



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Céadaoin, 13 Feabhra 2019

Wednesday, 13 February 2019

Chuaigh an Leas-Cheann Comhairle i gceannas ar 10.30 a.m.

Paidir.

Prayer.

Ceisteanna - Questions

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Childcare Services Regulation

29. **Deputy Anne Rabbitte** asked the Minister for Children and Youth Affairs if her attention has been drawn to the implications the new after-school care regulations will have for schools and childcare providers; and her views on whether sufficient consultation was conducted with the affected groups. [7238/19]

Deputy Anne Rabbitte: I ask the Minister about the status of the affordable childcare scheme and if she will make a statement on the matter.

Deputy Katherine Zappone: Is that the first question, No. 29? That is a different question.

Deputy Anne Rabbitte: I am sorry; my apologies.

Deputy Katherine Zappone: That is all right. The Deputy will be asking that question later.

Deputy Anne Rabbitte: I ask the Minister if her attention has been drawn to the implications the new after-school care regulations will have for schools and childcare providers; and her views on whether sufficient consultation was conducted with the affected groups.

Minister for Children and Youth Affairs (Deputy Katherine Zappone): I signed important new regulations recently which will come into force on 18 February. These will enable

school-age childcare services to register with Tusla in time to take part in the affordable childcare scheme when it opens later this year. The scheme will make school-age childcare more affordable for many parents. The regulation of school-age childcare is an important measure to secure children's health, safety and welfare. The affordable childcare scheme will only be available to services that are registered with Tusla, a critical quality assurance measure associated with the provision of State funding.

I am conscious of the impact that the regulations will have on providers, and I have made provisions accordingly. With regard to registration, existing services will have six months in which to apply for registration with Tusla if they are also registered as preschool services. Existing services that only provide school-age childcare will have three months in which to apply for registration with Tusla. A person who proposes to set up a new service will be required to apply for registration at least three months before commencing the service.

The regulations, including the minimum ratio requirement of one adult to 12 children, were developed following the advice of the school age childcare standards working group, which in 2018 submitted proposals for school-age childcare standards. Membership of the group included representatives from across the school-age childcare sector. In developing its proposals, the working group reviewed international evidence and practice. It was reconvened for a further meeting with officials in September 2018, during drafting of the regulations, for consultation specifically on the adult-child ratio and outdoor space requirements.

I acknowledge that some services may require additional time to adjust to the minimum ratio of one adult to 12 children. Officials in my Department have had discussions on this issue recently with a number of sector representatives. As a result of these consultations, I have decided to extend the commencement date of the minimum ratio requirements by six months. I acknowledge the Deputy's representations in this regard.

Deputy Anne Rabbitte: I thank the Minister. I am starting from the position that I am not opposed to the measures to increase the quality of childcare. I have been speaking for a long time about the lack of legislation and regulation in respect of the after-school sector. I am hesitant about the quick delivery of the ratio of 1:12 because some of the services may not have been working within the terms of that regulation. It will also take time to list and register the services. Will we have enough staff within Tusla to facilitate the applications which will come in? How are we going to monitor adherence to statements of purpose and function, complaints policies, policies on the administration of medication, policies on infection control, policies on managing behaviour, fire safety, child safeguarding statements, safety statements, and all of the regulations to which we expect adherence? How will we ensure that adherence is inspected? Do we have the staff to do that?

Deputy Katherine Zappone: On the issue of when the adult-child ratio I have identified will commence and whether services will have time to prepare for the transition - the first issue raised by the Deputy - services will be given until 18 August to become fully compliant with these specific requirements, irrespective of the date on which they register with Tusla. As stated, I have now signed the necessary regulations. Furthermore, public consultation is planned for this summer in advance of the development of a fuller set of regulations - the Deputy knows that we will be developing these. They will replace the initial regulations and will cover additional quality objectives.

The Deputy also raised the question of whether Tusla will be ready for this. My understand-

ing is that it will be, and has been, preparing in that regard. Obviously it has taken a while to develop these regulations. Many people have been consulted. That is all part of the preparation.

Deputy Anne Rabbitte: I also wish to query the role of the city and county childcare committees in the delivery of these regulations. Are they getting extra resources to ensure that all of those who decide to register and become compliant with the required policies and procedures will be able to do so? Will a standard template be rolled out to all after-school services to support them and to ensure that everybody hits the same benchmark at the same time and that everybody is on song by 18 August? Will the Minister be seeking feedback from the providers and the parents as to what they believe is a sufficient ratio? I know the ratio has been set at 1:12, but children in second and third class will be leaving a setting in which the ratio is 1:26 or 1:30 and going into a setting where the ratio is 1:12. I am sure we will need to get feedback in that regard.

Deputy Katherine Zappone: These are really good questions. I acknowledge the Deputy's interest and representation in this regard. It really helps us do the work we do. Her first question, which had regard to county and city childcare committees, is an excellent one. As the Deputy knows, the change we are bringing in for school-age childcare providers is significant. The Deputy is also aware that, as I have indicated, this has been a long time coming. Research has been carried out and it has been consulted as part of the work of the working group. The report has come out and on the basis of that report, I have made my decisions. I have continued to listen to the sector and I have made some changes recently in that regard.

It is the job of the county and city childcare committees to support providers in the work they do. They would of course be aware of these matters. In other words, there is a long lead-in time. This is what they should be doing and I expect it is what they will be doing.

The Deputy asked about feedback. As we progress to a comprehensive set of regulations, I expect and hope the question around the ratios will be integral to that aspect of it.

Child and Family Agency Policy

30. **Deputy Denise Mitchell** asked the Minister for Children and Youth Affairs if she is satisfied that robust systems are in place within Tusla to ensure child protection concerns are dealt with appropriately and suspected abuse is notified to An Garda Síochána in a timely manner; and if she will make a statement on the matter. [6784/19]

Deputy Denise Mitchell: Is the Minister for Children and Youth Affairs satisfied that robust systems are in place within Tusla to ensure child protection concerns are dealt with appropriately and that suspected abuse is notified to An Garda Síochána in a timely manner? Will the Minister make a statement on the matter?

Deputy Katherine Zappone: The Deputy asks a very important question with regard to the robust systems within Tusla. I will answer the question in two parts. The first part relates to the matter of the appropriate handling of child protection concerns and the second part relates to notifications by Tusla to An Garda Síochána.

Up to the end of November 2018 provisional figures from Tusla show that there were almost 53,000 child welfare and protection referrals. The majority of concerns received by Tusla were

made to local offices or by mandated reporters through its web portal. Tusla has assured me that all referrals are screened and those appropriate to social work services are subject to a preliminary inquiry. Many referrals require a welfare rather than a child protection response and are referred onto appropriate services. Following an initial assessment, a social work intervention may be required. Tusla has developed a child welfare and protection strategy to deepen and strengthen the screening, preliminary inquiries and initial assessments through increased supports and the roll-out, for the first time, of a national approach to practice. The strategy is called Signs of Safety. The effectiveness of these practices and systems is monitored through independent inspections by HIQA and by Tusla's quality assurance processes. My Department also monitors Tusla performance and progress on improvements against monthly activity returns and oversight of the implementation of recommendations from independent bodies.

Clear procedures are in place for notifying An Garda Síochána but the Deputy will be aware that not every referral will require a notification to the Garda. The Children First joint working protocol between Tusla and An Garda Síochána was published to reflect the provisions in the Children First Act 2015. The protocol covers the respective responsibilities of the agencies in key areas, including notification of suspected abuse. The protocol emphasises that when a social worker suspects that a child has been or is being physically or sexually abused or wilfully neglected, An Garda Síochána must be formally notified without delay and it sets out the notification procedures to be followed. This joint working protocol is in place.

Deputy Denise Mitchell: What prompted me to ask this question was the recent HIQA report on child protection services operated by Tusla in Dublin South-Central. The report found an absence of effective communication with regard to management, poor oversight of social work practices and that the appropriate measures were not consistently taken by social workers to protect children. I imagine we can all agree that is deeply concerning.

Is the Minister satisfied with the roll-out of the new integrated childcare system? This report indicates there are gaps in the records on the system and that the staff were not routinely inputting information. Is this situation down to the staffing crisis within Tusla?

Deputy Katherine Zappone: Of course I am aware of that report. The report is deeply concerning. As Deputy Mitchell has indicated, some of the key issues in the findings of the report have to do with staffing. The issues identified specifically in terms of staffing have been corrected. A senior social worker practitioner has been assigned. More people have been brought to that setting. However, it is the case, unfortunately, that there are some areas throughout the country where the issue of staffing is acute and as a consequence it is possible for a practice not to be implemented in an appropriate manner. That is the case in that regard.

I understand why Deputy Mitchell is asking the question. My understanding is that only a few regions still have acute difficulties and that those are being attended to by Tusla.

Deputy Denise Mitchell: As the Minister is aware, this morning HIQA representatives are before the Joint Committee on Children and Youth Affairs. They have given a concerning presentation. One thing they have talked about is the retention and recruitment of social workers. They have talked about best practice in other countries. One of the suggestions is that we could employ social work assistants to help social workers in and around the administrative work. The idea is that this would free up social workers so that they can spend more time directly on the job they are doing, which is helping families and children. Is the Minister examining this system? There are major concerns, especially around the report from HIQA on Dublin South-

Central. Did the Minister speak to Tusla about this report? Can she tell the House what Tusla said to her about the report? It was a damning report.

Deputy Katherine Zappone: I am aware that HIQA representatives are before the committee. I was able to watch some of the proceedings before coming to the Chamber. Deputy Mitchell asked a question about bringing into an organisation additional administrative staff to free up social workers to do their job. That is part of the plan. I have also noted that Ms Mary Dunnion acknowledged the welcome increase in the recruitment of administrative staff, and that that will help.

A second point was noted by Ms Dunnion. I am aware of and have requested sight as soon as possible of the workforce strategy that has been in development with regard to Tusla for some time. My understanding is that the board has received a draft copy and it will be furnishing this to me as soon as the board is satisfied with it. This critical aspect will assist in terms of recruitment and retention.

Several other aspects of the recommendations of the report are being acted on. I wish to make another point. It has to do with working with third level institutions to look at the numbers of places of social workers and training. That work has begun with my Department as well.

Affordable Childcare Scheme Implementation

31. **Deputy Anne Rabbitte** asked the Minister for Children and Youth Affairs to outline the status of the implementation of the affordable childcare scheme. [7239/19]

Deputy Anne Rabbitte: Will the Minister for Children and Youth Affairs outline the status of the implementation of the affordable childcare scheme?

Deputy Katherine Zappone: I am pleased to report positive progress in the development of the affordable childcare scheme and to confirm our plans for the scheme to launch this October, with payments flowing from November.

The launch of the scheme will alter the landscape of childcare in Ireland. It will provide financial support for parents, establish a sustainable platform for investment in the childcare sector for decades to come and, crucially, it will allow us to continue to invest in giving our children the best start in life. Following the enactment of the Childcare Support Act last July, detailed secondary legislation and policy guidelines are being finalised. Our information technology development contractor is working with officials from the Department and Pobal to develop the scheme's supporting IT system to ensure it will be available on schedule.

In December I signed regulations that will provide, for the first time, for the registration of school-age childcare services with Tusla – a matter we have been discussing - and these regulations will come into force on 18 February. This means that school-age childcare services will be able to participate in the scheme from the beginning.

An information campaign for parents and the public on the affordable childcare scheme will commence next month. This will run alongside comprehensive training and information supports for childcare providers and other key stakeholders to ensure that everyone has the opportunity to be well prepared in advance of the scheme's launch.

Under measures included in budget 2019, I was delighted to have been able to further enhance the scheme by raising the upper and lower thresholds for income-related subsidies. These increases will poverty-proof the scheme for families on lower incomes; allow more families with higher incomes to access subsidies under the scheme; and ensure that an even greater number of families overall will now benefit from the scheme once it is launched.

In designing the scheme we have been very careful to listen to the views of parents and providers so that we can deliver the most user-friendly system that is possible. To this end, we have had significant engagement with consultative and focus groups, which comprise parents, providers and others, so that we design and develop the scheme with users in mind.

Deputy Anne Rabbitte: This issue has been a priority for me for a long time because 35% of the income of families is spent on childcare. With the ever increasing cost of electricity and the cost of running a household, that 35% is absolutely astronomical. I am glad to hear about the launch of the awareness campaign, which will let people know what is expected when they want to sign up to this scheme. That is to be welcomed. However, one has to have a *mygov.ie* account, and the uptake of those accounts, as I understand it, has been slack; only 200,000 people have registered. It should be a big part of the Minister's campaign. We have to get people to understand that there is no point in looking for a *mygov.ie* account when enrolling on the scheme because it will be swamped and it takes a couple of weeks to get up and running. Will that be a part of the campaign?

Deputy Katherine Zappone: The Deputy has asked two questions. Affordability is an integral aspect of what we have been developing. I am aware of the fact that parents are still struggling, and that is why we have made a continuing commitment to increasing the investment over a period of time. The additional €89 million provided this year will support the continued delivery of the childcare schemes and supports. As I have indicated, the significant increase in the scheme's maximum net income threshold, from €47,000 to €60,000 per annum, means that an estimated 7,500 children will benefit. That is a key aspect of the scheme. I could say more about that.

I am glad the Deputy raised the question of *mygov.ie*. It is absolutely crucial and will be an integral aspect of the information campaign. It is one of the reasons we are bringing it forward. People will need to be registered, and they might not be aware of that. It will be a key aspect of the information campaign, and it will important that representatives support us in letting their constituents know that it is an integral aspect.

Deputy Anne Rabbitte: How successful has the pilot of the project been to date? The ICT has been rolled out, and I assume we are trying it in a number of different areas around the country. How is the broadband issue feeding into that? Is it a factor? It is a concern for people in rural areas. How are the checks and balances and key performance indicators, KPIs, of the pilot working out? Is the project on target from a costs point of view? Has the ICT programme come in on budget? If so, by what percentage is it within its budget?

Deputy Katherine Zappone: I understand that the piloting is continuing and is being supported. We are learning a lot about the scheme, which informs my belief it is on target and will be delivered on time. I can assure the Deputy of that.

On broadband, I will have to consult with the Minister for Communications, Climate Action and Environment because I do not have the answer to that question. We are rolling out the pilot

scheme, but I will get back to the Deputy about the broadband issue.

On costs, I do not have any information that suggests the scheme is not within budget. I am sure I would hear about it if it was not. There has been much exchange in the last couple of years around the IT system and its development. I appreciate the Deputy's questions and concerns, but I feel that we can say with confidence at this stage that we are on target and within budget.

Children and Family Services Provision

32. Deputy Richard Boyd Barrett asked the Minister for Children and Youth Affairs if her attention has been drawn to the fact that there are no assurances of the necessary funding which makes it likely that a service (details supplied) will have to close by April 2019 with the loss of six jobs and numerous clients; and if she will make a statement on the matter. [7149/19]

Deputy Richard Boyd Barrett: The Minister is very familiar with this case; I asked her about it several times since the middle of last year. I asked that she would do what she could to secure the necessary funding to avert what is now the imminent closure of the Cottage Home family support service in Shankill, which provides vital intervention and support services for vulnerable families and children to keep them out of residential care and foster care. It only needs €400,000, but it appears that Tusla is saying that it does not have the money. I really do not understand how it cannot secure that money in order to secure the future of the service.

Deputy Katherine Zappone: I agree with the Deputy that this organisation provides valuable services to children and families in the south Dublin area. The Deputy previously tabled questions in relation to this service. Since that time, I have met with the Minister for Transport, Tourism and Sport, Deputy Ross, representatives from the Cottage Home and representatives from Tusla, the Child and Family Agency. At this meeting, all stakeholders were provided with the opportunity to express their concerns. I subsequently raised the issue of the future funding of the Cottage Home with Tusla. I wrote to Tusla requesting clarification on budgetary projections for spending on family support services in the Dublin south and south-east Wicklow areas, and any shortfalls in Tusla's budget which would hinder it from meeting identified needs.

Tusla has informed me that it does not have any additional funding to support this service. The Cottage Home is located in the Tusla Dublin south-Dublin and south-east Wicklow area. Tusla has fully committed its funds for family support services in this area. As a result, there is no budget available to fund the Cottage Home family support service, which has never received funding from Tusla. However, Tusla funds the residential service run by this organisation. In 2018, Tusla funding to the Cottage Home's residential service came to a total of €1.6 million.

Tusla has advised that it is currently compiling a commissioning plan for services in the area. Tusla's commissioning approach involves looking at the priority needs within each area to ensure that all resources allocated will enable Tusla to achieve the best possible outcomes for children. Tusla's overall aim, as cited in its commissioning strategy, is to ensure total resources are used: "In the most beneficial, effective, efficient, equitable, proportionate and sustainable manner in order to improve outcomes for children".

Tusla has planned a stakeholder event as part of its commissioning process in Dublin south and Dublin south-east Wicklow planned for the coming weeks. It has informed me that it will

invite the Cottage Home to be involved in the process.

Tusla has examined a number of options to source funding for this service while maintaining existing funded services, but has been unsuccessful to date. Should the service have to close, Tusla will work with the Cottage Home to ensure it can provide the required alternative services to children and families.

Deputy Richard Boyd Barrett: I do not doubt that the Minister has tried, but I just do not understand this. Hundreds of millions of euro have been wasted on the national children's hospital, and we are looking for €400,000 to keep a service that we know works. It provides support for 50 vulnerable families and their children, which saves the State a lot of money down the road. If this service is closed, and the support provided to those families disappears, many of these children will end up in residential care and in foster care, which will cost the State more money. Why would it be allowed to close for the sake of €400,000? I just do not believe that the Minister cannot come up with €400,000 for a service that she and Tusla acknowledge works. It is frankly unacceptable. I cannot believe €400,000 cannot be found. We can find more than €400 million to pay builders who have ripped the country off, but we cannot find €400,000 for a service that is absolutely vital. It is not on.

Deputy Katherine Zappone: I understand the Deputy's questions and I appreciate his representation. He asked what I have done and I have indicated that I did a number of things. I went back to Tusla and asked whether it was possible and if there were additional moneys. The Cottage Home does great work, as the Deputy has indicated. I have met representatives from it. It is true, as the Deputy has indicated, that prevention work potentially saves money down the line. I acknowledge that. Tusla has been interrogated on this issue and it does not have additional moneys. Although, given the scale of other issues, €400,000 does not seem to be a significant sum of money, it is significant generally speaking, in the context of the budget that Tusla has to provide services for families and children in various regions. There is not the money at this time.

The second part of my answer is that they have been invited to come and look at the planning as we move into the additional time. There may be a possibility, although I am aware it may be too late for the service and I deeply regret that.

