there a will to do this? That is the question I ask.

In fairness to Deputies Catherine Murphy and Shortall, what we need to get out of tonight is what they and every Deputy here deserve. I heard in October that there would be an announcement shortly. I heard the same in November. Every month goes by without an announcement. Let us get down to the nuts and bolts of broadband. If the Minister waits another month, we will be left in a difficult situation. Anyone who knows how broadband wires work knows that hedges must be cut. The hedge-cutting season will be over at the end of March so it will be another budget before this work must be allowed for. The way this is going on is totally wrong. The Minister should come clean one way or the other. If he is not fit to deliver rural broadband, it is time for everyone in this Dáil to do something. We will win the vote on Thursday but what will it do? It will do nothing. There will be a feel-good factor. What will it do to the Government, however? The time is coming when politicians will have to either deliver or get out of office.

Deputy Carol Nolan: The delays to the roll-out of a reliable and sustainable national broadband service have had a serious and unacceptable impact on rural regions like the midlands. The potential for job creation in this region has been curtailed and hampered as a result of the ongoing and unacceptable delays in providing a basic but vital service. This is particularly concerning given that a few short months ago the unemployment rate in the midlands region, at 8%, was higher than the national average of 5%. The absence of high-speed broadband, or even basic broadband for that matter, in many towns and villages in the rural counties of Laois and Offaly is putting both counties at a significant disadvantage which is directly affecting businesses, farming families and schools.

This ongoing issue, which requires a resolution, is yet another fine example of this Government's neglect of rural Ireland. People in rural areas have once again been let down by a disconnected Government that does not represent them. A recent report in the media on the effects of the absence of broadband in rural Ireland highlighted the personal experience of a lady living in a rural region who stated that her job depended on being able to stay connected to high-speed broadband for eight and a half hours every day. The lady stated that she fears losing her job because the broadband speeds are not fast enough. She went on to say:

I'm sure my employer will pull me up any day now to explain the gaps in my availability. I have meetings with my managers over Skype video calls, and my 'broadband' cannot keep up. I have another one next week and I'm dreading it.

I'm at my wits end, I left my other job to do this one, and now I fear I will be let go because of my broadband. It's an awful thing to fear losing your job all because you live in [a rural area].

This is just one of the many examples of the personal cost of this ongoing debacle to people living in rural Ireland.

With regard to the serious impact on businesses, a survey carried out by an online accounting firm showed that an overwhelming 96% of owners and managers of small and medium enterprises feel that rural businesses are at a competitive disadvantage due to inadequate and poor quality broadband. The survey of more than 250 SME owners and managers found that 56% believe that, when it comes to information technology, broadband is the single biggest challenge they face. The ongoing absence of basic infrastructure is also affecting farming families and schools. What people in rural Ireland want from the Minister is high-speed action to ensure

that rural regions are provided with the basic infrastructure of high-speed broadband.

Deputy Michael Harty: The national broadband plan and the failure to roll it out is a matter of deep concern to my constituents in County Clare, as it is to those in many other constituencies, not least that of the Minister of State, Deputy Canney, in Galway. He understands the issue as well as everybody else. It is another example of Government promising but not delivering on major infrastructural projects. This erodes confidence in the Government's ability to do so. There is deep frustration in regional and rural Ireland not just among people living at the end of the line, but among people living in our county towns and villages and urban areas who cannot access high-speed broadband.

The failure to deliver high-speed broadband inhibits balanced regional development. It drives people from our regions into our congested cities and towns, where it is increasingly unaffordable to live. Broadband is not an optional extra but basic infrastructure that is necessary for prosperity, commercial activity and education.

The decision to carve off the 300,000 easiest connections from the national broadband plan and award them to Eir was the catalyst for Eir and SIRO deciding to withdraw from the tender process for the remaining 540,000 connections in the national broadband plan. SIRO and Eir deemed the remaining connections to be commercially non-viable. This decision was a strategic mistake which resulted in only one bidder headed by Granahan McCourt remaining. With only one bidder in place, this process cannot be deemed to be competitive. The composition of this bidder has changed substantially since its initial formation. In addition, there is considerable uncertainty as to whether this bidder can deliver. I believe Deputy Naughten's greatest failing was his enthusiasm to progress the project rather than any attempt to influence procurement and tendering.

Must we wait an interminable period of time for decision on whether the Minister will have to go back to the drawing board or continue with this process? What is the timeline for his decision in this matter?

Deputy Michael Collins: I will start by citing an article from the website, *thejournal.ie*.

Ireland really is in the dark ages, and rural Ireland even further behind that. No transportation links, no garda stations, terrible roads, [now no post offices and no pubs but, in particular] no broadband. All because of where you live. Rural people are forgotten about, because we obviously don't matter.