Deputy Richard Boyd Barrett: I do not doubt that the Minister has made efforts and I know she knows the value of this. However, in that context, I find it shocking that, although the Minister knows the service should not close, the service is going to close, almost certainly, in April, because €400,000 cannot be found. How many Supplementary Estimates have we had for health in current and capital spending? Could we have a few Supplementary Estimates for services such as this? I am serious. It does not seem like rocket science to go to the Minister, Deputy Donohoe, and ask for a small Supplementary Estimate for a measly €400,000 to save six jobs and provide this service to 50 vulnerable families. I do not think anyone in this House would object. It should be done on moral grounds but also on value-for-money grounds for the State. Without a shadow of a doubt, it will cost the State more if this service goes. I appeal to the Minister, if there is anything else she can do along those lines, to do it.

Deputy Katherine Zappone: I understand the Deputy's passion. Currently, in the context of the budget for that region, if there was a decision to give them the €400,000, it would have to be taken from some other services that no doubt are also doing a good job. That is important to outline. On requesting Supplementary Estimates, I am not necessarily ruling it out but there

are certain time periods for doing that. The challenge is that many other services are also looking for funds, and the funds are not there to meet the need. We need to continue to increase the budget; there is no question about that. It could cost more if the service closes and that is a good argument. I will use those arguments when I go back to the Minister for the next set of budget negotiations.

Child Abuse Reports

33. Deputy Catherine Connolly asked the Minister for Children and Youth Affairs further to Parliamentary Question No. 27 of 13 December 2018, when the report of the review panel which commenced on 16 May 2016 in respect of the care of three children in a foster home in County Galway will be published; and if she will make a statement on the matter. [6745/19]

Deputy Catherine Connolly: My question is in the context of the utter failure of the State to protect three young children. The Central Criminal Court was told last year that they were sexually abused and raped on a weekly basis between the ages of six and ten while they were in foster care in Tuam, County Galway. The independent review panel took over to conduct an investigation. It is now 2019. The first disclosure was in 2007, the second in 2011 and the next in 2013, and we have no result from the independent review panel.

Deputy Katherine Zappone: The shocking abuse suffered by these brave young women while in foster care in the early 2000s has disrupted and deeply impacted their lives. I am conscious of the significant public interest in the case. The Deputy will be aware that the review process begun by the national review panel in 2016 was paused at the request of An Garda Síochána to allow criminal proceedings to conclude. Following the conclusion of the criminal case and sentencing of the perpetrator, the review was resumed and has now been completed.

I understand that the report is extensive. It contains detailed personal information regarding the cases examined. I am mindful of the vulnerability of the young people involved. Tusla must strike a balance between meeting the public interest through the publication of the review and protecting the well-being of the victims who were children in State care at the time. The well-being of the young people must be to the fore, and the process regarding the decision about publication must involve them. It is essential that they have an opportunity to understand the findings and to offer their views on next steps. The timing of this process will be determined by the needs of the young people.

Tusla has advised my officials that it is currently in the process of taking the necessary steps to consult the young people involved in the review. It is important that those most affected are given the time to give their views and prepare themselves before anything further is put into the public domain. However, I am most anxious that the matter of publication be settled at the earliest possible time, having regard to all the circumstances of this case. It is critically important that the facts from the review and the learning from it should be made public, subject to protecting the young people affected, as soon as possible. I will continue to engage with Tusla and will urge timely conclusion of the consultation process and revert to the Deputy as soon as possible.

Deputy Catherine Connolly: The Minister's reply is totally unacceptable. The protection and vulnerability of the children were never in the minds of the HSE or Tusla. An independent review panel was set up. In April 2018, in response to Deputy McDonald, the Taoiseach said the publication of the report was almost complete. It was only completed in December. It is

with Tusla, a body that Mr. Justice Charleton said has an inability to reflect. A public body paid for by the taxpayer has a fundamental duty of self-scrutiny in pursuit of the highest standards. The administration of Tusla was found to be sorely lacking in application and dedication to duty. In respect of the criminal proceedings, a HIQA report that the Minister commissioned pointed out that it is imperative that Tusla ensures its own operational arrangements and does not allow criminal investigations to impede its statutory duty to safeguard children. The children were abused. The facts are out, unfortunately. The Central Criminal Court in Dublin heard all those facts last year. Out of 29 sample charges, the man was convicted of 23. We know all of that and, unfortunately, the children, who are now young adults, know all of that. What they want is some type of accountability from the system and an independent review panel's report to be published. If it is not to be published, why not?

Deputy Katherine Zappone: It is important for the Deputy to outline the timeline and the issues and concerns, which I understand. I am fully aware of them as well. The Deputy raised many of the criticisms of Tusla in respect of the Charleton tribunal as well as other matters, particularly the HIQA statutory investigation that I commissioned. I am aware of this and the Deputy will be aware that measures have been put in place with the board, with which I work on an ongoing basis, to put in place plans to change that. We have an expert assurance group that oversees the process, led by an independent chair.

In respect of the Deputy's second set of questions, it is important and it is in the public interest that this report be published ultimately. From the perspective of Tusla and its work in that regard, the agency needs time to consult the people whom the report is about prior to its decision to publish.

Deputy Catherine Connolly: I welcome that the Minister is saying she would like the report to be published, if I heard her correctly.

Deputy Katherine Zappone: Yes.

Deputy Catherine Connolly: I welcome that but I cannot but be frustrated on behalf of the people who have suffered in a system that is now heaping abuse onto abuse. I only criticise Tusla because I am quoting from the HIQA and the Charleton reports. Clearly it does good work but in this situation the agency took over from the HSE, which itself is under scrutiny in respect of this. The independent review panel has been engaged in this process since April 2016; it is now February 2019. Mr. Justice Charleton reported within two years. He came back on a regular basis to give the Minister updates yet the independent review panel cannot update her on anything. In reply to previous questions of mine, the Minister said the panel was independent and she could not interfere. Since then, she has clarified that there are issues in respect of the panel further to an independent monitoring process by HIQA which I cannot get my hands on. I would appreciate if the Minister clarified that in respect of governance. At this point I want an assurance that there will be no more delays in the publication of the report in order that we can empower people, particularly those on the ground who have suffered, and that they know there will be accountability.

Deputy Katherine Zappone: It is my hope as well that it could be published as soon as possible. Tusla is going through a process right now in the context of awareness and changes in its practices. The decision of the people involved, including the social workers and managers, is that they need the time to consult the young people. My understanding is that one of them has waived her right to anonymity but that the other two have not necessarily done so. I assure

the Deputy that I will continue to urge the people involved to conclude the process as soon as possible. I need to respect the decision to work with the young people and consult them in the process of publishing the report.

Ceisteanna Eile - Other Questions

Affordable Childcare Scheme Implementation

34. **Deputy Niamh Smyth** asked the Minister for Children and Youth Affairs the status of the affordable childcare scheme; and if she will make a statement on the matter. [6967/19]

46. **Deputy Sean Sherlock** asked the Minister for Children and Youth Affairs when the affordable childcare scheme will be operational. [7070/19]

58. **Deputy Anne Rabbitte** asked the Minister for Children and Youth Affairs the status of the implementation of the affordable childcare scheme; and if she will make a statement on the matter. [7067/19]

Deputy Niamh Smyth: What is the status of the affordable childcare scheme and will the Minister make a statement on the matter?

Deputy Katherine Zappone: I propose to take Questions Nos. 34, 46 and 58 together.

I am delighted to report positive progress in the development of the affordable childcare scheme and confirm our plans for the scheme to launch this October, with payments flowing from November. The launch of this scheme will, as indicated earlier, alter the landscape of childcare in Ireland. It will provide financial support for parents, establish a sustainable platform for investment in the childcare sector for decades to come and, crucially, allow us to continue to invest in giving our children the best start in life. Following on from the enactment of the Childcare Support Act last July, detailed secondary legislation and policy guidelines are now being finalised. Our information technology, IT, development contractor, Codec, is working with officials from the Department and Pobal to develop the scheme's supporting IT system to ensure that it will be available on schedule. The project is complex and challenging but a rigorous project management methodology and strong governance structures are in place to manage it.

In December, I signed regulations that will provide, for the first time, for the registration of school-age childcare services with Tusla, and these regulations will come into force on 18 February next. This means that school-age childcare services will be able to participate in the scheme from the beginning, which is a very significant change. An information campaign for parents and the public will commence in the near future. This will run alongside comprehensive training and information supports for childcare providers and other key stakeholders, ensuring that everyone has the opportunity to be well prepared in advance of the scheme's launch.

From March, my Department will launch a comprehensive communications campaign that will advise parents and guardians how they can avail of the scheme and the levels of subsidy

to which they could be entitled. That is important. This campaign will run concurrently with a campaign for childcare providers to answer their queries on the scheme and provide training to prepare them for operating the scheme in October.

Under measures included in budget 2019, I was pleased to have been able to further enhance the scheme by raising the upper and lower thresholds for income-related subsidies. These increases will poverty-proof the scheme for families on lower incomes, allow more families with higher incomes to access subsidies under the scheme and ensure that an even greater number of families overall will now benefit from the scheme once it is launched. Of course, there is a lot of work to do between now and October next to have the affordable childcare scheme up and running for parents. I will continue to work intensively with my Department and Pobal to have the scheme ready and functioning properly. It is an exciting development and will make a real difference to children, parents, families, society and our economy.

Deputy Niamh Smyth: That is all very welcome. As we know, childcare costs continue to be crippling for parents, some of whom spend up to 35%, or even more, on childcare services. We are one of the most expensive countries in the world when it comes to childcare costs. Has the Minister any statistics on the uptake of this scheme in crèches in Cavan and Monaghan? Will she give us some indication of the appetite of childcare providers for it?

The Minister referred to communication, which is welcome. It is very important that parents and childcare providers are fully informed. This is especially true for parents because they are all so busy with their own lives and trying to keep on top of mortgage payments and jobs. What form of communication will that be? Will it be via social media or local radio? The Minister also speaks about the training to be provided as part of the scheme. Will the Minister provide some more information on that?

Deputy Katherine Zappone: The cost of childcare for many families is still exceptionally challenging, as I am well aware. As the Deputies know, we have seen significant investment over the past couple of years but we started from a low base. It is as simple as that. We are conscious of the need for investment not only to ensure that childcare is affordable but also that it is of a high quality. The latter point relates to what we are able to pay our great childcare providers and professionals.

I do not have any specific information on the facilities in Cavan and Monaghan but I will certainly look at that for the Deputy and get back to her if we have any details. I presume she is asking about the future appetite of providers. My understanding is that there is a great appetite for this, although people do not necessarily have to sign up to it. Ultimately, there will be great ease in administration from a provider's perspective and in the process of signing up children from a parent's perspective.

Deputy Anne Rabbitte: What role will city and county childcare committees play in communicating this and ensuring that there is support for both parents and providers? We have morning, after-school and full-day sessions, along with breakfast clubs, so an amount of information must be brought to everybody. I am sure city and county childcare bodies will have a large role to play.

There is the matter of information technology and the rolling out of the affordable childcare scheme. If everything fits in a box, that would be perfect, but there are exceptional cases so will there be training for such instances? A person may have an illness and a mum who would

normally pay for the service could be out of work, so will those scenarios be taken into account? What will be the level of support provided to deal with those exceptional cases?

Deputy Katherine Zappone: An earlier question from Deputy Rabbitte and Deputy Niamh Smyth's question relate to affordability. With our use of information technology, it will be much easier and more straightforward to increase investment for families and make changes to thresholds, whether they are at the lower or higher end. It will be streamlined into one way of looking at a family's income and the supports required by children. We are building a platform where it will be easier for investment and policy decisions to increase lower and higher thresholds to be made.

The Deputies asked about the information campaign and the county and city childcare committees will be involved. I will get a bit more detail for the Deputy but these organisations are at the coalface. We will use many forms of communication, including social media. We did this before and the Deputies would have seen the information everywhere. The Deputy asked about training, particularly for providers; we will have IT processes and there is always an opportunity to have people from the Department standing by if there are difficulties.

Deputy Niamh Smyth: I thank the Minister for the information provided. We have received feedback from childcare providers in particular across Cavan and Monaghan. My colleague, Deputy Rabbitte, has been to Cavan to meet some of those childcare providers. The administrative end of all these schemes can cause heartache. It has become very burdensome for the childcare providers in terms of paperwork. I have received feedback about the absolute frustration that they do not get to do the job they want to do, which is to provide childcare, because their time and energy are so taken up with bureaucracy. I fully endorse keeping checks and balances, however, will the Minister talk about the bureaucracy? Her opening remarks referred to this being eased for childcare providers, which would be welcome, but they want to know what they can expect in the new scheme.

Deputy Anne Rabbitte: I will take it from the point of view of parents. I return to the exceptional cases. Part of the affordable childcare scheme is that where there are exceptional cases there is streamlining between the parent making communication with the provider and the provider contacting the city and county childcare provision. Where is that going to be logged and assessed for funding? Will it be done electronically or through a paper system, or does the city and county childcare make the application? I am looking at this from a parent's point of view. God forbid something unforeseen happens and that a parent cannot afford to make the payment for childcare for whatever reason, I want to know the mechanism for availing of support in the context of the 35%.

Deputy Katherine Zappone: I refer to Deputy Smyth's questions. Absolutely, the intention is that there will be an easing of bureaucracy. That is a significant aspect of the establishment of the scheme. Will it happen all at once? No, probably not, but we are preparing for it and for the transition. The Deputies will be aware that part of the investment has been towards increasing the team in my Department and it has been working closely with all the providers as well as researchers and people across the country in an effort to consider everything and prepare so as to get it right. Streamlining, particularly through the ICT system, will take time as people will need to learn how to operate it. We have continued to invest in order to support providers with bureaucracy and have continued to increase payments to providers in recognition of this. Sometimes this involved difficult fights with the Department of Public Expenditure and Reform, though I won some of them.

Deputy Rabbitte asked good questions, including how parents can cope if their circumstances change. I will assume that both the county and childcare committees will support the providers, although the providers will be there first. It is a very good question which I will bring back to the Department for consideration.

Aftercare Services Provision

35. **Deputy Anne Rabbitte** asked the Minister for Children and Youth Affairs if her attention has been drawn to the lack of consistency that exists in terms of children in foster care receiving aftercare plans and aftercare workers; and if she will make a statement on the matter. [7063/19]

Deputy Anne Rabbitte: Has the Minister's attention be drawn to the lack of consistency in the aftercare plans and aftercare workers for children in foster care.

Deputy Katherine Zappone: I thank the Deputy for her ongoing interest in this area. I am aware that the rollout of Tusla's after care policy has been uneven across areas, particularly in the minority of Tusla areas that have recruitment and retention problems. However, overall the service has improved considerably in recent years. Each year, around 500 young people who have been in care turn 18 years of age. The most recent data available relates to September 2018 when there were 2,366 16 and 17 year olds, and young adults, who have an aftercare worker.

Of those assessed as needing an aftercare worker, 93% had one assigned to them. The majority of young adults receiving aftercare services had an aftercare plan according to the most recent data.

Of the 1,979 young adults aged 18 to 22 years in aftercare, there were 393 young people in aftercare in university or other third level college. A further 272 were completing their second level education. In terms of other education and training, 592 young adults were in vocational training, PLCs and accredited training courses. At this time there is limited data on the breakdown of the remaining 700 young people who are either working, unemployed or are in receipt of disability services. Tusla is developing systems to provide further detail in this area, and I have asked that this work be expedited.

Tusla has 100 approved aftercare posts including 11 vacancies, and the NGO sector is funded to provide a further 18 posts. While this works out as an average caseload of 20 per aftercare worker, some young people need more extensive support while others may only need occasional advice and help in accessing State supports. For example, 45% of young people in aftercare remain living with and supported by their former foster carers. This group generally requires less input from their aftercare worker than a young person leaving residential care. They have differing needs which inform how Tusla supports them.

Deputy Anne Rabbitte: This is one of the questions that I ask regularly because there are so many different views on it and care-leavers have such different experiences. It is so hard to achieve a uniformity so that all needs are met. Does the Department engage with people and garner their views of aftercare service? Does Tusla and the Department have a formal advisory council for young people with experience of the foster care system and, if not, would the Minister consider establishing such a forum? Have we a way of gathering this information? We must listen to the voices of young people, and I do not believe that they are being listened to.

I worry that some of the 770 people of whom the Minister spoke will end up in homelessness.

Deputy Katherine Zappone: Those are all excellent questions. As I acknowledged, we do not yet have the uniformity that we seek. It is an ambition but it will require more work, particularly to ensure the adequate level of staffing in the different areas as well as ensuring that we improve data collection. That is what I tried to indicate in my answer. It relates to staff and to the need for better data, particularly in relation to the 700 young people.

The Deputy asked if we engage; we do. I had an extraordinary opportunity to meet the advisory council of EPIC who are young people who have been in foster care who represent the interests of those in foster care, and I will continue to engage with them. That may go some way to answering the Deputy's question.

Deputy Anne Rabbitte: EPIC does play a wonderful role as an advocate for those in foster care and giving young people a platform to have their say. The role it plays is fantastic.

Following on from that, will this year's budget extend the care leaver's package? Currently, unless someone is in education, the supports finish at the age of 18. Has the Minister considered, or has she costed, the extension of supports to 21 years or 23 years, so that being in education would not be the only criteria for supporting young people? There must be more criteria than merely being in education. Every young child deserves a second chance.

Deputy Katherine Zappone: Those are excellent questions. I understand that is being considered and will revert to the Deputy more specifically on this. The Deputy's questions relate to supports, including financial and educational, for care leavers. She also indicated concerns over where they go, where they live and so on. We have taken some significant steps for the 9% who leave care and are at the most pronounced risk of entering unsuitable accommodation due to the complexity of their support needs. They are being included for the first time in the category of funding under the capital assistance scheme to recognise those complex needs. My Department has worked with Tusla and approved housing bodies, AHBs, to identify where housing that will be used for those care leavers who have more complex needs and that will allow them to be supported while living independently can be accessed and set up. At the end of 2018, some 30 properties had been acquired, 20 more were sale agreed, while ten young people were in tenancy under the scheme with more to follow.

Mother and Baby Homes Inquiries

36. **Deputy Sean Sherlock** asked the Minister for Children and Youth Affairs if burial sites allied to former institutions are being examined for the purposes of further investigations and possible excavations. [7071/19]

Deputy Sean Sherlock: Will the Minister outline whether burial sites allied to former institutions are being examined for the purpose of possible further investigations? This is in the context of the commission of investigation into mother and baby homes and in the light of the speech that the Minister made to the Seanad on 6 February, when she indicated that the commission plans to deliver a substantial report on the burial arrangements for persons who died while resident in the institutions by 15 March 2019. She went on to state that the commission's assessment of burial arrangements at other major institutions is also being considered. What is the state of play *vis-à-vis* other institutions?

Deputy Katherine Zappone: The investigation of burial arrangements of persons who died while resident in what were termed mother and baby homes is a key focus of the terms of reference for the statutory commission of investigation. We know from the commission's interim reports that it has dedicated significant time and effort to advancing its investigations of these matters. While I understand the urgency and sensitivity surrounding these questions given the advancing age of many former residents and their families, the Deputy will be aware that the statutory commission is independent of Government in the conduct of its investigations.

In response to the commission's confirmation of juvenile remains at the Tuam site, the Government approved a comprehensive programme of action, including a phased excavation, exhumation and identification programme, in so far as it is possible. We were guided by families and campaigners, the residents of Tuam and the best expertise available to us in making this decision. All reasonable steps will be taken to ensure that the children interred at the site will have a dignified and respectful burial and to assist their families and the wider community in seeking answers to as many questions as possible.

To answer the Deputy's specific question, the commission has yet to issue findings in respect of burials at other locations. Last month, I announced that it plans to report on the burial arrangements at these institutions in March 2019. The extensive technical reports prepared in the course of the commission's work on the site of the former Tuam mother and baby home will also be included in the report and, therefore, it will significantly assist my Department's ongoing work to advance the necessary legislative and operational arrangements for the Tuam site. Most significantly, I have been informed that the commission intends to use the report to outline its findings in respect of the burial arrangements for the other institutions within its remit.

Deputy Sean Sherlock: I welcome the Minister's reply and acknowledge that the commission has captured the personal experiences of more than 500 people, as the Minister noted in her speech in the Seanad. I ask her to be a little more specific about other institutions, if possible. Can I deduce from the Minister's reply that other former institutions are being examined, and that there will be a report to that effect? The Tuam site is well documented and a process is under way. Can we expect a process in respect of other parts of the country?

Deputy Katherine Zappone: The commission has recently conducted geophysical testing on the burial grounds located on the site of Sean Ross Abbey in Roscrea, County Tipperary. The work is being undertaken following the receipt of further information from a member of the public. I understand that the commission has examined the burial plot at Bessborough but has not conducted a similar geophysical examination. Burial arrangements at Bessborough are being examined, however, and will be reported on in the burials report.

The commission's initial testing may lead to more invasive test excavations if it believes such work would be of assistance. I will seek formal Government approval to publish the burials report as soon as possible after I have had an opportunity to consider its findings. It will be a significant report.

Deputy Sean Sherlock: In that case, we can assume unambiguously that no geophysical testing of Bessborough has thus far taken place but that if the need arises, such testing will take place. Can a decision on that be expected when the report is published, or is the Minister, in consultation with her Cabinet colleagues, taking steps in the interim to have geophysical testing done at the site?

Deputy Katherine Zappone: Yes, I confirm that no geophysical examination of Bessborough has taken place. I reiterate that if the commission decides there is a need to undertake an examination, I expect it to do so. As I have stated, I do not know what the commission will do because it is independent. Nevertheless, having questioned the chair of the commission, Judge Yvonne Murphy, when I met her regarding the fourth interim report, I know that the commission will provide us in its report with the final word on its findings in respect of burial sites.

Childcare Services Funding

37. **Deputy Anne Rabbitte** asked the Minister for Children and Youth Affairs her views on whether existing levels of capital funding for childcare providers are sufficient; and if she will make a statement on the matter. [7065/19]

38. **Deputy Aindrias Moynihan** asked the Minister for Children and Youth Affairs if she will target funding from the upcoming 2019 early years and school-age capital programme for north-west areas of County Cork; and if she will make a statement on the matter. [7043/19]

Deputy Anne Rabbitte: Is the Minister satisfied that the existing levels of capital funding for childcare providers are sufficient, and will she make a statement on the matter?

Deputy Katherine Zappone: I propose to take Questions Nos. 37 and 38 together.

A key priority for me as Minister for Children and Youth Affairs is to support the early learning and care and school-age childcare sector through the provision of capital funding where it is most needed. In this regard, I have allocated significant funding in recent years for the creation of early learning and care and school-age childcare places where most needed and for improving the quality of the infrastructure nationwide. In 2019, I have secured a capital budget of €9.606 million for the sector, which will enable us to focus on increasing the number of places available and supporting the transition of services to the forthcoming affordable childcare scheme. Some €6.106 million of the funding has been allocated for the 2019 early learning and care and school-age childcare capital programme.

The funding will be delivered in three strands. Some €4.231 million has been allocated to strand A, which will offer grants of up to €50,000 in value to early learning and care providers for the creation of places for children up to the age of three where there is clear evidence of demand. Some €0.875 million has been allocated to strand B, which will offer individual grants of up to €15,000 in value to aid community and not-for-profit early learning and care services in addressing fire safety issues that have been highlighted in inspection reports by Tusla, the HSE or local authorities. Some €1 million has been allocated to strand C, which will offer individual grants of up to €20,000 in value to school-age childcare providers for the creation of new school-age places where there is clear evidence of demand. Funding will be available nationwide in a competitive process, with the application window open between Monday, 25 February and Wednesday, 27 March 2019. Applications will be appraised on a number of criteria, including demonstration of need, value for money, the capacity of the organisation, that is, its compliance with the scheme rules, project achievability and socio-economic deprivation in the service's location. Grants will be allocated to applications of the highest quality. In accordance with the principles of fairness and equity no funding will be earmarked in advance for any particular area in the country such as the north-west part of County Cork.

One of the central aims of the capital programme is to allocate funding for projects where need is clearly evidenced, regardless of the region or area in which a service may be located. The capital programmes are necessarily a budget-limited exercise. The maximum available under each of these strands has been determined in consideration of optimising what can be delivered by each individual grant, as well as maximising the amount of providers and children who will ultimately benefit from the funding.

In addition, I am very pleased to have ensured that childcare was identified a strategic priority in the National Development Plan 2018-2027 and to have secured €250 million capital funding for childcare under the plan. This represents the kind of large scale investment in the sector by the State that has not been undertaken since the wrapping up of the national childcare investment programme in 2010.

This investment will be essential, I believe, to respond to the increased capacity we expect as the new affordable childcare scheme is introduced. The scheme will radically change how this country supports the cost of early learning and care and school-age childcare. Research is ongoing in my Department to determine areas of specific need that the national development plan funding will address when it comes on stream in the coming years.

Deputy Anne Rabbitte: I welcome the €9 million and I have seen the progress to which it has given rise. I am still not convinced, however, that it is enough. I am still not convinced it is hitting the targeted area completely. How do these figures match up with the Department's growth projections with demands in the sector within the next ten years? This is the second time I have spoken about Mountbellew Community Childcare Centre. If those who run the centre were to add on an extra room, the cost would be approximately €170,000. However, the maximum grant for which they can apply is €50,000. That centre is turning people away. Mountbellew is a feeder town for Athlone, Galway and Ballinasloe. The centre has a capacity issue and we need to see if there is another strand for exceptional circumstances where we could support childcare infrastructure and capacity.

Deputy Katherine Zappone: I hear the Deputy and I acknowledge that she does not believe the investment of €9 million this year is enough. Deputy Rabbitte questioned the capacity to target the funding to where it is most needed. She also asked if we miss some places because we do not have enough money or if it is possible that we just miss certain places. The Deputy stated that there is not enough funding. I accept what she is saying and there is no question but that I will continue to seek further investment. I am grateful that I was able to obtain €9 million for 2019.

The Deputy also commented on the targeting of funds. The Department and Pobal do a pretty good job in targeting the funding, with scenario analyses and the ongoing feed in from the different providers. They are not, however, always necessarily on the mark and this is why it is important for others to feed in if there are concerns. The Deputy referred to exceptional cases. The Deputy is aware that the Department is always open to hearing that and to working with providers in some way to continue to ensure their sustainability.

Deputy Aindrias Moynihan: Parents are concerned that they would have availability of childcare places locally and that they would not have to travel all over the country to get access to a naíonra, a Montessori or other such facilities. Populations are growing in different areas. Ballyvourney and Ballincollig, for example, are two fairly different scales. The Cluain Réidh housing development in Ballyvourney is now fully occupied and planning permission has been

obtained for the building of additional houses behind Cúil na Carraige. This is on top of demand that was already there. Parents are keen to have the centre or a naíonra available to them. I put it to the Minister that the scale of the funding is too small. Is there going to be a targeting of funds to fit in with the Straitéis 20 Bliain don Ghaeilge 2010-2030 to provide additional support for naíonra positions?

The situation in Ballincollig is on a much larger scale. There are 50 houses already occupied in Lisheen Woods. Murnane and O'Shea Limited is building 130 houses behind the Gaelscoil. The houses at Nagels garden centre are occupied and the field across the way from it has planning approved. Clearly, there is much bigger growth and demand in that region and yet no spaces were approved over the last year. Will additional priority be given to places that have not received funding previously?

Deputy Katherine Zappone: Generally speaking I would think yes, but obviously they would have to meet the various criteria in that regard. It is also dependent on the scale of funding. I have already accepted the Deputy's colleague's comments to the effect that the funding is not enough. We will continue to seek as much capital investment as possible. If it is required for naíonrí or other smaller facilities that were not able to access funding previously, it could be taken into account in the future, but they will also have to meet other criteria.

With regard to larger capital investment, especially in areas identified by Deputy Moynihan as having a growing population and housing developments, this is one of the reasons it is important to plan. My Department is engaged in research to determine the current and future need for that kind of capital investment. It is anticipated that this will give rise to a larger, more in-depth exercise whereby we will look at - and take into account - the issues identified by the Deputies to see how to go about setting the criteria and identifying the areas of most need.

An Leas-Cheann Comhairle: We shall now have three short and snappy supplementary questions.

Deputy Anne Rabbitte: The recent Pobal report, The Early Years Sector Profile Report 2017-2018, indicates that 34% of toddlers were on waiting lists for early years care. The report stated that there was capacity for 88% of Ireland's three to five year olds. This blends into a cohort to attend childcare at any given point. When one breaks it down that way I do not believe that €281,000 per city and county is sufficient for delivery. I again ask the Minister if there is a need to support critical infrastructure in identified areas.

Deputy Aindrias Moynihan: I have cited two examples - Ballincollig and Ballyvourney - but we are aware of many other areas across north-west Cork. The current allocation of €9 million leaves approximately €200,000 per county. For a county the size of Cork that allocation would be immediately swallowed by each of the places I have mentioned. Is there any indication that the Minister will be able to put additional funding towards larger counties where there is larger demand such as those areas of Cork?

I also asked about the straitéis 20 bliain and the need to support naíonrí and other centres that conduct their business as Gaeilge. Will this also inform the directing of funds towards those types of childcare?

An Leas-Cheann Comhairle: Deputy Sherlock also has a relevant supplementary question.

Deputy Sean Sherlock: I could go around the houses in north Cork - and in east Cork for that matter- but I will not do so. Does the Minister anticipate that the €9 million allocation will actually be used up? Will those funds be fully taken up?

Deputy Katherine Zappone: I will answer the last question first. Yes, from our past experience I see it being taken up in full. There are usually more applications than we can fund.

Deputies Rabbitte and Aindrias Moynihan are aware that the Department works very closely with Pobal on the waiting lists to the extent that it is possible and with the science available. We work regularly with Pobal in scenario analyses to anticipate where the need is and around the costs required to build the capacity. This is not to say that there might not be some gaps around critical infrastructure in certain areas. Again, this is part of the information that needs to continue to be fed into the Department, especially through the county childcare committees or directly.

In the context of the amount of money available for a big county such as Cork, I shall remember that.

Deputy Sean Sherlock: The Minister has not visited Cork since she was appointed.

Deputy Katherine Zappone: The Deputy will be aware that, usually, if it is a large county and a large population, more investment in capacity would be required.

Mother and Baby Homes Inquiries

39. **Deputy Denise Mitchell** asked the Minister for Children and Youth Affairs if she has considered the request by some survivors of the Tuam mother and baby home to collect DNA from survivors and their relatives to ensure that as many human remains as possible can be identified; and if she will make a statement on the matter. [6780/19]

Deputy Denise Mitchell: Has the Minister for Children and Youth Affairs considered the call by some survivors of the Tuam mother and baby home to collect DNA to ensure that as many human remains as possible will be identified and will she make a statement on the matter?

Deputy Katherine Zappone: I am aware of calls by the Tuam Home Survivors' Network for the Government to begin collecting their DNA samples immediately. They describe this issue as urgent, in light of the age profile and health status of some survivors.

The purpose of collecting samples would be to compare against any DNA profiles that may be generated from the juvenile human remains found at the site of the former mother and baby home in Tuam and, if possible, to make positive identifications. These issues will ultimately be addressed within the legislation that is currently being scoped by my Department. However, I am sympathetic to the concerns of survivors that their ages and health profiles introduce an element of urgency.

I would like to respond as positively as possible to the survivors' request having regard to the current legislative framework. With this in mind, I have asked Dr. Geoffrey Shannon to examine whether it is possible to meet this request. This examination will be done in the context of what is legally and scientifically possible. In examining this matter, we need to be conscious that important issues arise in respect of the handling of sensitive personal information.

It should be possible to find a solution that takes account of survivors' wishes, while providing appropriate safeguards.

Dr. Shannon will consult my officials in the course of his work and provide a report to me in the coming weeks.

Deputy Denise Mitchell: I am pleased that the Government is looking favourably on this request. This is a sensitive and sad topic. I hope that Dr. Shannon also looks favourably on it because it is important to the relatives and survivors.

It is my understanding that legislation would not be required if somebody is volunteering DNA. I hope the Minister can clarify where she expects there to be concerns around this. It is positive that Dr. Shannon will report back to her in eight weeks. How long after the report comes back will a decision be made?

Deputy Katherine Zappone: I am aware of the concerns of, and the questions and request, from the survivors. I have heard them through the media, they have been in correspondence with me and I have talked to them directly. Because of that and having known and worked so well with them over the years, we want to respond positively.

In answer to the Deputy's question on why, if they volunteer it is not possible to move forward, I will outline the terms of reference agreed for Dr. Shannon's report. Even if people volunteer, we need to ensure that we have the proper legislative framework. The intention and purpose is to compare whatever is collected with what is found in respect of the remains of the children. The terms of reference include the collection of biological samples for comparison purposes – we need to be sure we are okay on that from a legal perspective – the extent to which any relevant family rights under Article 8 of the European Convention on Human Rights might apply, and how best to ensure that the rights of those who wish to give biological samples could be safeguarded in respect of sensitive personal data and informed consent.

Deputy Denise Mitchell: To return to Deputy Sherlock's question earlier, a geophysical survey was carried out by the commission at Sean Ross Abbey in Tipperary. The same religious order was responsible for Bessborough. The records contradict each other on the numbers who died. Many of the survivors are convinced that there may be other burials on site. The Minister said the commission is independent, but would she support a similar survey?

Deputy Katherine Zappone: That is a great question. The Deputy started by referring to the records showing that the numbers do not add up. The most comprehensive record and analysis of the records will be the commission's report on the burials and we will get that pretty soon. We have many others to be grateful to in regard to the records, not least some of our journalists. What the records show will be part of that report. As a result of that report, the commission will make some finding and some recommendations probably but it has not conducted any geophysical work on that site. I am not privy to why it has made that decision or even if it might change before the report comes out but I suspect not. Should there be evidence in the records that it offers and more work needs to be done in that regard, I am the one who got the decision on Tuam.

Deputy Sean Sherlock: May I ask a brief supplementary question on that subject?

An Leas-Cheann Comhairle: Let it be brief.

Deputy Sean Sherlock: We have to acknowledge that the Minister is giving the House some signal here that if the report makes an adjudication or finding in respect of Bessborough, there will be an action there and she will consult her Cabinet colleagues. I would be grateful if the Minister would reiterate on the record of the House, given her bona fides in respect of Tuam, that the same set of principles will apply in respect of Bessborough.

Deputy Katherine Zappone: I am looking forward to the report and its recommendations and analysis, and I do not expect that I will employ alternative principles in making recommendations to my colleagues on how to respond to it.

Deputy Sean Sherlock: To Bessborough?

Deputy Katherine Zappone: To Bessborough.

Childcare Services Inspections

40. **Deputy Aindrias Moynihan** asked the Minister for Children and Youth Affairs the number of inspectors available to conduct inspections in naíonraí and the various early years centres operating through the medium of Irish outside and inside the Gaeltacht; if the inspections are conducted through Irish; and if she will make a statement on the matter. [7059/19]

Deputy Katherine Zappone: I am conscious of the role early learning and care services play in promoting Irish as a living language and how this helps children to develop proficiency in the Irish language. My Department has participated proactively with colleagues in the Department of Culture, Heritage and the Gaeltacht in agreeing a comprehensive set of early learning and care actions to be implemented under the Action Plan for the Irish Language 2018 to 2022. Inspections of early learning and care services are carried out by two inspectorates. The first is located in Tusla and the second in the Department of Education and Skills.

Tusla's early years inspectorate seeks to provide a high standard of service through the medium of Irish and is committed to supporting early learning and care services where Irish is spoken. At present, Tusla has one inspector with high level proficiency in the Irish language. This inspector carried out 17 inspections through the medium of Irish in 2018. There are a number of inspectors with conversational Irish who engage with the providers outside and inside the Gaeltacht at an informal level through Irish. The Tusla inspectorate is currently engaged in recruiting a further specific Irish language inspector with expert proficiency in both oral and written Irish.

With regard to the early years inspectorate of the Department of Education and Skills, of the current total inspection team of 20 inspectors, seven have strong capacity to engage in early years education inspection fully through Irish, including the writing of inspection reports, providing feedback for continuous improvement and responding in Irish to issues raised by personnel in the early years services.

Additional information not given on the floor of the House.

In addition the inspectorate deploys primary inspectors, who have special expertise in early years education, in the quality assurance of reports that are prepared for publication in Irish.

The Department of Education and Skills inspectorate also has an active continuing profes-

sional development, CPD, programme to build the capacity of the wider early years inspection team which includes early years and primary inspectors.

Deputy Aindrias Moynihan: Tá sé sin an-tábhachtach. Nuair a bhíonn cigireacht ar siúl, seoltar teachtaireacht an-soiléir chuig na páistí má bhíonn ar an múinteoir aistriú go dtí Béarla nuair a thagann an cigire isteach. Seoltar teachtaireacht láidir agus diúltach ar fad. An bhfuil go leor cigirí ann chun gnó a dhéanamh trí Ghaeilinn?

Is the Minister satisfied that one inspector is sufficient to cover the entire country? Bearing in mind that Irish is spoken by a significant portion of the population throughout the country and not just in Gaeltacht areas, is one inspector enough to serve the naíonra population throughout the country?

Deputy Katherine Zappone: I am not so satisfied. As I indicated, another inspector with a high level of proficiency in Irish is being recruited. We will see whether that will be sufficient. A point I may not have made in my opening remarks is that there are several actions in addition to inspection to support the use of the Irish language in early years services.

Ceisteanna ó Cheannairí - Leaders' Questions

An Leas-Cheann Comhairle: I remind leaders that we will have expressions of sympathy after Leaders' Questions and I ask them to, please, observe the clock.

Deputy Micheál Martin: Today we learned that the CervicalCheck screening service has a backlog of approximately 78,000 slides to examine and that it is taking up to 27 weeks to provide reports on those tests. It is taking laboratories an average of 93 days to report on smear checks. Ms Anne O'Connor, the interim director general of the HSE, stated to the Oireachtas Joint Committee on Health this morning that approximately 370,000 women presented to the programme in 2018, an increase from 280,000 in 2017. There is no question that that increase of circa 90,000 tests results from the decision in April of last year by the Minister for Health, Deputy Harris, to offer a free out-of-cycle smear to any woman who wanted it. My sources confirm that the overwhelming impact of that decision has been to create this shocking backlog which is now damaging the programme and undermining its overall objectives.