It saddens me to the core to read a statement like that, but it could not be more true for the people of rural Ireland. I once lived in the hope that broadband would be rolled out for everyone in Ireland, including in rural areas. The longer I wait, however, the more concerned I get. Will it ever happen? The people of rural Ireland have been let down with broken promise after broken promise by this Government and previous Governments. Broadband is a necessity in rural areas. People in towns and villages have come to me in utter despair because they cannot run their businesses without broadband. People who work from home have contacted me because they have no option but to change jobs because the Internet reception in their area is shocking.

Let us not forget that broadband is an important resource for schools, private homes and other organisations. Without broadband, expensive equipment such as interactive whiteboards bought by primary schools is undermined. Efforts by Age Action to promote computer literacy

among the elderly are thwarted. The Irish Rural Network estimates that up to 10,000 jobs are being lost in rural areas every year because broadband services are poor or completely absent. The haemorrhaging has to stop. Rural areas in Ireland rank among the worst served regions of Europe with regard to broadband. As the Minister knows, rural broadband is no longer a luxury but an economic necessity. That has been said many times tonight.

Deputies have spoken about rural isolation. This Government has much to answer for in respect of rural isolation because the lack of broadband in rural Ireland is exacerbating the problem. Since 2004, there have been four Government initiatives to improve broadband, all of which have worked up to a point. Major problems remain, however. Some areas of west Cork have never had a broadband service. In areas such as Ballylickey, Connonagh and Leap, and even in some parts of Ballinadee, there is still no broadband service. There is a housing estate in Inis Órga in Bandon in which every third house does not have broadband. It is incredible that they could not get it right in a housing estate. I have concerns about Eir taking the rich pickings. If it keeps picking off the areas with larger populations, with the support of this Government, many private operators may well pull the plug. That is when the nightmare will start in this country. Has the Minister met with the private operators? If the Minister is not talking to these private operators we could be faced with a far bigger problem than we imagine going forward.

Deputy Mattie McGrath: I compliment the Ceann Comhairle, the Clerk of the Dáil, Peter Finnegan, and all who were involved with the wonderful occasion, ocáid speisialta a bhí ann, for the celebration of 100 years of Dáil Éireann. It saddens me tonight to stand here to say that we have no broadband in rural areas, and no sign of it due to the Minister's ineptitude and inexperience and the uncaring attitude to the people of rural Ireland. It is an appalling vista 100 years on from those brave and noble men and women, many of whom gave their lives, and who worked so tirelessly to build up the Republic. The Government has turned it into nothing short of a banana republic, and it is a long and twisted banana.

Earlier I listened to Deputy Dooley refer to broadband commitments being made since 2012. I was in the Fianna Fáil Party from 2007 until 2012 and I can tell this House that it was announced many times in that period also. The public is tired, weary and sick of the Government's shenanigans. The national children's hospital fiasco will cost €2 billion and it is on the wrong site, all because of medical politics. It stinks to high heaven. The late great Canon Hayes rolled out rural electrification back in the 1950s. Why does the Government not give the project to the ESB and cut out all the shenanigans?

I am a small businessman and I tender for work, as do my colleagues here. We cannot have a tender process with one person. It just does not happen and the ordinary man in the street knows this. Will the Minister please ask the ESB to do this?

With regard to the changes in legislation, I understand some changes have been made already. The ESB rolls out wires and cables and it has a connection to every house. During storms, whether it be Storm Emma, storm Ceann Comhairle or whatever one wants to call it, the ESB teams are out and have things fixed within hours or days.

There are houses in villages and towns in Tipperary, from Monard to Nenagh, Ballyporeen to Moneygall, Ahenny to Soloheadbeg, where our noble men fired the first shots in the War of Independence, Newcastle to Nenagh and Kilcornan to Hollyford, that all have no broadband. People cannot operate. Students have to do the CAO applications for their courses and try to study for their courses. They are being hugely discriminated against compared to the people in

this city and elsewhere. Farmers also have to fill out application forms, which are computerised, or else they cannot get grants. However, if they cannot apply, it is their loss.

It is time the Minister copped on and paid some respect to na daoine de chuid na tuaithe. The people of rural Ireland are entitled to a modicum of respect. I go to Medjugorje once a year, which is in an impoverished country with a poor economy but it has broadband along with water and other facilities. It is a very poor place and yet this is supposed to be among the wealthiest countries where people treat themselves every day. The Government should be ashamed of itself. The sooner it gets the hell out of the place, the better in order to let someone else in who can govern. It is a disgrace.

Deputy Danny Healy-Rae: I am glad to get the opportunity to speak tonight on this very important matter. It is about connectivity and people in rural and, indeed, in urban areas. Much has been said about rural Ireland but we must realise that within half a mile of the great Killarney town, there are many places that do not have broadband. This spells out what is wrong. There are pockets that have been left behind. If one was mowing a field of hay, one would start at one side and keep working around it until one finished at the middle point of the field. That is not happening with broadband provision. Pockets are being left behind and it is driving people absolutely crazy. Their neighbours have it but they have no idea when they will get it. That is wrong and no one can understand it. It needs to be explained. We talk of broadband roll out but we would have every field in Ireland rolled if we had the roller behind the tractor.

Things have happened that have delayed the process but it is not good enough. There are other elements that come into play. The Revenue Commissioners are demanding that certain things be done online and farmers have to make certain applications online. That is the law and these are the rules that these honest, good and hardworking people have to abide by. Nobody realises that in places, such as Lorrach, Sneem, Glencar or the Black Valley, and in many other places, the only line they have is the clothes line in the back yard. These laws and regulations are affecting honest, good people. The Government is responsible for letting those things happen on top of not providing the broadband. It is a double whammy for these people.

The connectivity of our mobile phone service is getting worse; it is not improving. If one was to travel a mile down any of the three roads from the Farranfore Airport, the only airport in Kerry, of which we are very proud, there is no mobile phone coverage. That is the truth and for people coming into the country, it is a disaster.

An Ceann Comhairle: Can the Minister of State, Deputy Canney, supply more than a clothes line to the people of rural Ireland?

Minister of State at the Department of Communications, Climate Action and Environment (Deputy Seán Canney): Having listened to the debate, it is very clear how passionate Deputies are about broadband, be it in rural Ireland or elsewhere. There is a lack of broadband and we all understand that. There is a determination, shared by everyone in the House, to try to get the access to high-speed broadband for everybody.

Reference was made to those people who were refused or delayed a service because they are in the blue area. If the people who have that problem give the Department the Eircode for the houses, we can get it checked out for them.

I thank the Members who have contributed to the debate on this matter of national importance. As the Deputies pointed out in the motion, it will need to be a reliable and sustainable

network. The national broadband plan network will provide that reliability and sustainability both in its initial years and for the future as it will be future-proofed to deal with future demand and technological advancements. As the Minister has outlined, affordability for end users remains a central requirement.

The national broadband plan has been a catalyst in encouraging investment in the telecoms sector. In 2012, fewer than 700,000, or 30% of all 2.3 million premises, had access to high-speed broadband. When this Government came to office, this had risen to 52%.

Deputy Michael Fitzmaurice: It was a private company that did that, not the Government.

Deputy Seán Canney: By the third quarter of 2018, 73% of premises could access high-speed broadband and the roll-out of the national broadband plan will bring this to 100%. This will help to establish Ireland as a digital world leader.

In addition to the national broadband plan, the mobile phone and broadband task force has been working with key stakeholders since 2016 to alleviate some of the telecommunications coverage issues across the State. The Department of Communications, Climate Action and Environment and the Department of Rural and Community Development are working together to support the work of the implementation group that oversees the implementation of the actions and comprises all key stakeholders responsible for delivery. I chair this group and it publishes quarterly progress reports as well as an annual implementation review report. Some of the task force's key achievements to date include the establishment of a broadband officer in every local authority and the updating of planning exemptions for telecoms infrastructure. The task force has also collaborated with local authorities and mobile operators to identify the issues associated with blackspots and identify infrastructure that could potentially be used to provide additional coverage on an economic basis.

In addressing the points raised in today's motion, the Minister has highlighted the rigorous scrutiny that has been applied to the long-term viability of the national broadband plan bidder and its ability to deliver on the project, and that there are also contractual safeguards that will be in place.

With regard to the points made on the absence of competition, the Minister has outlined the analysis and benchmarking that is being carried out. It was also confirmed that key national broadband plan procurement documents would be published and separately, that the Analysys Mason report in relation to the metropolitan area networks will be published in the coming weeks. The Minister has outlined that the priority of the Department and Government is to bring the national broadband plan procurement process to a fair and impartial conclusion and updates will continue to be provided to this House as the matter progresses in the coming weeks.

Deputy Catherine Murphy: I thank all of those who contributed to this debate.

The first issue the Minister raised in his contributions in response to my opening statement was the Peter Smyth investigation. He was satisfied with it, and outlined the reasons for that. However, it was not measured against the NBP communications protocol. Indeed, it seems that the protocol was ignored. The protocol is clear. It sets down the rules, and outlines the matters that have to be complied with. On canvassing, it states:

The following prohibition on canvassing applies and is detailed in section 13.9 of the Project Information Memorandum which states;

“Direct or indirect canvassing by any Bidder, Consortium Member, Bidder Member or their suppliers or advisers in relation to the Project or the Procurement or any attempt to obtain information from any of the agents or employees of the Department, its political representatives or its appointed advisers concerning another Bidder or a Solution or Final Tender or the Procurement is prohibited.