There has been too much secrecy on this issue for far too long. We need a candid acknowledgement that the wrong decision was made because there was no clinical rationale for it. It was a knee-jerk political reaction by the Minister which has damaged the overall programme and cost approximately €10 million that could have been better used elsewhere in the health service. In May of last year, after the decision was made, I asked the Taoiseach on Leaders' Questions if it was the correct initial response and whether the system had the capacity to fulfil it. I suggested an alternative approach. The Taoiseach replied that, "A financial agreement on the fee was made last Friday" and went on to say that, "Obviously, there will be logistical and cost issues in getting the tests done as soon as possible but we will overcome them". However, the Taoiseach and the Government have not overcome them. The programme is under significant pressure and is in crisis mode dealing with these backlogs.

The then director general of the HSE, Mr. Tony O'Brien, did not advocate or recommend the approach taken. He stated that it was not actively advised at the time and that the message the HSE was trying to communicate was that women should attend for their scheduled programme appointment - nothing more and nothing less.

The Minister, Deputy Harris, received a significant amount of communication following the decision, including from a gynaecologist in the mid west who stated, "This is dangerous", and that there had been a delay in reporting a test carried out in June. As early as August of last year, GPs wrote to the Minister and the programme to state that smear tests were expiring. In October, the Minister was warned by gynaecologists in the mid west. Of course, in October the CervicalCheck programme recommended the discontinuation of out-of-cycle testing because of the damage that was being done.

Looking back, does the Taoiseach accept that the decision to recommend a free smear test to every woman was wrong? Does he accept that it had no clinical basis, was not resourced properly and has caused unacceptable stress and backlogs costing approximately €10 million overall?

The Taoiseach: In the first instance, we should recall that cervical screening works. It saves lives. As a result of cervical screening, the incidence of cervical cancer in Ireland has fallen considerably in recent years. Fewer women die from cervical cancer and fewer women face life-changing operations or treatment. It is encouraging and welcome that the number of women attending for smear tests has increased over the past year, notwithstanding the screening controversy. The objective of the Government is to make cervical cancer a very rare disease such that it is almost eliminated. We will achieve that by improving screening through becoming one of the first countries in the world to move to the new primary HPV test and by promoting the uptake of the HPV vaccine by girls and extending it to boys for the first time this year. Those measures are programmed and funded for this year.

I acknowledge that there is significant anxiety and concern among tens of thousands of women who have had a smear test and are awaiting the result. When the programme was working at its best, women received a result within four to six weeks, but it now takes closer to four to six months. There are two reasons for the delay, namely, the general increased uptake in the number of women attending for smear tests, which has continued into this year even though the free test is no longer available, and the decision last year to offer a free test to any woman who wanted one on foot of a consultation with her GP. Those two factors have given rise to the backlog. We are doing everything we can to reduce it. Additional laboratory capacity is being sought. Laboratories are taking on extra staff and, where appropriate, staff are working overtime to speed up the analysis of the tests. We anticipate that the backlog will start to decrease, although it may take some time before we get back to results being received within four to six weeks.

It is worth acknowledging that although some doctors opposed the decision to offer a free smear test, others called for it, as did some patient advocates. It was one of the major concerns raised by women who called the free help and information line. The decision was welcomed by many patient advocates, the Irish Medical Organisation and many Opposition Deputies.

Deputy Micheál Martin: The core lesson that should be learned is that politics does not make for good clinical decision making. It is a very worrying development that a gynaecologist has stated that tests have expired and that a diagnosis has been made in the case of a woman

whose test results were delayed. The laboratories have written to the Minister to state that they cannot sustain this level of testing.

We need to be candid. There has been an attempt to cover this up and attribute it to several factors. The decision to provide out-of-cycle testing led to approximately 90,000 additional smears over approximately 230,000 annually. That had a significant impact on the cytology laboratories, which were not resourced to deal with that decision. The programme has been damaged as a result.

The Taoiseach referred to the HPV vaccine. It was promised for last September but that target was not met. It was then promised for January.

Deputy Simon Harris: Is the Deputy referring to the test?

The Taoiseach: The Deputy has mixed up the vaccine and the test.

Deputy Micheál Martin: At the meeting of the health committee this morning, Deputy Donnelly asked whether it would be introduced in 2019. The witnesses were unable to provide any commitment or date in that regard. The fundamental point is that €10 million was spent on the free test. There was no clinical rationale for it at all. The Minister said the assistant secretary and the Chief Medical Officer did not recommend it.

Deputy Simon Harris: They supported it.

Deputy Micheál Martin: The Chief Medical Officer did not recommend it. The Minister should show me the note.

Deputy Simon Harris: They supported it.

Deputy Micheál Martin: The Minister should show me anybody in the CervicalCheck team who recommended it.

An Leas-Cheann Comhairle: The Taoiseach to respond.

Deputy Micheál Martin: The CervicalCheck team is appalled by the decision.

An Leas-Cheann Comhairle: The Taoiseach to respond.

Deputy Micheál Martin: Many people in the programme are. The only reason they are worried is out of concern for the programme. They believe the programme has been damaged. I agree with the Taoiseach it has been very effective but this decision damaged it. We should learn lessons from it.

An Leas-Cheann Comhairle: If we change the time, we change the time-----

The Taoiseach: I have reflected a lot on CervicalCheck, how it was handled, the extent to which it was handled well, and the extent to which we in government might have handled it better. I still reflect on it and on how we will handle these ongoing issues in the future. The truth, which I remember well, is that during the period in question, the Government was under a huge amount of pressure to act quickly. There were very few people in this House and in the media, and even more generally, who were willing to wait for all the information and the facts. We were under enormous pressure from many quarters to act quickly. Everything we did was in good faith. Sometimes we acted perhaps from the heart rather than the head but this decision

was made in good faith. Tens of thousands of women were genuinely concerned about their smear tests and the accuracy. Tens of thousands of women attended for the tests. It is true that some doctors warned this backlog would arise but others called for the decision. The Chief Medical Officer supported the decision to do this. When the contract was negotiated with the general practitioners to provide the service, the IMO welcomed it.

Deputy Pearse Doherty: Over the past few weeks, we have borne witness to the scale of the absolute crisis in the health service under the Taoiseach's watch and that of the Minister, Deputy Harris. Our nurses and midwives were forced to take to the streets, which would never have happened if the Minister had listened to and taken on board their concerns over the recruitment and retention crisis. General practitioners have protested outside the gates of Leinster House. Hospital waiting lists continue to grow to very high levels and the trolley crisis is one that we are facing day in, day out, and not just during the winter period. The debacle surrounding the national children's hospital rumbles on. It will have a serious effect on capital projects in health and in other areas. Thankfully, we will have an opportunity later today to quiz the Minister for Health on his handling of this because there are very serious questions that still need to be answered. Despite the acquiescence of Fianna Fáil, an apology that was offered yesterday will not cut it. It is not good enough. We in Sinn Féin are very clear that this Minister is out of step and not up to the job.

The issue I want to raise with the Taoiseach today is yet another example of why the Minister, Deputy Harris, needs to go from the Department of Health. As has been mentioned, it emerged this morning that nearly 80,000 smear test results are subject to a delay of up to 27 weeks. This happened as a result of a ministerial decision taken last year to make free screening available in the wake of the CervicalCheck controversy. Women we know are now waiting up to six months for the results. It is undoubtable, unfortunately, that some of those results will indicate cancerous cells. It is appalling and of the utmost concern to women right across the State. It is yet another example of the complete incompetence and chaotic system that we see in the Department of Health and that are evident in the ministerial oversight of that Department.

The Minister announced free screening without any consultation with the laboratories and without carrying out any analysis of whether there was capacity to do what he intended to be carried out. Going ahead without ensuring the laboratories had the means to carry out the tests and to deal with the increased workload guaranteed a major crisis and major problems that we now see emerging.

It was suggested earlier this week in the media, including on RTÉ, that the former director general of the HSE was not made aware of the political decision made by the Minister, Deputy Harris. He also suggested he indicated that the decision should be walked back because it would have unintended consequences. Unfortunately, we see very clearly what those unintended consequences are. Unfortunately, there are 78,000 women waiting up to 27 weeks for their results. The Minister did not consult the laboratories. He made a political decision, which has now had a direct impact on the length of time taken. Is this not another clear example of how the Minister is out of his depth? During the period in question, the Minister pledged to us that the HPV vaccine would be rolled out.

An Leas-Cheann Comhairle: The Taoiseach to respond. Deputy Pearse Doherty will have another minute.

Deputy Pearse Doherty: He said it would be in the autumn and then said it would be in

January. Now we hear from the committee that we cannot even be told whether it will be rolled out in 2019.

An Leas-Cheann Comhairle: The Taoiseach should respond.

Deputy Pearse Doherty: Should the Minister have taken on board the advice of the director general of the HSE? Should he have consulted the laboratories to avoid the crisis we are in today? Is it not now really time to face up to the fact that the Minister has to go?

An Leas-Cheann Comhairle: The Taoiseach to respond.

Deputy Simon Harris: I think Sinn Féin called for it.

The Taoiseach: It is curious to hear Sinn Féin now quoting Mr. Tony O'Brien, the former director general of the HSE, as part of an attack on the current Minister for Health. Sinn Féin's last motion of no confidence, if I remember correctly, expressed no confidence in the former director general of the HSE, Mr. O'Brien-----

Deputy Pearse Doherty: It was in the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, actually.

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

The Taoiseach: -----whom Sinn Féin thought a few months ago was unfit for office. Now it is using his words as an attempt to pursue the next head. It shows the entire approach of Sinn Féin to the health service. It really does not care about patients or the health service whatsoever; its approach is just a stick to beat the Government with. It is just a constant, ongoing political attack.

Health is a very difficult area to manage and a very difficult area to lead in for any Minister or Government. It is, however, an area in which, despite the many difficulties we have, real progress is being made. We see that in the fact that life expectancy has increased in the past couple of years. We see it in falling cancer mortality rates, improving stroke survival rates, improving heart attack survival rates and much better clinical outcomes across the board. These things do not happen by accident; they happen because of the hard work and professionalism of our healthcare staff. They happen because the Government is pursuing the right policies and strategies, by and large, and because of the additional resources we are putting into the health service all the time. Even in some of the most difficult areas, as with people waiting for operations and procedures, until last month or at least until the strike, the number of patients waiting more than 12 weeks for operations was at a four-year or five-year year low. There will now be a setback for the next few months as a consequence of the strike but we will get on top of that again. This year so far, the number of patients spending time on hospital trolleys has been at a three-year low, if not a four-year low although I accept there are still too many.

Deputy Mattie McGrath: In Clonmel, it is not.

The Taoiseach: The other matter to which I turn Deputy Pearse Doherty's attention is the situation in Northern Ireland.

Deputy John Brady: The Taoiseach should answer the question the Deputy put to him.

The Taoiseach: It is an area where his party was in government for over ten years. The last health Minister, until two years ago, was the Deputy's party leader in the North, Ms Michelle O'Neill. Many of the same problems are faced in Northern Ireland, including overcrowding in hospitals, unacceptable waiting times, overruns on budgets and a reform plan that is not being implemented, the Bengoa plan. A very good editorial the other day in *The Irish News* stated the health service needs a Minister. Why does the health service in Northern Ireland not have a Minister?

Deputy Mattie McGrath: Send Simon up.

(Interruptions).

Deputy John Brady: This is unbelievable. He has not even answered the question.

The Taoiseach: The health service in Northern Ireland has no minister because the Sinn Féin health minister resigned over a heating initiative.

Deputy Mattie McGrath: Send Simon up.

The Taoiseach: Having denied Northern Ireland a health minister, Sinn Féin now wants to take away ours. We are not going to let that happen.

Deputy Pearse Doherty: Let me be very clear to the Taoiseach. The women at the heart of this latest scandal are our wives, sisters and mothers in Sinn Féin. Therefore, the Taoiseach should not lecture me about my concern for people whom we love. What has occurred is a direct result of a political decision that was made without any analysis by the Minister for Health. The Minister for Health has said he had full support in regard to the decision he made. What we have is the director general telling us he advised walking back from this decision because there would be unintended consequences. Regardless of this, what is known as a fact is that there was no analysis carried out of capacity. What is known as a fact is that there was no consultation with the director general of the HSE. What is known as a fact is that the Minister did not consult the laboratories about capacity. The Taoiseach says that he acted with his heart instead of his head. That is cold comfort to the women who are waiting 27 weeks to find out if there are abnormalities in their smear tests.

The Government talks about accountability and that is what we are looking for. This Minister is completely out of his depth. It is not just the cervical cancer scandal or the children's hospital scandal. Week after week, people we know and love who have cancer are having operations cancelled because of the dysfunctionality of the Department of Health and the HSE and the lack of oversight and hands-off approach of this Minister.

Is the Taoiseach aware of any consultation or capacity analysis carried out by the Minister for Health before he made the decision which has resulted today in 78,000 women waiting up to 27 weeks to find out whether they have cancerous abnormalities in their smear tests? That is the issue and the Taoiseach should stop trying to divert attention from it.

The Taoiseach: That is the issue and I acknowledge the anxiety, concern and worry for tens of thousands of women who are waiting for results of their smear tests. When the programme was working efficiently, people would get a result in four to six weeks whereas it is now taking four to six months. I acknowledge that is a big problem and we are doing all that we can, working with the HSE and CervicalCheck, to reduce the backlog and get back to a turnaround time

of four to six weeks and that will be done.

The situation has arisen, as I have pointed out, because of the increase in the number of women attending for smear tests both because of the free test and a general increase in those attending which has continued into this year. The solution to this problem is not a political attack on anyone, nor is it removing the Minister for Health. Removing the Minister for Health will not mean the children's hospital will be built any quicker or cheaper.

Deputy Mattie McGrath: It might.

The Taoiseach: It certainly will not mean that the backlog and the waiting times for women worrying about smear tests will get any shorter.

Deputy Pearse Doherty: The Taoiseach keeps making the wrong decision.

The Taoiseach: It would be the same as Northern Ireland and walking away from responsibilities.

Deputy John Brady: It is about holding people to account.

The Taoiseach: It would mean not taking accountability and leaving the control of a health service in the hands of civil servants. Sinn Féin removed itself from responsibility in Northern Ireland and the department of health in Northern Ireland where it could have done things right and shown us how things should be done. Sinn Féin now wants to remove the health service in Ireland.

Deputy Pat Buckley: People should be held accountable.

Deputy Brendan Howlin: The national children's hospital has shown a very serious problem with Fine Gael's competence to manage the public finances and the economy. The national budget is the most important vote in Dáil Éireann every year. The budget presented in October last year by Deputy Paschal Donohoe, as both Minister for Finance and Minister for Public Expenditure and Reform, did not include any provision for the cost overrun on the national children's hospital although it was known about months previously. Why was there no provision whatsoever for an additional capital spend which was known to be required for this project in the course of 2019 when this House was presented with the budget in October?

The Government has accepted that it knew full well and had full knowledge of the extra costs of the hospital by, at the latest, November last year, including the additional €100 million required for 2019. Everybody accepts that. The Government might have gained that knowledge a bit earlier had the Taoiseach appointed a separate Minister for Public Expenditure and Reform and Minister for Finance, which was one of the main recommendations after the economic collapse.

The October budget was inaccurate but the Government now accepts that it knew about the extra cost in November. Why was that not pointed out when the Revised Book of Estimates, the most important spending document, was presented to this House by the Department of Public Expenditure and Reform in mid-December? Why was there no revision of the projected costs in the Department of Health for 2019? Why was capital spending in the Revised Estimate not revised for the national children's hospital?

On Wednesday, 19 December, a month after the Government had full knowledge of these

costs, the Minister for Communications, Climate Action and Environment, Deputy Richard Bruton, moved that the Revised Estimates for the public services be presented to Dáil Éireann and circulated to Members for consideration by select committees. Surely the Dáil was misled when that was done.

In October, the Dáil voted to give the Fine Gael minority Government €7.3 billion to spend on capital projects. That was unrevised from budget day. We now know that the cost of the national children's hospital will be €100 million more than expected this year. The Government has claimed that no major projects will be delayed more than a few months but €100 million of new money needs to be found this year. If projects worth €100 million are pushed back into next year, the same €100 million will have to be found next year unless the Government increases the capital spend.

As we know, it is not just that €100 million for this year. At least €450 million of new money now needs to be found over the next few years in order to build the children's hospital. It is not credible that €450 million worth of savings can be found by postponing projects for a few months.

I directly ask the Taoiseach does he accept that an inaccurate revised volume of public expenditure was presented to this House last December.

The Taoiseach: I do not accept that. The budget was agreed by this House and the Government in October. The Government did not know the full cost of the overrun, or how it would be profiled, until November and we did not decide what change we would make until the Cabinet meeting this week. The Revised Estimates were done in December. The budget was in October, the extent of the overrun was known in November, the Revised Estimates were done in December and a decision on the reallocation was not made until January. That is the timeline.

Deputy Howlin was Minister for Public Expenditure and Reform for five years. I worked with him during that period on many capital projects, particularly in the area of transport. The Deputy knows that, during the course of every year, there was virement. That is not a Revised Estimate, but being transferred from one capital project to another and one Department to another. That is called virement. I imagine that, if we went back over the record, we would probably find 20 to 30 occasions on which Deputy Howlin, as Minister, signed off on virement, moving money from one Department to another, from current to capital expenditure and from one project to another. It happens throughout the course of the year.

In an overall context, while not diminishing it in any way, the capital budget for this year and the amount of money we will invest in public infrastructure this year is €7.3 billion. That is approximately €140 million per week. We have to find roughly a week's spending, or four and a half days' spending to reallocate within the additional capital spending and that is what we have done.

Deputy Brendan Howlin: Is €100 million of no consequence?

The Taoiseach: It is of consequence.

Deputy Brendan Howlin: Why does the Taoiseach diminish it then?

The Taoiseach: It is done through virement, just as occurred many times when Deputy Howlin was Minister for Public Expenditure and Reform in amounts of €50 million, €100 mil-

lion and €20 million, and money was regularly moved from one year to the next. I remember him doing it and I thank him for doing it. It was very helpful on the sports campus project.

Deputy Mattie McGrath: This is a joke.

The Taoiseach: Money was moved from capital to current expenditure and from one Department to another. It is done throughout the course of the year and that is exactly what we have done on this occasion. As I said yesterday, this is not an issue of taxpayers' money being wasted. This money has not even been spent yet. The issue is a serious underestimate in the cost of building the project and we accept responsibility for that. The mistake was made by our agents. We signed off on it, we accept responsibility for it, and we will deal with it and build this project. It will be open to our children in 2022 and 2023.

I have heard many comparisons over the past couple of days with other projects in the past such as the Dublin Port tunnel, the original Luas line and the personal, payroll and related systems, PPARS, which overran considerably. It has been compared to other projects including Metro North, the Thornton Hall prison site, the "Bertie bowl" and e-voting, which all cost a lot of money but were rashly abandoned and never concluded. It is telling that people use those comparisons precisely because every single one of them is more than ten years ago and occurred under previous Governments. Overruns in capital projects used to be the norm ten or 20 years ago. They are not the norm anymore.

Deputy Billy Kelleher: There was no capital expenditure for seven or eight years.

The Taoiseach: We have got this right, by and large. The children's hospital is an exception but we will get it right too.

An Leas-Cheann Comhairle: I remind Deputies that this is a question from Deputy Brendan Howlin.

Deputy Billy Kelleher: There was no capital spending.

Deputy Brendan Howlin: I refuse to accept that the Taoiseach is so ignorant of the budgetary process that he believes what he just said to me. Of course virement can happen after the solemn decision of this House but accurate figures have to be presented to this House in the Book of Estimates for constitutional reasons because the Government has no money at all to spend until the Estimates are voted upon. If the Taoiseach was aware that the provision allocated to the Department of Health was not true – he admitted himself that he was aware of that when this Revised Estimate was presented by the Minister, Deputy Bruton, on 17 December last – then that was an inaccurate presentation in defiance of his constitutional duty. That is a clear fact.

Yesterday I asked about Directive 2014/24/EU, on public procurement and the Taoiseach spoke about giving people advance notice. Has he had an opportunity since I raised that yesterday to take advice from the Attorney General? Will the Taoiseach assure the House that the contract awarded to build the national children's hospital is in full compliance with that directive?

The Taoiseach: The overall allocation for capital spending has not changed. It is still €7.3 billion. We only made the decision this week to reallocate some spending from Departments to others. Many of those departmental Estimates have yet to go through the House. They will

go through the House and will be accurate at the time but they may yet change again. Out of a budget of €60 billion per annum, there will be always changes during the year. There are virements between Departments and from capital to current expenditure. Sometimes there have to be Supplementary Estimates where Departments overrun a budget. There is nothing unusual about any of that.

Unfortunately I have not had the opportunity to speak to the Attorney General about the EU directive. I will check up on it and get back to the Deputy.

Deputy Maureen O’Sullivan: I want to turn from the national to the international. In a month, the Taoiseach, Ministers and officials will head around the world for St. Patrick’s Day. Over 300 venues around the world will be lit green for that day. That is some achievement and some recognition for a small country with a small population. One of the items on the agenda will be to secure the 192 votes necessary to get a seat on the UN Security Council.

Why do we want this seat? I know it was decided back in 2005. What will it cost Ireland? I am not just talking about euro to secure the seat. I ask these questions in the context of strange and, what I would call, “unIreland” decisions made recently. Will we see more of these types of decisions in order to get the seat?

I have two examples of these decisions. Our neutrality puts us in a strong position, enhanced by the reputation of our troops in UN mandated peace missions. Despite protestations to the contrary, that neutrality is under threat, whether that relates to Shannon Airport, permanent structured co-operation, PESCO, or EU battlegroups. We see this increasing drawing of Ireland into the European securitisation agenda. Some months ago, there was an overwhelming vote in the European Parliament on a report emphasising PESCO’s compatibility with NATO and that the EU should be capable of launching autonomous military missions.

My second example is the decision to recognise a self-appointed person as president of Venezuela whose previous role in the Venezuelan National Assembly was akin to that of speaker in other parliaments. This self-proclaimed president is openly calling for violence on the streets. I was waiting for Ireland’s voice to condemn the sanctions, which have been causing the problems in Venezuela, as well as waiting for Ireland to condemn the threat of military invasion but, instead, Ireland joined European countries in condemning the Venezuelan President, Nicolás Maduro.

Are these the prices we are paying in exchange for votes for a seat on the UN Security Council? The organisation of which we want to be part has permanent members with unprecedented power to veto. We see the political games that go on between the three permanent NATO members and the other two members of the council. There is a litany of failures by the Security Council in making the world more secure. A former UN Commissioner for Human Rights spoke about the pernicious use of the veto leading to the most prolific slaughterhouses, referencing Syria, the Congo, Burundi, Myanmar, and before that, Biafra, Cambodia, Bosnia, Rwanda and Darfur. The most blatant recent example is Yemen. There was an initiative in 2014 to call on the five permanent members of the UN Security Council to voluntarily pledge not to use the veto in the case of genocide and crimes against humanity, which came to nothing.

Our unique voice is one that has been non-aligned, impartial and humanitarian focused. Why are we risking that for a seat on the UN Security Council, which has a serious democratic deficit and which might require us to make decisions not in keeping with a sovereign, indepen-

dent republic?

The Taoiseach: I thank the Deputy for raising this important issue. As far as the Government is concerned, we will seek election to the UN Security Council for the 2021 to 2022 term. We have the support of almost all the Oireachtas in this regard. As a country, we have served on the Security Council in the past. I believe we have made a valuable contribution to the UN and the Security Council and we want to be able to do so again. Part of that is a reflection of our ambition to double Ireland's global footprint and increase our influence around the world. Part of it is also about our commitment to multilateralism, precisely because we believe the greatest challenges and problems which the world faces are best dealt with by countries working together, whether through the UN or the EU. It is linked to our commitment to peacekeeping of which the House is rightly proud.

There is peacekeeping we have done with UN in places like Lebanon but also peace operations in which we have been involved through the European Union. These involved operations in Mali, which I had the opportunity to visit earlier this year, and the Mediterranean Sea, under Operation Sophia, where we have been disrupting human trafficking, people smuggling and rescuing migrants from the sea. Those were EU operations, not UN operations, and I do not consider them a violation of our neutrality. I am proud we have taken part in those missions in the Mediterranean Sea and Mali.

The fact we have increased our budget for international development this year by more than €100 million, striving to reach that target of 0.7% of GNI, speaks to our commitment to international development. We believe the best way to deal with many of the world's problems is to build capacity, democracy, human rights and economic opportunities in developing countries. We are committed to that and we want to bring that vision and voice to the top table in the world.

It is also because of our commitment to free trade and free enterprise. Nothing has lifted more people out of poverty in the history of the world than free enterprise and free trade. We have seen in China and other Asian countries how hundreds of millions of people have been lifted out of poverty through free trade and free enterprise. We want to bring that voice to the top table of the world as well.

We also want to bring our voice and our commitment to human rights and equality to the top table, whether it is equality among the genders or LGBT rights. Ireland has a unique voice and perspective to offer in that regard. That is the backdrop to our decision to seek a seat on the Security Council.

We strongly support the people of Venezuela in their demands for free elections, as well as the restoration of democracy, human rights and freedoms, and economic opportunity. We have listened to the Venezuelan community in Ireland as well. I invite people to do that if they have not done so. There are always differences of opinion but the majority of Venezuelans in Ireland know exactly where they stand on this issue, and we should listen to them as well. In taking the decision to recognise a new interim president of Venezuela, we did so recognising the Venezuelan Constitution allows for an interim president to be elected by the Venezuelan Congress should the directly elected president be deemed illegitimate. We did so not on our own but alongside many other EU countries, including neutral ones, as well as the Lima Group comprising Canada and a large number of Latin American countries.

Deputy Maureen O’Sullivan: A Cheann Comhairle, perhaps you as speaker here would like to proclaim yourself President at some point and expect the rest of Europe to recognise you.

An Ceann Comhairle: I am okay where I am.

Deputy Seán Crowe: The emperor’s clothes.

Deputy Maureen O’Sullivan: Ireland has a respected voice. It comes from our history, culture and the empathy we can bring to other countries because we have experienced famine, conflict and displacement. The Taoiseach mentioned his recent visit to Africa. That shows up the contradictions. In Mali, he visited Irish troops. Why are those troops part of an EU training mission, which could be seen as propping up France’s interests in Mali’s uranium resources? The Taoiseach then went to Ethiopia and was back to the traditional Irish role, Irish Aid, which is about the empowerment of women, rural development, social protection and health. We are in danger of losing that respected voice, which we have because of our positive relationships with other countries. There are more appropriate arenas in which Ireland can keep up that reputation and good name, not the UN Security Council and not at the price we appear to be paying to get those votes.

The Taoiseach: I am not sure the Deputy meant the way that came across. We are not paying for any votes. That is not at all what is happening. I have a thick skin but I hope that our hard-working diplomats in the UN and around the world do not take that the way the Deputy said it. Perhaps it is not the way she meant it.

In terms of philosophy, I do not see a conflict between being involved in peacekeeping and peace support operations on the one hand and international development on the other. I see what we do in Mali and Ethiopia as mutually complementary. International development is worth nothing without security, and security will never last without international development, economic opportunity and freedom for people. I see these things working together. We can do nothing for the refugees fleeing Eritrea in the camps in Ethiopia without having security in Ethiopia and Eritrea. They have to go hand in hand - security as well as international development, democracy, human rights and economic opportunity. I do not see a conflict there. It would be an error of philosophy in foreign policy to say that we will only be involved in international development, but if guerrillas come in or an offensive government comes in, overruns and sets fire to all our projects and knocks down the schools, we cannot say we do not care. That is not what we do.

Death of Former Members: Expressions of Sympathy

An Ceann Comhairle: In accordance with the order of the House from yesterday, we now proceed to expressions of sympathy on the deaths of our former colleagues, Brendan McGahon of Louth and Seymour Crawford of Cavan-Monaghan.

Before calling Members to offer their tributes to our departed colleagues, I welcome the families of Brendan McGahon and Seymour Crawford to the Distinguished Visitors Gallery. Brendan is represented by his daughters Jill and Adele, his son Conor and their family; and Seymour is represented by his nephews, Andrew and Alistair, and niece, Kirsten. They are very

welcome to Leinster House today. This is a sad day for them all, but I hope that the memories shared here in Dáil Éireann will serve to support them as we pay tribute to two much respected and distinguished former Members.

I did not have the privilege of knowing Brendan McGahon personally; he retired from this House in 2002, the year I was first elected to Dáil Éireann. He was from a long line of political activists in Louth, stretching back over many decades. It is fitting that that tradition is continued by his nephew, John, a familiar face for many of us in Leinster House today.

Few of us would doubt that Brendan's 20 years here were on occasion politically colourful and sometimes contentious with views on a wide range of issues which divided opinion nationally as well as in the county he clearly represented with such pride. He was a man of his own independent views, firmly expressed, with such independent voices making our parliamentary tradition all the richer.

He also struck up many seemingly unlikely associations and friendships during his time in this Chamber, finding common cause with equally committed public representatives which transcended personality and tribal politics. As Brexit threatens the peace, stability and economic well-being of places such as his beloved Dundalk, we need to continue to find common cause as Brendan often did for the greater good for all citizens we are honoured to represent in this Chamber.

I did know Seymour Crawford very well and held him in high regard. I had the honour of serving on the agriculture committee with him. While the stony grey soil of his home county was different from the land I farm in Kildare, his deep knowledge of farming, farmers and the concerns and challenges facing that community found a firm and vocal advocate on that busy committee.

As well as the agriculture committee and many considered contributions here in the Dáil Chamber during his years with us, Seymour was an active and long-serving Member of the British-Irish Inter-Parliamentary Body subsequently the British-Irish Parliamentary Assembly. As we mark the centenary of the First Dáil as an integral part of our decade of commemorations, I salute in particular the work Seymour undertook in advocating cross-Border co-operation and understanding, work this fine, upstanding and decent man undertook with quiet efficiency and delicacy.

Both Brendan McGahon and Seymour Crawford served this House with distinction and fortitude. As Ceann Comhairle, I offer my renewed condolences to their families who should take great comfort in the patriotism shown by both Brendan and Seymour.

The Taoiseach: Inniu, déanaimid comhbhrón agus tugaimid ómós do bheirt Bhall den Teach seo a d'fhreastal anseo le honóir agus le gradam. Bhí fuath go smior agus go buan ag Brendan McGahon agus Seymour Crawford don bhforéigean agus bhí siad tiomanta go gcuirfí an síocháin i réim san oileán seo. Mar Bhaill de Thionól Parlaiminteach na Breataine-na hÉireann, d'oibrigh siad ar chúlstáitse anseo agus i Londain chun cairdeas idir an dá thaobh a chur chun cinn agus tuisint níos doimhne a chothú. Teachtaí Dála dúthrachtacha, cróga ab iad araon, a chur go mór le saol agus sochaí ár dtír.

In politics as in life, it takes courage to swim against the tide. It is one thing to stand up for one's principles when they are popular and widely accepted; it is quite another to stand up and speak up when one's views are unpopular or when one goes against the views of one's col-

leagues, especially when there is a considerable threat to one's life.

Brendan McGahon's career of public service was defined by his political courage. He was a man of principle and great personal courtesy. He had friends on all sides of this Chamber. He once remarked that he sometimes got on better with those on the other benches. Notwithstanding, he was very much an admired respected colleague in Fine Gael and colleagues valued his integrity and courage.

The history books record how Brendan McGahon stood up to the Provisional IRA and shone a dark light on their dark deeds and cruelty. He famously refused to close his newsagent's shop in Dundalk during the funerals of hunger strikers in 1981, despite threats to his life and limb. Throughout his career, he excoriated the Provisional IRA for its violence and hypocrisy, and he gave voice to its victims.

As a teetotaller, he was disgusted by the glorification of alcohol and wanted greater punishments for drink-driving offences. I had the opportunity to meet him on several occasions. While I did not agree with all his views, I certainly respected them. He opposed the abolition of the death penalty as well as the decriminalisation of homosexuality. At the same time, he supported the introduction of divorce in certain circumstances and defied the Fine Gael party Whip to vote against hare coursing.

Brendan showed the same tenacity and determination in the Dáil as he did on the football pitch, at an earlier time in his life playing for Dundalk F.C. For nearly 20 years between 1982 and 2002 he represented the people of Louth with distinction and he was a tireless advocate for the economic development of his county. I believe he would be rightly proud at the progress made there in recent years.

Sadly his wife, Celine, predeceased him. We offer our condolences today to their five children, their extended family, including Councillor John McGahon, who is known to many of us in the House, and his considerable number of friends. Ní bheidh a leithéid ann arís.

In a distinguished career of public service, Seymour Crawford was a peacemaker who used his considerable expertise to serve his community, his constituents and his country. He represented the people of Cavan-Monaghan in this Chamber for 19 years. We benefitted enormously from his considerable experience as a farmer, as a director of the CBF and as vice president of the Irish Farmers' Association. It gave him unique insights into agriculture and related issues, such as animal welfare, drainage and the beef industry. I know his advice was greatly valued during the particularly difficult General Agreement on Tariffs and Trade, GATT, negotiations. My colleague, the Minister, Deputy Humphreys, has rightly described him as the best Minister for agriculture we never had and I think that is a very fair description.

A gentle giant, Seymour was passionate on so many issues, including education, the care of the elderly, rural roads, tourism and social welfare. With a good sense of humour and natural humility, he knew how to bring people along with him and how to strike a good deal. He was perhaps most at home in his constituency office in the Diamond with files all around him, putting his considerable skills to the service of his constituents. As a bachelor politician, he was truly married to the job.

For 14 years he was a member of the British-Irish Inter-Parliamentary Body and then the British-Irish Parliamentary Assembly, later serving as Vice Chairman. As a Presbyterian from a rural Border community, he knew all about the different traditions on the island and he played a

crucial role during one of the most important periods of the peace process, bringing his unique perspective to the table. Peace and reconciliation were his overriding concerns and he did much to develop understanding and trust between North and South.

On a personal note, I had the privilege of working alongside Seymour during his final term in the Dáil, which was my first. I know that I am not the only member of the current Government to have listened to and learned from him prior to his retirement and to have enjoyed his company in the Member's restaurant on Wednesday nights. Today we offer our condolences and sympathies to his niece Kirsten, his nephews Andrew and Alistair and his extended family and friends. Ar dheis Dé go raibh a anam dílis.

Deputy Micheál Martin: Ar mo shon féin agus ar son pháirtí Fhianna Fáil, ba mhaith liom comhbhrón a dhéanamh le clanna Brendan McGahon agus Seymour Crawford. Ar dtús, maidir le Brendan McGahon, ba mhaith liom a rá gur polaiteoir agus fear lách, gnóthach, neamhspleách agus cróga a bhí ann. Is léir go raibh sé macánta agus bhí sé cróga maidir leis an méid a bhí sé sásta a rá i dtaobh gach aon rud agus ar gach aon cheist pholaitiúil ag an am.

During his 20 years in this House, Brendan McGahon established a reputation as a colourful and very straight-talking Deputy. Right from the start he made it clear that while a loyal party man, he was also his own man. He was one of the first of the independents within political parties that we have all come to know in more recent times. He was elected in November 1982 and at every election thereafter until he retired in 2002. He made his maiden speech on the topic of Dáil reform in January of 1983, saying that it might be somewhat “impertinent” of him, as a new Deputy, to endeavour to make any contribution to the debate. It is fair to say that Dáil Éireann got used to and enjoyed his impertinence over two decades.

Brendan was also a man of great courage, both moral and physical. He stood up to the Provisional IRA at a time when his own life could have been put in danger. It is difficult at this far distance to fully appreciate the depth of his courage on those occasions. He was a vocal critic of IRA violence and saw how it wrecked the Border region and the local economy over decades. He was very blunt and unflinching in his assessments. He stated, “Terrorists do not wage a war. They are despicable vermin who plant bombs in pubs and under cars and shoot people in the back.” That was the nature of Brendan's articulation at the time. In a powerful contribution in 1983, he lamented how Dundalk had suffered so grievously since 1969 as a result of the Troubles.

It is not an overstatement to say that he placed a great emphasis on law and order, a very strong principle for him. He accepted that his views on this question would be considered a throwback to another era. He had no doubt that they would be scoffed at by many in the legal and academic arenas but he proclaimed his membership of the “hang them and flog them brigade” and made no apologies for it. He was of the view, as articulated in the House, that prisons were the equivalent of grade three hotels. He had a very clear, unvarnished perspective on issues.

While he was a staunch critic of the IRA, he was also a very strong critic of the British Government and its policies. He would, at times, invoke the late Liam Cosgrave in terms of being particularly conscious of how to deal with the British Government. His views might have had some application in the context of Brexit today. He was very strong on Northern Ireland. On one occasion he was first out of the traps to question the Government about British Army incursions across the Border, much to the consternation of one Charles J. Haughey, who had to settle

for being second on the list of questioners on that occasion.

I had the opportunity, on first arriving in this House in 1989, to go on a visit to France. Deputies were restoring relations with French parliamentarians and Brendan accompanied a large delegation, of which I was the youngest. To say that it was some experience would be an understatement. I have to say that Brendan McGahon had many talents, as exemplified during that trip. He had great humour and wit and would have made a great comedian. I cannot go into the details of the stories of that trip because there are other Members who were on that trip who might not wish me to provide details of how Brendan made it one hell of a trip to remember.