Bidders must not offer, give or agree to give to any member of the Department (or its advisers or evaluation team) any gift, or consideration of any kind as an inducement or reward in relation to the obtaining or execution of any Contract. “Any breach of this section will entitle the Department to immediately disqualify the bidder concerned from the Procurement and/or cancel and terminate the Contract...”.

The rules governing the relationship are pretty clear. The Minister went on to quote from Mr. Smyth’s report, specifically a passage concerning the fact that the Minister deciding to resign was an important aspect to all of this. I was in this Chamber that day, when Deputy Naughten came in to address us. We waited for him and thought he would go through some of the detail and respond to some of the concerns we had. It was very clear that the Deputy resigned reluctantly and that it was on foot of a loss of confidence by the Taoiseach in him. This was not a matter of the Deputy deciding to resign to preserve a process. We should not seek to rewrite history. Mr. Smyth was the process auditor, and had the responsibility to ensure the process worked as it was laid out. It did not work. It is not credible to call the Smyth report robust; it was not.

Returning to the issue relating to MANs, they were put in place to ensure that everyone within those areas would be in a position to use them in a cost-efficient way. However, there is anecdotal evidence from people in the industry that usage numbers are relatively small and, in some towns, they are barely being used at all. This has as much to do with penetration as the roll-out of the MANs contract. It shows the importance of having the information in advance of any tender being awarded under the NBP. We need information on what is and what is not working. I welcome the fact that the Analysys Mason report will be published in the coming weeks. I hope it will be published before any tender is awarded. The appeal to the appeals court will be moot if the information produced in the report is suppressed by virtue of the fact that the Department has not decided to adhere to what the Information Commissioner said. Will the Minister consider stopping that appeal on the basis that this information should be in the public domain, and could be in the public domain in the form of the Analysys Mason report? The information in that report will be gathered from the same source.

We discussed the other providers, including BT. It was entirely unhappy with the process. I understand that it is a competitor, but we are talking about key players in the market, and it knows the market well. It should not be ignored. It does not appear that the Department took the concerns of BT on board when considering the extension of the MANs contract. BT stated in its letter that operators have the right to enter the competitive national leased lines market, but that it would have serious concerns if Enet was to leverage the MANs regional state aid into the competitive national market. It further stated that it was seeking to ensure that Enet traded its MANs dark fibre on a transparent and non-discriminatory wholesale basis to other parties on the same terms, conditions and prices that it sold to itself and that this would mitigate against Enet giving itself preferential treatment. The company also questioned whether state aid approval allows Enet to sell to itself since it is stated specifically that Enet cannot act as a retail service provider. This is despite the fact that it owns an associated company, Airspeed, which sells on the retail market. BT expressed valid concerns, yet the analysis was that the process

was working fine.

When Eir withdrew from the bidding process for the NBP, the company stated that it had worked through the formal dialogue channels to try to ensure that the plan not only delivered on the policy objective of providing high-speed broadband throughout Ireland but did so in an efficient and cost-effective manner. Based upon the significant commercial issues and complexity within the tender process, together with the growing uncertainty on a range of regulatory and pricing issues residing outside the NBP process, the company board decided that the risks were too great. I would like a much clearer understanding of what Eir meant by that. These people had the technical expertise to deliver the plan, unlike the consortium in place at the moment. The consortium certainly has the financial wherewithal, but does it have the technical wherewithal?

I can understand the frustration people are feeling about the delay. I am not pressing the Minister to make a quick decision, but rather the correct decision. This project has the potential to come back and bite us in respect of both delivery and price. I do not believe the costs that could be associated with a subsidy, which would have to be paid to ensure this is rolled out to every household and which is the ambition of the plan, are at all clear. It may be that the roll-out will be available to every house, but the penetration may not be as good as it needs to be. It may be low if it is prohibitively expensive. It is clear that in areas served by MANs, a sizeable number of people are not taking it up. I presume that is due to the cost in many cases. We need to know the kind of expectation for the subsidy that will be paid because of the amount that is being talked about. There are wide variations, but amounts of €500 million to €3 billion are in the range of money that is being talked about. It is important that far more information is made available to us. I am keen to stress the importance of getting this right. It may well be a case of more haste and less speed if we have to come back and review something a year or two from now or if the right people are not in place with the right technical expertise to deliver the broadband.

An Ceann Comhairle: I thank the Deputy. That concludes the debate. The Sinn Féin Party, through Deputy Stanley, has tabled an amendment and the amendment has been moved. How stands the amendment?

Deputy Brian Stanley: I am pressing the amendment.

Amendment agreed to.

Motion, as amended, agreed to.

The Dáil adjourned at 9.40 p.m. until 10.30 a.m. on Wednesday, 23 January 2019.