In 2000, during one of his final contributions in the House, he joined in expressions of sympathy for the late Paddy Donegan, another Louth man whose career did not escape controversy. The words he used then could readily be applied to Brendan McGahon himself, who was:

... something else. He was different, flamboyant and colourful. He was not po-faced, as so many politicians are. I do not speak of anyone here. He was a big man, big in stature and big in heart ... he was big in generosity. He was also big in compassion. He served the people of Louth in a wonderful way.

I express my sympathy to Brendan's children, Robert, Conor, Adele, Keith and Jill, and to his extended family, particularly Councillor John McGahon who has followed in his footsteps.

Seymour Crawford, arís fear cneasta, cineálta, dílis dá mhuintir a bhí ann agus fear tuisceanach chomh maith. D'oibrigh sé go dian dícheallach ar son a mhuintire agus muintir a dhúiche móorthimpeall. Seymour Crawford was an affable Member of the House who was well respected across all parties and none. He was a dedicated public servant who always promoted peace in Northern Ireland, particularly in the context of his membership of the British-Irish Inter-Parliamentary Body. He gave a lot of insights to people in the House at the time about the complexities of the issues. He worked exceptionally hard for his constituents in Cavan-Monaghan as a councillor and as a Member of the Dáil.

I got to know Seymour well when I was Minister for Health because he was always working to try to improve services in the Cavan-Monaghan area. To be fair, he was a non-partisan politician who would come to me with ideas to resolve very difficult issues, of which there were many in the health arena at the time. He was always very personable and was very popular with all who got to know him. He had a great sense of decency and a very deep understanding, as the Taoiseach noted, of agricultural issues, stemming from his time in the Irish Farmers Association, IFA. Indeed, his very first Dáil contribution, which came on his second day in this House in 1992, was in connection with an increase in livestock headage payments during which he expressed annoyance that not all of the people of Cavan-Monaghan would avail of it. Throughout his time here it is fair to say that agriculture and rural Ireland were his predominant concerns and especially the Border region. He was somewhat concerned at times that the Border region seemed to be expanding, especially when it came to funding. He wittily observed in the Dáil that:

In the past whenever INTERREG funds were made available for Border areas, especially for roads, the Taoiseach thought fit to allocate some of those Border funds to Counties Longford, Roscommon and Meath. One wonders how those counties suddenly became Border areas.

Seymour Crawford was not one dimensional, however. In his final contribution in this

House in 2011, he spoke of the need for greater gender balance in the Oireachtas, saying that he had an interest in this matter because he encouraged a young woman to accept a nomination to follow him into the Dáil. He stated, “The lady in question will face all sorts of difficulties because the political system is structured in a manner that does not encourage female participation in politics.”. The woman in question entered Cabinet three and a half years later, so Seymour did well in terms of selecting his successor. He never held ministerial office. Fine Gael was in office for just two and a half of his 18 years in this House. Those two and a half years were during his first term as a Deputy, so he was unlucky in that respect. Uniquely, during his time here he was the only Presbyterian in the House and he was very committed to his faith. Had he been less committed, it is suggested, he might have entered the House in 1989. However, the Fine Gael selection convention was held on a Sunday on that occasion and Seymour felt that participation was not in alignment with his faith. It is fair to say that he was a man of strong principle. He was a strong advocate for his community and they can be proud that in Seymour Crawford they had a true and stalwart representative. I extend my sympathies to his niece, Kirsten, his nephews, Andrew and Alistair, and his extended family.

Deputy Caoimhghín Ó Caoláin: The passing of Seymour Crawford on 20 October 2018 was universally regretted across the counties of Cavan and Monaghan that he represented as a Fine Gael Deputy with distinction for over 18 years, from 1992 to 2011. A kindly
1 o'clock man, Seymour was easy company, every bit as much at home in conversation with neighbours and constituents as he was when engaging in thoughtful and serious discussion with voices from across the spectrum of political opinion in Ireland or in Britain.

From a long-established farming family, Seymour Crawford embodied the life and soul of his community. During our overlapping years of public service we became mutually respectful friends and constituency colleagues in the true sense, our differences accepted. I extend, once again, my most sincere sympathy to Andrew, Alistair and Kirsten and to all of the extended Crawford family.

I also extend sympathy to the McGahon family on their bereavement. Brendan McGahon and I did not always have close conversation but he was a presence in this institution.

May Seymour Crawford and Brendan McGahon rest in peace.

Deputy Brendan Howlin: I rise on my own behalf and on behalf of the Labour Party to express our condolences to the families of the late Brendan McGahon and Seymour Crawford, both very distinguished former Members of this House. Having served here for some time, I had the privilege of serving with both and I remember both very fondly.

Brendan McGahon came from a long and distinguished lineage of democrats. His grandfather, T. F. McGahon, was one of the inaugural members of Dundalk Urban District Council when it was established in 1898 and a leading member of the Irish Parliamentary Party at that time. He established a local newspaper, the *Dundalk Democrat*, which, I understand, Brendan later ran in the 1960s. Brendan succeeded his cousin, Hugh, on Dundalk Town Council and on Louth County Council at the 1979 local elections and entered this House in the November 1982 general election as a very proud Deputy for the constituency of Louth.

The Ceann Comhairle said with a degree of understatement that Brendan McGahon was sometimes controversial. He certainly was, but always passionate about his belief. Brendan McGahon was a cousin of Ruairí Quinn. Two more disparate perspectives on normal politi-

cal discourse or issues would be hard to find, but they were best mates. They loved presenting themselves as cousins, with each often saying, "Have you heard my cousin's view on that..." Usually, they were very divergent on any of the issues of the time.

As others have stated, Brendan McGahon always took a very courageous stand in regard to the campaign of violence of the Provisional IRA. He took risks with his own safety on these issues. It is no small matter when one takes a stand of such a fundamental nature. He took risks years later when he gave evidence in the High Court in support of *The Sunday Times*, which was being sued for libel at the time by an individual who was accused of directing IRA bombing campaigns in Britain. This was the sort of moral courage that Brendan McGahon exuded. He was respected by all across this House, even those who in general terms would not have agreed with his positions on a range of issues. We need people of that calibre in this House, people who think through their opinions with force and strength and who argue with conviction even at the risk of their own personal integrity and safety. I commend his service. I know that Brendan's family will take great comfort in his contribution to public discourse in our nation and in our Parliament.

I also had the privilege of working with Seymour Crawford, again, a large figure in every way in this House. He was gentle, forceful, strong and clear. He was a distinguished former vice president of the Irish Farmers' Association and so he had a deep understanding of matters agricultural. People listened to him and learned from him when contributed on agricultural matters in this House. Others have said that during his Dáil terms Seymour was the only Presbyterian Member of the Oireachtas. It was important to have perspectives like his in the House. In his eulogy, the Reverend Nesbitt highlighted Seymour's deep interest in all cross-Border structures and underscored his work in advancing North-South understanding, trust and reconciliation, matters that are germane and important right now. In 2004, Seymour Crawford served as vice chairman of the British-Irish Interparliamentary Body and he served as a member of that body for 14 years. In his work, he made a significant personal contribution to the advancement of the peace process. I think Brendan and Seymour would be concerned at what is unfolding now in regard to Brexit after all their years of effort in building reconciliation across this island.

The extended family of Seymour Crawford can be very proud of his contribution to this House and the role in played in serving this country.

Deputy Thomas P. Broughan: On my own behalf and that of my Independent colleagues, I join in the expressions of sympathy to the McGahon and Crawford families as we remember former Members Brendan McGahon and Seymour Crawford. I served with both of them. They were dedicated workers for their constituencies in this House. Obviously, the broad left in this Chamber would have disagreed with many of the views of Brendan McGahon but on a personal level he had close relationships and friendships with Members from my side of the Dáil.

It was always a pleasure to serve with Seymour Crawford. He was one of the most decent and hardworking Members of this House. I agree with the Taoiseach that he was one of the best Deputies we ever had who was not a Minister. He had an encyclopaedic knowledge of agriculture.

Ar dheis Dé go raibh a n-anamacha dílis.

Deputy Mattie McGrath: On behalf of the Rural Independent Group I express our sympathies on the deaths of former Teachtaí Dála, Brendan McGahon agus Seymour Crawford.

I knew Seymour Crawford well. I knew of him before I came into this House because my late father-in-law, Nicholas, was a colleague of his in the IFA and the National Farmers Association, NFA, and I had heard many stories regaling his exploits regarding farming politics. He had a huge knowledge of farming issues.

Seymour was first elected as a Fine Gael Deputy in the 1992 general election, when he became a Member of the 27th Dáil. He was re-elected to the Dáil in the 1997, 2002 and 2007 general elections, during which time I got to know him. As was said earlier, he was a member of Monaghan County Council from June 1991 to 2003. He was involved in many of the group water schemes in Monaghan that I became familiar with. In 2004, he was spectacularly elected vice president of the IFA. Many of us here will be going to a meeting soon at which we expect to be lobbied by the IFA. Seymour was also vice chairman of the British-Irish Parliamentary Body in 2004. He straddled the Border well because of his faith and his friendship with former Senator Fox. He held strong views in many areas. He was respected by all in Monaghan and Cavan.

Ar dheis Dé go raibh a anam dílis.

I did not know Brendan McGahon but I had seen him many times on various television programmes. I recall him being very straight and honest with Mr. Gay Byrne on the “The Late Late Show”. I do not think he was ever again a guest on that show but he told Gay Byrne what he thought about different things. He was a straight-talking, fearless politician. They are scarce today. He served his people well. I welcome his family here today, as I welcome the relatives, nephews and nieces of Seymour Crawford. I want to add our voice to the expressions of sympathy. Brendan McGahon and Seymour Crawford served rural constituencies with many different complexities. Seymour had a good eye for future politicians. Tá an tAire anseo inniu. She knows I know all the people up that way, so she is always careful in what she says to me. I am delighted to welcome everyone here. Ar dheis Dé go raibh a n-anamacha dílse.

Deputy Eamon Ryan: I knew Brendan McGahon. My colleagues, Trevor Sargent and John Gormley, did also and always spoke so well about him. Similarly, my colleagues in the Green Party in Dundalk, Councillors Mark Deary and Marianne Butler spoke in the same vein of his honesty, his bravery and his integrity which was known to our party and very much appreciated.

I also knew Seymour Crawford and had the great privilege of being in the Dáil at the same time he was here. It was a privilege to work with him. He was a gentleman, a gentle giant, as others have said of him today. The culture of this place is convivial and collegiate and Seymour epitomised that. It is important we have that, namely, those basic decent Christian values that he espoused and lived in every small engagement he had. One could have a difference of opinion and a different political outlook but when one met him and chatted about things one sensed that he respected one's view while holding dearly onto his own. He epitomised what is good about this place and he is sorely missed. We send our respects to both families and thank them for what their men did for this Dáil.

An Ceann Comhairle: We will hear from constituency colleagues. Deputy O'Dowd is abroad on Oireachtas business but sends his sympathies to both colleagues' families.

Deputy Declan Breathnach: I welcome both families here today. Having this vote of sympathy is an expression and a celebration of their lives. I come from an area that was subject to

many boundary reviews. We were in and out of the Monaghan and Louth constituencies on a regular basis. I got to know Seymour in relation to health services and Deputy Mattie McGrath mentioned his guidance in relation to water schemes. I was very appreciative of that and I want to put that on the record.

I would describe Brendan McGahon as a man of his people. Others have said he was not afraid to say what is on his mind. While one might not have been in agreement with everything he said, he was certainly colourful and outspoken and often held controversial views. He did not care what others thought if he knew and believed what he said was right.

While he was not of my political strand, it was said of him that he got on well with everybody and I witnessed this for myself. As young person coming into Leinster House as a member of the Fianna Fáil national executive, he never failed to make sure that there was food available to me in the restaurant. Indeed, the memories of him in Dundalk will go back to him frog-marching from his constituency clinic to the town hall on a Monday morning with his constituents following him like a real leader solving the problems of the people. As Deputy Howlin did, it would be remiss not to make reference to the lineage of the McGahon family from T. F., O. B., Hugh, Conor, Johnny, who is here, to Johnny's father, who served on the local authority. I will conclude by saying that having served with Conor on Louth County Council, it was always a privilege to work with him and I wish his nephew, who will try to continue that dynasty, every success, once he does not take my seat in Louth.

Deputy Brendan Smith: I join with other Members in paying tribute to the late Brendan McGahon and my former constituency colleague, the late Seymour Crawford. Seymour and I were both elected to the Dáil on the same day in 1992. Although we differed in our politics, we were always able to work closely together on issues of concern to constituents. On constituency issues, Seymour was a good colleague and a team player with all his fellow Oireachtas Members. As we know, Seymour was an extremely hard-working and committed public representative who gave great service to the people of Cavan-Monaghan. He had a great knowledge and understanding of rural Ireland and was a strong and consistent advocate for rural development.

In the early 1990s and later, we served together on the British-Irish Parliamentary Assembly and in those very demanding days in our constituencies, along with Brendan McGahon and others, we were able to highlight the huge difficulties facing Border communities at that time and the need for political progress. While Seymour was being waked at his home in Aghabog, a plenary meeting of the British-Irish Parliamentary Assembly was being held in London. I, along with others, paid tribute to him at that meeting on his commitment and diligent work over many years in that assembly. My words were repeated by Members from both the Westminster and Irish Parliaments. I saw at first hand that he built up close friendships and good working relationships with other parliamentarians from these islands. I know that Seymour always took a particular pride in his work on the British-Irish Parliamentary Assembly and, indeed, when I visited his house to pay my respects, there were photographs of the many plenary meetings of the assembly from the early 1990s and later. Included in those gatherings were many parliamentarians from both Ireland and Britain who played an important role in improving the friendships and the political relationships between our islands. I recall a former Fine Gael Minister for Agriculture tell me some years ago that he held the office of Minister while Seymour held national office in the IFA. The former Minister told me that no matter where he went on a trade mission, Seymour had been there before him. As we know, Seymour was partial to a bit of foreign travel while he served in national office in the IFA.

Ar dheis Dé go raibh anamacha Bhreandáin agus Seymour and I extend my sincere sympathy to both families.

Deputy Peter Fitzpatrick: Brendan McGahon was a gentleman, a politician, a family man and a friend. It was a very sad day for the people of Louth when Brendan passed away on 8 February 2017. Brendan was predeceased by his wife Celine and survived by his five children, Robert, Conor, Adele, Keith and Jill. What can one say about Brendan McGahon? He was a great man and he used to call to my constituency office to give me, as a new Deputy, advice and then he would take me on walk through the streets of Dundalk. When one took such a walk through Dundalk, one felt nothing but jealousy because everybody knew Brendan. People would say thanks to him for getting planning permission, a medical card or a house. He was thanked for almost everything. I welcome his family here today and his close friends Isobel Sanroma, Kay Duffin, former Senator Jim D'Arcy and Anna McKenna. People travelled from Dundalk today.

Brendan was first elected to the Dáil 1982 and retired in 2002, having served two decades. The first thing Brendan said to me when I became a politician was that a politician requires a personality and not a party. In fairness, I studied that from day one. We could talk about Brendan all day. Brendan loved soccer and used to slag me that he played for Dundalk in the League of Ireland, which was fantastic. He was also a GAA supporter. He loved the horse racing and I used to meet him sometimes in Barry O'Brien's bookies' shop in Quay Street. Brendan would say to me not be afraid to my hand in my pocket and give the locals a few pound. He was always very good that way.

I remember visiting Brendan in Beaumont Hospital shortly before he died. I only intended to stay a few minutes but ended up staying two hours. The knowledge, the respect and everything else Brendan had was unbelievable. He was a great character.

I remember when I became a politician and joined Fine Gael, myself and Brendan did not meet eye to eye because we did not really know each other. I remember the first time I met him in his kitchen in the house in Ravensdale. He said to me that he did not know me and that I did not really know him. We sat there for nearly an hour after which we became good friends. I explained the reason I became involved in politics and joined Fine Gael and, in fairness, he showed me respect. I had nothing but admiration for him. It was a very sad day for the people of Louth when he died. I wish the family and his friends all the best in the future.

Deputy Niamh Smyth: The late Deputy Seymour Crawford served with distinction in Cavan-Monaghan. Unfortunately, I never had the pleasure of serving with him because I am only on my first term but he was known, as so many of my colleagues said today, as the gentle giant. Reverend Colin Anderson rightly focused on Seymour Crawford's contribution, most importantly to the peace process, which was a hugely significant part of politics for the Border counties back in those times. Politicians like Seymour nurtured that peace and they nurtured economic prosperity for the Border counties. Seymour took a keen interest in cross-Border structures. Much of his political career was focused on reconciliation, a very honourable attribute to which we should all aspire. My deepest sympathies go to his niece and nephews, Kirsten, Andrew and Alistair, and to the family of Brendan McGahon.

Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys): I want to acknowledge the family and friends of our late colleagues, Seymour Crawford and Brendan McGahon, and extend our sympathies to them. While I did not know Brendan per-

sonally, I heard the stories of a very colourful and outspoken character, which is probably in contrast to the more reserved approach Seymour always adopted.

I would not be standing here today were it not for Seymour Crawford. As has been stated, he was the person who introduced me to politics in 2003, when I was co-opted onto Monaghan County Council in his place. He took a chance on a woman with no history or involvement in politics, and I will be forever grateful for the opportunity he gave me. Seymour was not just a political mentor, he was a good neighbour and a very good friend. He was an extremely hard-working Deputy and he served the people of Cavan and Monaghan with great distinction in Dáil Éireann from 1982 until his retirement in 2011. Anybody who knew Seymour will know he was a gentle giant. He was steeped in agriculture and a man of the land and of the people - he really was a man of the people and all things rural. He was extremely good-natured and he would always go beyond in his efforts to help his constituents, whether that meant helping farmers in preparing their accounts, filling up a medical card application or just being there when they needed him.

Politics and helping people were Seymour's passion. He was at his happiest when he was out and about, meeting people. Even after his retirement he would continue his house calls to old friends and he loved nothing more than recounting past political battles. Above all else, Seymour was a very successful politician and he never lost an election. He would have been the first to say that the secret to his success was the very loyal group of people helping him out across Monaghan and Cavan, particularly in his home area of Aghabog. He introduced the political bug into that small rural community when he was elected to Monaghan County Council back in 1991 and, from that day to this, there has been an unbroken period of political representation from Aghabog.

It is a very proud history for a small community and I know it is something of which Seymour's family and friends, some of whom are in the Gallery today, are very proud. I often say that we will find the best canvassers in the country in Aghabog because Seymour trained them so well. He did not take "No" for an answer. He would keep going into the late hours and he would say, "We will get another house done." It was those same people who worked so hard with Seymour through his career and during his various campaigns who rallied around to help when he passed away last October. I want to acknowledge, in particular, Seymour's nephews, Andrew and Alistair, his niece, Kirsten, and his many friends, including Paddy Reilly and Maura Greenan, who helped look after Drumkeen when Seymour was in Dublin.

I know it has been a tough few months but the one thing that has shone through is the esteem and affection people all across Cavan and Monaghan had for Seymour Crawford. He was held in very high esteem by everyone in the Houses of the Oireachtas. Seymour leaves behind a legacy of hard work, decency, passion and commitment to serving the people who elected him. It is one that everybody elected to this House and to public office should aspire to.

Members rose.

An Ceann Comhairle: Ar dheis Dé go raibh a n-anamacha.

Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation

Deputy Micheál Martin: The Government announced that the new human papillomavirus, HPV, test - I may have inadvertently called it the “HPV vaccine” earlier - would be available last September, and that the programme relating to it would eventually replace the current programme. Unfortunately, this target was missed and it was then set for January. However, January has come and gone and it has not been announced. There does not appear to be any alternative date yet for the test or the new programme to be available. At a meeting of the Joint Committee on Health this morning, officials stated that the delay in the roll-out of the new HPV test was due to a decision taken by the Minister and the additional backlog and workload that has resulted. Their focus now is to try to eliminate the backlog. Is this the case? Can the Government give a date for when the new HPV test will be introduced? The officials could not commit to its introduction in the entirety of 2019.

The Taoiseach: The funding was allocated in the budget and the HSE service plan in order to do it this year, although I appreciate that simply allocating the funding is not the same as making it happen. I am advised that the preparatory work for the switch is under way. Laboratory capacity planning is a key part of this and its finalisation is dependent on the conclusion of contractual arrangements with MedLab and the Coombe. This will allow the programme to determine the required capacity to be procured and will inform the timeline for the switch. Based on that information, it would be wrong of me to provide a date that I cannot necessarily stand over.

Deputy Micheál Martin: The Taoiseach gave a date last September.

The Taoiseach: I did so in good faith. Having learned from that experience, I am not going to give a date unless I have an assurance from CervicalCheck that the date can be delivered. What I can say is that the funding is provided and is in the service plan and in the budget, and the policy decision to do it is made.

Deputy Pearse Doherty: In June of last year, the National Paediatric Hospital Development Board sent a memo to the Minister for Health, Deputy Harris, outlining the benefits to be gained by the members of that board continuing to serve for another term. In July, the board was informed that the Minister had accepted its memo and had written to the chairperson to confirm that all of the individuals involved were to be reappointed to the board. We now know that the scale and trajectory of the overruns at the national children’s hospital were known to the board during that period. We know there was an overrun of €95 million in June, rising to €191 million in August. It is clear from the minutes that the board also had concerns regarding the ability of the main contractor, BAM, to deliver the project. Yet, it appears the Minister reappointed the entire board without question. Did the Minister conduct a performance review of the board members before reappointing all of them? Did he have any details or engagement with the members before he reappointed the entire board or with the project? Did he discuss with the chairperson how the project was running before he reappointed an entire board?

The Taoiseach: No legislation is promised on this matter. The appointment of that board is not in the programme for Government and all the questions are for the Minister. I suggest that if the Deputy wants to ask questions of the Minister, he will have an opportunity to do so later today.

Deputy Brendan Howlin: The Public Service Superannuation (Age of Retirement) Act

2018 allows public servants to continue working up to the age of 70, if they so choose. Community employment, CE, schemes, as the Taoiseach will know, provide essential services across towns, villages and parishes. They are publicly funded and provide employment and retraining opportunities with excellent social outcomes. There are currently 44 CE supervisors aged between 65 and 66. I am aware of one scheme where the supervisor is being made to retire in April. The ad for a replacement for that person has been up for a month, with no applicants or inquiries. Will the Government apply the Act to CE supervisors, given that it has broad support in this House and would allow people to work until they are 70? Will it end the age discrimination that applies to this unique group of people?

The Taoiseach: That legislation is enacted. As CE supervisors are not public servants, however, they are not covered by the legislation. It is, therefore, up to the employer in each case to decide whether it should be applied. I see no reason the employer should not, but it is up to the employer to make the decision.

Deputy Bríd Smith: The Planning and Development (Amendment) Act 2018 is framed around measures arising from the Mahon tribunal, which attempt to eradicate from the political system any hint of corruption, cronyism or favouritism and to bring us up to a clear, transparent standard in politics. The Standards in Public Office Commission, SIPOC, is the body that requires us to adhere to standards and ethics, including financial standards. It found a very serious failure by a Fine Gael councillor in Mayo. He did not reach those standards, yet last weekend the same councillor was nominated to run for the local elections at a convention in Mayo. There is either a gap in the legislation or there is a problem in Fine Gael when someone fails the ethical standards of the State and the party returns him without any question to represent the constituency in Mayo. Councillor Cyril Burke was clearly found by SIPOC to be in breach of the standards of ethics in public office. What does Fine Gael have to say about it? What does the Government have to say about it? More importantly, from a legislative point of view-----

An Ceann Comhairle: The time is up.

Deputy Bríd Smith: -----can we go back and revisit the Planning and Development (Amendment) Act 2018 to make sure that there are consequences-----

An Ceann Comhairle: The time is up.

Deputy Bríd Smith: -----for failure to adhere to those standards?

The Taoiseach: If I recall correctly, there were entire political parties in this House against whom adverse findings were made by SIPOC for not presenting their accounts on time. We are not just talking about accounts. There are no plans for additional legislation in this area.

Deputy Bríd Smith: He failed the ethical standards and yet he has been returned to stand for election.

An Ceann Comhairle: Deputy Bríd Smith should please not interrupt. I call Deputy Broughan.

Deputy Thomas P. Broughan: Last week we had another brutal assassination on our streets, one of a litany of serious gun crimes that have happened while Deputy Varadkar has been Taoiseach. In this case it involved a person going to work at 6.30 a.m. – one of the people whom the Taoiseach is supposed to admire - who was gunned down in cold blood. Can further

legislative or security steps be taken to reach out to manufacturers of guns in the rest of the EU, the US or wherever else? This is a serious event that has traumatised part of my constituency and that of the Minister, Deputy Bruton. Stringent action is required. There are still complaints about the lack of community gardaí. We hear a lot of fine words at committees and in other fora but the situation still arises, following the criticism of Mr. Justice Charleton that An Garda Síochána can be mainly invisible at times. What reaction will there be to this dastardly event?

Minister for Justice and Equality (Deputy Charles Flanagan): I assure the Deputy and the House that the Government takes gun crime particularly seriously. I keep in regular contact with An Garda Síochána, which enjoys the full support of this House. That is evidenced by record investment of in excess of €1.7 billion in the force. I assure the Deputy that we keep our legislative programme under review. In the event of there being any tighter legislative initiatives, we would be happy to hear from the Deputy or any other Deputy. These are issues of grave seriousness and I assure the House that every effort is being made by An Garda Síochána to tackle crime.

Deputy Mattie McGrath: With all the scandals concerning money for the children's hospital and all the waste on projects and the responses that have been given, the Taoiseach and the Minister for Finance, Deputy Donohoe, have made a major attack on health shops with the imposition of the 23% VAT rate on health supplements, including vitamins, which many people need to keep them alive while they wait years and years for treatment. One of the products treats macular degeneration. My colleagues are sending busloads of people to the North for eye surgery. Is the Government going to review the VAT rate? It is a penal rate to apply to small and fledgling businesses that are an important part of the fabric of small and big towns in rural areas. People like health shops and they give good advice and are very helpful to their customers. They have a good relationship with their customers. The Taoiseach had the cheek one day to refer to health products as snake oil. There are enough snakes going around without focusing on health food products. The situation is very serious. The Taoiseach is whispering to the Tánaiste and laughing. Is the Government going to review the savage blow of a 23% VAT rate on small business people and their products?

An Ceann Comhairle: I call Deputy Butler on the same matter.

Deputy Mary Butler: I also wish to raise the VAT increase on food supplements from 1 March, as I did last week. MacuShield is taken by many older people for macular degeneration. As my colleague said, the Taoiseach used the term "snake oil" in reference to some supplements. However, various health studies show that many supplements, including MacuShield, are of benefit to many. Will there be an exemption for certain supplements or will they all be subject to this unjust VAT increase?

The Taoiseach: This is not a Government decision; it is a Revenue determination. A distinction is made between products that are designated and proven as oral medicines, to which a 0% VAT rate applies, and foodstuffs where a higher rate applies.

Deputy Mattie McGrath: The Taoiseach is in charge, not the Revenue.

The Taoiseach: It is a Revenue determination and it is under review.

Deputy Eamon Ryan: I do not know whether the Taoiseach, the Tánaiste or the Minister for Communications, Climate Action and Environment, Deputy Bruton, is best placed to answer this question. It relates to the proposal to use the Mourne Mountains as a storage area

for nuclear waste by the nuclear authorities in the UK. My understanding is that the Scottish Assembly ruled out such deep geological storage of nuclear waste in Scotland but the Northern Ireland Assembly agreed. It is uncertain as to what the parties in government in Northern Ireland have agreed or why they did so. That is one of the details the Government should seek to find out. The State has an interest in the matter under the Espoo Convention and a range of other conventions on transboundary effects. The Mountains of Mourne sweep down to the sea but they also sweep down to our waters and land. What contacts has the Government had with the UK authorities? What legislative or other measures does it intend to take to protect the people of Louth and the wider area? The material will be there for millennia. What, if anything, is the Government doing about this?

An Ceann Comhairle: I call Deputy Fitzpatrick on the same matter.

Deputy Peter Fitzpatrick: Fear is spreading rapidly in my home county of Louth that the UK Government is considering dumping hazardous waste in the Mourne Mountains on the border of County Louth. We must nip this in the bud straight away. The UK Government radioactive waste management group is currently looking for suitable properties in Northern Ireland to take hazardous waste and the Mourne Mountains are believed to be on the list.

More than anybody else, the Taoiseach realises that Louth has had its fair share of problems due to hazardous waste, as Sellafield is right across the Irish Sea. The proposal is not acceptable. I hope this is not happening because Northern Ireland has no government for the past two years. Currently, the Secretary of State for Northern Ireland, Karen Bradley, MP, and civil servants are keeping the Departments operational and even today are looking for more power, including for the appointment of the Northern Ireland Attorney General, the Northern Ireland Commissioner for Children and Young People, as well as members of the Commission for Victims and Survivors and the Livestock and Meat Commission. I urge the Taoiseach and the Tánaiste to please help County Louth. We had Sellafield for years and the last thing we want is to have hazardous waste in the Mountains of Mourne.

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney): We are aware of this story and are following it closely with some concern. I will meet Karen Bradley later this week and I will raise the issue with her. We need more details on it. I take on board the concern of both colleagues.

Deputy Dessie Ellis: Legislation is needed to deal with the illegal use of quad bikes and scramblers on streets and in parks. An Oireachtas committee was set up to address the issue and to make recommendations. This issue has been constantly raised at joint policing committees and in safety forum meetings that I attend. It is clear that it is an issue of significant concern to local communities. It is also clear that the situation is getting progressively worse. There is a feeling of being almost powerless to tackle this endemic problem, which is a source of great frustration for both the local communities and the gardaí on the street. When will the recommendations of the Oireachtas committee be available, as the problem of the illegal use of quad bikes and scramblers is currently making life hell for many of my constituents, and, with summer approaching, the situation will only get worse? There is an urgency about the need to progress the issue and no longer hedge what is needed to deal with this problem.

Deputy Charles Flanagan: I broadly share the view of the Deputy. It is an urgent and important matter. I assure him of every effort on the part of the Government and, in particular, my Department, which convened a group of interested stakeholders across a range of Departments

and local authorities. I acknowledge receipt of the report and I assure him that it is gaining full attention. I expect to be in a position to announce further new initiatives very shortly.

Deputy Danny Healy-Rae: One of the main tasks of this Government is the provision of housing. However, one action taken by the Department and the local authorities is the purchase of second-hand houses around our county. This means the local authority is in direct competition with people who wish to purchase a house for themselves. The local authorities and the Department should be building houses for social housing rather than competing with private individuals who are doing their best to purchase a house and put a roof over their heads. Those people are up against competition from the local authorities.

Moreover, there are no loans available from local authorities to renovate a second-hand house. There are no loans of €50,000 or €60,000, the kind of figure that would put a roof over people's heads. I ask the Taoiseach to look at those issues because they affect a lot of people.

An Ceann Comhairle: Is a loan for the refurbishment of second-hand houses proposed?

The Taoiseach: There is a scheme.

An Ceann Comhairle: Rebuilding Ireland.

The Taoiseach: I may ask the Minister for Housing, Planning and Local Government to come back with more details, but there is a scheme whereby someone can get a loan to renovate a house and then rent it out to the local authority for social housing. I forget the name of it.

Deputy Danny Healy-Rae: That is different.

Deputy Eugene Murphy: That is an urban house.

The Taoiseach: On the other point, it is open to local authorities to purchase homes for social housing. In some parts of the country it is considerably less expensive for the local authority to buy a home than to build it. In general, however, I agree with the Deputy. We would prefer to see local authorities building houses from scratch or buying them from developers than bidding for second-hand homes, often against people who are trying to buy them for themselves.

Deputy Pat Buckley: Under the programme for Government and the capital investment plan more than €10 million was promised for two major works in Middleton Community Hospital and Youghal Community Hospital. These works were to be completed by 2021. Moneys were also promised for flood relief in east Cork, as well as remedial works on the weir in Fermoy. All these projects may be affected by the €100 million saving that must be found. The Taoiseach will correct me if I am wrong. Were we not promised during the week that we would receive a report on which projects will be affected? Is that report ready? If it is, can we get a copy of it?

Deputy Eugene Murphy: I will be very brief because I know Deputies want to get in and get away. On the same issue, we have been told there will be a cut of €3 million in that budget. While significant amounts of money are being spent, we really need to know where those cuts are going to come. As the Taoiseach knows, in my part of the country and right along the River Shannon we have suffered significant flooding, including in areas that were never flooded before. It is crucial for us to know where those cuts are to come and whether they will affect flood relief.

The Taoiseach: I explained this in the Dáil yesterday and the Minister for Finance outlined exactly which projects are to be deferred. None of the projects raised by the Deputies is to be deferred. Those savings will happen through reprofiling within very large existing budgets.

Deputy Michael Collins: On page 41 of the programme for Government, under the heading Jobs and Rural Development, it was promised: “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.”

The reality is that many businesses are facing many problems and possible closures because of insurance problems. I raised West Cork Secret near Kilbrittain, a hugely popular activity centre in west Cork, with the Taoiseach this time 12 months ago. This centre is a great employer. Last year its insurance went from a couple of thousand euro to €20,000. Worse has now hit it and all activity centres throughout the country, as many activity centres and community-run playgrounds cannot get an insurance quote. When will our Government resolve the insurance crisis that is putting businesses and community groups under enormous pressure in this country?

The Taoiseach: I obviously cannot comment on the individual circumstances of the particular business the Deputy has mentioned. As a Government we have acknowledged the very high cost of insurance, particularly public liability insurance, for businesses and how it impacts on them. It is a private market, of course, and insurance policy premiums have to match the risk. The Minister of State, Deputy D’Arcy, has been working very hard on proposals to reduce insurance costs and has seen some good success, with motor insurance costs coming down since 2016 and health insurance stabilising. There will now be a big focus on commercial insurance and public liability insurance.

Deputy Niamh Smyth: The Taoiseach’s announcement yesterday that the €27 million earmarked for the very important A5 western transport corridor, running all the way from Clontibret in County Monaghan to Derry city, has now been abandoned is another shocking blow to the Border counties. In November 2011, the Government announced that this contribution would be delayed due to austerity. In February 2012, the Government committed to phased development of that project. Now this project is one of the first to be made collateral damage of the Government’s overspend on the children’s hospital. With Brexit hurtling towards us, the Border counties cannot wait any longer for the A5 western transport corridor. The lack of investment is now definitely hampering the Border counties’ potential.

The Taoiseach: No, I did not say it would be abandoned. I am very committed to the A5 project. I was involved in it when I was Minister for Transport, Tourism and Sport many years ago and I am very keen to see it start as soon as possible, connecting not just Derry and Donegal but also the Border counties, including the Deputy’s county. The reason it is deferred is that the authorities in Northern Ireland have been unable to start the project. We are not going to pay €27 million for a road that has not been started. Once they are ready to start the project we will honour that commitment.

Deputy Margaret Murphy O’Mahony: Is the Taoiseach aware of a letter sent recently to three umbrella disability groups asking them to make savings of up to €500,000? If he is aware, can he tell me the rationale behind sending these letters?

The Taoiseach: I am afraid I am not and I cannot say, but I am sure that the Minister of State

with special responsibility for disability issues will know.

Deputy Declan Breathnach: I acknowledge the agreement of the Minister for Foreign Affairs and Trade, Deputy Coveney, to speak with the Secretary of State on the issue of the waste disposal facility discussed earlier. I also acknowledge the replies to parliamentary questions on the issue today.

My question is addressed to the Minister for Justice and Equality, Deputy Flanagan. The family of Shane O'Farrell, as we all know, has been calling for a public inquiry. This Dáil fully endorsed such an inquiry in June 2018. Why has the Minister decided to appoint Judge Haughton to carry out a scoping inquiry, rather than granting the wishes of the majority of people in this House and commencing a public inquiry? It is clear a scoping inquiry has limited power and only a fully independent inquiry can deliver answers to the numerous serious concerns and the litany of failures in this case. Would the Minister care to comment on why this is a scoping inquiry rather than what was called for by this Dáil?

Deputy Charles Flanagan: I am very keen to ensure progress is reported on this long-outstanding issue in order to provide the O'Farrell family and the community with answers. There is an extensive debate on a motion this afternoon in the Upper House. I would be happy to deal with the matter more comprehensively by way of a Commencement debate attached to the motion. I assure Deputy Breathnach that the scoping exercises under the auspices and guidance of Judge Gerard Haughton will be an important part of ensuring that outstanding questions are answered. I look forward to hearing from Judge Haughton within eight weeks of the date of commencement of his work.

Deputy John Brady: Next Monday community employment, CE, supervisors and assistant supervisors will go on strike. They have been forced to take that action following the Government's continued failure to honour a Labour Court recommendation made in 2008. That recommendation called for an agreed pension scheme to be put in place for those advisers and assistant advisers, funded by the Government. We know the fantastic work done in communities by CE supervisors, assistant supervisors and CE schemes the length and breadth of the State, including in Tidy Towns projects and GAA clubs. Since that Labour Court recommendation in 2008, 250 supervisors have retired with no occupational pensions. During the week, the Department for Employment Affairs and Social Protection issued a letter requesting the names of any supervisors taking part in strike action. That threatening letter is appalling. I use the word "threatening" because it stated that funding of schemes will be reviewed having regard to industrial action taken.

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

Deputy John Brady: This issue can be resolved if the Government sits down with the trades unions, negotiates this issue and-----

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

Deputy John Brady: -----honours the Labour Court recommendation of 2008. Will that happen?

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney): I agree with the Deputy that CE schemes are very valuable and that the people who work on them make a significant contribution in their own communities across the country. However, it is important

to acknowledge that those employed in CE schemes are not employees of the State and, therefore, the pension arrangements that would apply to employees of the State do not apply in the case of CE schemes. The Minister for Finance and Public Expenditure and Reform has outlined the reasoning behind that on more than one occasion.

Deputy Kevin O’Keeffe: I know the question has been asked as to when the guidelines for wind farms will be published, which we last had in 2006, but I have an addendum in that regard. When our neighbours across the water sneeze, we get a cold. Not many years ago, when an issue arose about planning for wind farms in my area in north Cork, there was a major campaign at the same time in Britain to call a halt to the building of wind farms on land. That campaign was successful because, first, an abundance of wind farms had been constructed and, second, in terms of supply to the grid, the surplus was such that some wind farm owners had to be paid money to turn them off. My question is for the Minister for Communications, Climate Action and Environment. In providing the guidelines, will a solution be provided in respect of a cap on the number of wind farms being granted planning permission? That would ensure the fears of other communities could be allayed in respect of pending planning applications.

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): The position on those guidelines is that they are issued by the Minister for Housing, Planning and Local Government. I understand the consultation was delayed because of new provisions relating to noise, which were required to be incorporated into them. I understand also that the Department will shortly enter into consultation on those onshore wind guidelines.

In respect of offshore wind, there is work to develop new legislation in the area of foreshore. In the context of the type of wind energy that will come onto the grid, it is intended that there will be a renewable energy support scheme run by way of auction. That will be technology-neutral so that all forms of renewable energy can compete for the opportunity to supply the grid.

Deputy Kevin O’Keeffe: What about the number of wind farms? That is the question I asked.

Deputy Richard Bruton: No cap is being set by Government. The decision on a wind farm is decided by planning application issued under the guidelines the Minister for Housing, Planning and Local Government is revising. No cap is issued by Government in that regard.

Deputy Michael Moynihan: Under the new data protection laws that were enacted, an issue came to light last night at a meeting of the community alert group in Kanturk, County Cork regarding the information captured by the closed-circuit television, CCTV cameras, which were installed at considerable expense by the State in communities across the country. The meeting was about deterring crime and allowing people to feel safe in their own homes and communities but it now transpires that there is no home to store that CCTV footage. It cannot be stored with the local authority or the Department of Justice and Equality. The information is not available in a way that would help to ensure the system provides a suitable deterrent to crime for all communities, in particular rural communities. In light of the fact that the Department funded much of the investment in these facilities, they seem to have been futile.

Minister for Justice and Equality Deputy Charles Flanagan: I would be happy to engage on a bilateral basis with the Deputy. There appears to be a form of misinterpretation or misunderstanding as to the operation of the scheme. A number of conditions that must be complied with have been laid down in legislation. I am not sure if the Deputy is adverting to any

particular scheme. I suggest he may be but a number of applications have been successfully processed through my Department, and my officials are willing to assist in any way to ensure the conditions of the scheme are fully complied with and understood.

Deputy Michael Moynihan: Is there an issue with data protection?

An Ceann Comhairle: The Minister will engage with the Deputy directly so I think that will get the matter resolved.

Deputy Brendan Howlin: The implications for the general data protection regulation, GDPR-----

An Ceann Comhairle: That concludes questions on promised legislation. All Deputies were reached today. We proceed now to questions to the Taoiseach.

Ceisteanna (Atógáil) - Questions (Resumed)

Seanad Reform

1. **Deputy Brendan Howlin** asked the Taoiseach the status of the report submitted to him on 21 December 2018 by the Seanad Reform Implementation Group. [4261/19]

2. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on the work of the Seanad Reform Implementation Group. [5189/19]

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

The Seanad Reform Implementation Group chaired by Senator McDowell submitted their report to me on 20 December 2018. The report was also published online and copies of the report and draft Bill issued to all members of the Oireachtas.

I am very grateful to Senator McDowell and all the members of the group for their work in producing a report. The report also includes four statements of position from various groups outlining their position where they did not completely agree with the recommendations of the report.

The dissenting statements were from Senators Bacik and McDowell and Deputy Noel Greally setting out their position on the higher education constituency; from Sinn Féin setting out its position that further reforms should be made by constitutional change and how they could facilitate a modern, diverse and democratic Seanad; from Deputy Tommy Broughan, on behalf of Independents 4 Change, indicating their opposition to a reformed Seanad and stating that they favoured a unicameral option - in the absence of this, he and his group favour constitutional change and the Seanad being elected by universal suffrage, and the Seanad and the Dáil being elected on the same day; and from Senators Maria Byrne, Paddy Burke, Jerry Buttimer and Gabrielle McFadden, on behalf of Fine Gael, calling for constitutional change as well. While being supportive of Seanad reform more generally, they do not believe that the final report will enhance the working of the Seanad.

The report will be considered by Government shortly.

Deputy Brendan Howlin: Reform of the Seanad is like draining the Shannon and restoring the Irish language; it is a permanent agenda item. The default position of everybody is to set up another review. We had a comprehensive review chaired by the former Senator, Maurice Manning. That review has now been reviewed by another all-party group led by another distinguished parliamentarian, Senator McDowell, and that 130-page report is before the Cabinet.

In order that we can deal with the issue, is it the Government's intention to decide on a set of reforms that will be implemented in advance of the next Seanad election? Is it the Taoiseach's view that the general 130-page report submitted before Christmas to him by Senator McDowell is the basis for those changes? Does he accept the conclusions that there should be an open franchise to all Irish passport holders abroad as well as people in Northern Ireland to vote on the panel? In terms of a timeframe, when can we expect decisions to be made, even if the decision is that the Taoiseach will not make any reforms this side of a Seanad election?

Deputy Pearse Doherty: The issue of Seanad reform has gone on and on. We need to get to a point where a decision is made, as mentioned by Deputy Howlin. We have had review after review. We have the Manning report. We now have the review of the Seanad Reform Implementation Group, which met last May and produced a lengthy report at its first meeting as well as legislation it claims will give effect to the recommendations contained in the Manning report. I understand that legislation is with the Taoiseach. Will it ever see the light of day? Is it his intention to bring that legislation to Cabinet? Is it his intention to amend or scrap that legislation?

Can the Taoiseach provide a timeframe on when we will see something of substance? If that legislation is the vehicle that is to be utilised to bring about the Seanad reform that is required, what is the timeframe for introducing it? If it is not the vehicle that will be used, what is plan B from the Government's point of view or, indeed, that of the Taoiseach?

Deputy Micheál Martin: Behind the report from Senator McDowell's group, there is a clear and hard reality which it points to in its statement. That reality is that there is effectively no way of preparing such a massive scheme for a new national and international election during the lifetime of the Oireachtas. That is clear. From a practical perspective, it seems that the next general election will involve the same system we currently have for electing Members to the Dáil and Seanad. The group's mandate was to propose an approach to implementing the Manning report and it has accomplished this. Can the Taoiseach outline the measures he proposes to take to add any extra detail regarding the core challenges such as registering members of the electorate, protecting the integrity of the ballot and ensuring that the public will be in a position to understand the process and actively engage in the election? There has been a proposal to hold a referendum on reform of the electorate for the office of Uachtarán na hÉireann and that has been delayed for practical reasons. We need a better debate on that in the House in terms of extending of the franchise if we are honest. We need to have a debate on the detail of that, how it will be accomplished, who will be entitled to vote and the whole idea of no taxation without representation. That is an old concept in many ways but there are issues that we need to reinterrogate rather than just saying it glibly and not providing detail.

It seems to me that it all points to the need for an electoral commission to be established. I would have thought that the establishment of an electoral commission, which has been long promised by the Government, over time would give one the capacity to go into detail on these

questions that come forward with practical logistical responses to the obvious logistical problems and consequences of the recommendations of this report and indeed other proposals.

The Taoiseach: I again thank Senator McDowell and the Members of the Houses who participated in the group which produced a detailed report and which also provided us with draft legislation to move matters forward. The group recommended that the next Seanad should be elected in the same way as the current one. Another of its recommendations is that any changes should not apply to the next Seanad election but to the one thereafter. I accept that, for practical purposes, any major reform would not apply at the next general election but at the one thereafter, particularly in view of the need to establish an electoral commission and so many other things.

It is also worth noting that the report was not agreed by consensus. There were dissenting opinions attached to the report from Fine Gael, Sinn Féin and Independents 4 Change, all advocating that we should go further and consider constitutional change. The legislation is now available and it is up to the Government, any party or any Member to bring it to the floor of the House for debate and a vote. That is not something that is solely under the control of the Government. Any Member who wishes to do so can bring that legislation before the House.

Deputy Brendan Howlin: The report is to the Taoiseach. What is his view?

The Taoiseach: Cabinet has not discussed it yet. It is on the agenda and we intend to discuss it.

My view, which is not the view of Government because we have not discussed it at Cabinet yet, is that I have reservations about it on a number of levels. I referred to those reservations already in this Chamber. The first of them is that it would diminish the role of councillors and local authority members. I know many Members of this House will not want that to be the case. It would also reduce the number of seats that are elected by local authority members very considerably and diminish their role as a result. It would require everyone in the country to register to vote in Seanad elections. It is not even just everyone in the country but every Irish citizen in the world who wants to register to vote. People would have to choose which of the panels - the Agricultural Panel, the Administrative Panel, the Cultural and Educational Panel, the Industrial and Commercial Panel or the Labour Panel - they would like to have a vote on or whether they would like to vote for the University Members. I have reservations about that in that we may find large numbers of people not registering at all and not wanting to be part of this. Large numbers may register for one panel but not another and it would create a problem if 100,000 people registered for one panel but only 20,000 registered for another.

A further problem relates to the panels themselves, which, I understand, derive from a papal encyclical in the 1930s and which do not represent the 21st century. There is no panel dealing with science and technology, for example, but there is one which deals with administration. There is nothing in respect of sport. Those are my reservations and I have explained them to the House previously. The matter has not been discussed at Cabinet yet, so what I have outlined is not the formal view of the Government. It is open to any party that wishes to do so to put this legislation before the House for Second Stage debate and a vote. The latter is within the rights of any party that wants to make this happen.

Extending the franchise for presidential elections is something in which I strongly believe in and to which I am committed. I want us to hold the referendum in this regard in October.

Our proposal is that all citizens, no matter where they may live in the world, will be entitled to register to vote for the next President. They will have to register to vote. It would be a postal ballot for those not living in this State. It would not be linked to having a passport because a passport is a travel document and there are many people who are Irish citizens who do not have passports or whose passports may be expired. As a result, it will be linked to citizenship rather than possessing a passport. While I appreciate the argument regarding no taxation without representation, I must point out that the Dáil sets taxes and passes legislation which applies to people who are resident here. The Presidency is different. The President does not set taxes and does not make laws. I would like to see a Presidency for the 21st century that is different to that which currently obtains. I would like a Presidency that represents the Irish nation - not just the State - and that is elected by all citizens.

Deputy Brendan Howlin: The current President represents the nation rather well.

The Taoiseach: He certainly does but he is not elected by the nation. He is only elected by citizens resident in the State.

Deputy Micheál Martin: We have no work done. There is no work done.

Deputy Brendan Howlin: The President represents the nation well.

The Taoiseach: He does.

Programme for Government Review

3. **Deputy Brendan Howlin** asked the Taoiseach his plans to review and extend A Programme for a Partnership Government. [4262/19]

4. **Deputy Mary Lou McDonald** asked the Taoiseach when the next progress report in respect of A Programme for a Partnership Government will be published. [5188/19]

5. **Deputy Richard Boyd Barrett** asked the Taoiseach his plans to review and extend A Programme for a Partnership Government. [6711/19]

The Taoiseach: I propose to take Questions Nos. 3 to 5, inclusive, together.

A Programme for a Partnership Government was agreed in May 2016 during the formation of Government. This is a five-year programme of work being undertaken for the duration of the current Dáil.

The Government publishes an annual report each year, the second of which was approved by Cabinet in May 2018 and is published on www.gov.ie.

I expect the next report to be published in May 2019. This report will reflect the significant work undertaken by all Departments to deliver progress in respect of a wide range of issues, including housing and homelessness, education, health, rural development and Brexit contingency planning.

Deputy Brendan Howlin: One of the central tenets and commitments in A Programme for a Partnership Government is, “We will also provide additional exchequer capital, if needed, to deliver on our commitment to bring next generation broadband to every house and business

in the country by 2020.” Clearly, that commitment will not be delivered upon. Many people across the State are very fearful that not only will it not be delivered by the target date of the end of next year but also that it may never be delivered. In the context of that very firm commitment, what is the status of the national broadband plan? In view of what we have learned about tendering, is the Taoiseach satisfied that the tender that has been agreed by Government is robust? On the nature of that tender, is it still the Government’s commitment to provide a direct fibre link to virtually every house or business if not to every house or business? On the comment the Taoiseach made yesterday about lowballing and the comment the Minister for Finance made this morning that something went very wrong with the children’s hospital tender, will the tender for the national broadband plan be reviewed in the light of what the Taoiseach now knows?

Deputy Pearse Doherty: I would be interested to hear whether the tender process that has been already agreed can proceed. Many people in my constituency of Donegal and in rural areas, in particular, are waiting for broadband. This process has been something of a shambles with deadlines missed repeatedly.

The programme for Government states that the Government will alleviate pressures on household budgets and refers to a number of those pressures such as energy, childcare, medical and insurance costs. I wish to focus on the latter one. Yesterday morning, the Minister of State, Deputy D’Arcy, was on radio trying to explain away the huge increases being faced by soft play centres and other businesses. He referred to whiplash, which I do not believe occurs in these play areas. He then used the excuse that some members of the Judiciary are awarding “bananas, off the wall amounts”. Does the Taoiseach agree with the Minister of State offering that reason and blaming the Judiciary? The Minister of State blamed the Minister for Justice and Equality at one point in the interview as well.

However, the soft play areas have a serious problem. In Donegal, premiums increased from €2,500 in 2017 to €6,500 in 2018. That is a 160% increase even though there was no claim. A centre in Inishowen in Donegal closed down citing high insurance costs as the reason. The cost of insurance went from €2,500 to €16,000 for a company in Meath over a period of five years, again with no claims. The problem is that there is a monopoly. No insurance company in Ireland will quote for these companies while only one insurance company in Britain will. The working group set up by the Government is simply failing and the Minister of State is blaming the Judiciary as well as his colleagues in the Department of Justice and Equality for blocking his plan A or B. He is now on plan C, D or something of that nature. When will we see serious action on this, such as through the Garda fraud unit or action on the insurance industry, and less of the blame game?

Deputy Richard Boyd Barrett: Over the past year, I have repeatedly raised with the Taoiseach the income thresholds for social housing. The programme for Government makes extensive commitments on the provision of affordable housing to our citizens as an absolute priority. However, due to the failure to address the income thresholds, there has been a significant cull of people from council housing lists. Some of the examples I have include people who have been on a housing list for 15 years. I have three such cases. Due to working overtime, which they must do to pay the high rents on the private market, they are taken off the housing list and lose the 15 or ten years of waiting time on the list. They are left in limbo because their income could not possibly allow them to afford housing on the private market. I appeal to the Taoiseach to expedite an increase in these thresholds. He should even issue an instruction that people who are forced to work overtime should not be taken off the list and those who have been should be

put back on the list. I strongly appeal to him to do that.

Finally, I have a Valentine's card for the Taoiseach. In fact, I have a number of them. They do not profess my undying love for the Taoiseach but are from school children who were outside the Dáil today. The cards I have are from children in John Scottus national school, but there were also children there from Educate Together schools all over Dublin. The cards, for St. Valentine's Day tomorrow, make an appeal to the Taoiseach and the Minister for Communications, Climate Action and Environment, Deputy Bruton, to take more radical emergency action on climate change, something the Taoiseach also promised to do in the programme for Government. Those children feel he is not doing that. I wanted to let the Taoiseach know that and I will give him the cards afterwards. He might consider what the children who were protesting outside the House were saying.

An Ceann Comhairle: Does Deputy Micheál Martin have any Valentine's cards?

Deputy Micheál Martin: I have some, but not for anybody in the House.

Deputy Pearse Doherty: They do not need a card to profess their undying love to each other. That has already been done on many occasions.

Deputy Micheál Martin: Yesterday's belated apology from the Minister for Health, Deputy Harris, was accompanied by a list of projects for this year that will be delayed. The Taoiseach must admit that it is beyond bizarre that the Minister for Public Expenditure and Reform claimed that the overspend is serious but that no project anywhere will be cut. Is this the first time in recorded history where €400 million is taken out of a fixed budget but everything will still get done? Can the Taoiseach say when he will be updating the rest of the figures impacted by the overrun? It is not just this year as it affects the entire national development plan.

Last year the Taoiseach toured the country with his Ministers and promoted projects which will not be finished for a decade or more. It went on repeatedly and the Taoiseach had supposedly allocated money to them.

Deputy Brendan Howlin: They will not be started for a decade or more.

Deputy Micheál Martin: No, they will not be started in a decade. Perhaps they will, but I do not know. Can the Taoiseach be specific? If he can be specific about ten years of promises when launching the NDP, can he now be specific about the huge hole in the NDP which the overspend represents? The fact that the single largest project impacted by the cuts this year is the A5 has caused anger and concern, not just in the north east but for everyone who knows how important that road is to relations on this island. As with the Narrow Water bridge, people are concerned that we are witnessing another case of Dublin backing off engagement with North-South infrastructure. It was taken for granted even during the worst years of the recession that we would get those done. The Government is blaming the lack of a Northern Ireland Assembly and Executive for that, but we require more detail about it.

Finally, I wish to raise the delayed HPV vaccine test. Forgive me for saying this, but one gets a sense from the Government that announcements and commitments are made glibly or very shallowly. For example, it was announced with great fanfare that we would have this test last September. That did not happen and then we were told it would be in January. Today we are told by health officials that they cannot give a date. They blame the backlog created last April as a result of the Minister's decision on the smear tests. There is now a backlog of approx-

imately 90,000 and that is their priority. As a result, they cannot focus on the HPV. Indeed, the Taoiseach said this morning that a great deal of pre-tendering work is still to be done. How did the promise get made? When this broke out in April or May last, how could anybody say that the new test would be available by September? Now it appears that it cannot be introduced for 2019. People should be forgiven for not attaching credibility to anything that is said or committed to by the Government. We must have a more detailed timeline in terms of the HPV vaccine.

The Taoiseach also acknowledged this morning that under pressure he made decisions from the heart rather than the head. My argument is that the decisions were perhaps political knee-jerk responses to an unfolding crisis. There are lessons to be learned from the series of promises and announcements that were made and that never had a chance of realisation. It is no way to respond to a crisis. The knee-jerk reaction that occurred has now created damage and delay for projects that are desirable and should be a priority.

The Taoiseach: With regard to the introduction of the primary HPV test, we are very keen to get that done. We are committed to it. The original target date came from the Department of Health, which would have received it from the HSE or CervicalCheck. That was not met. The target time was not invented by a politician but was one that came from the same officials who are now saying they are unable to meet that target date. Obviously, I will not express a target date until I am convinced that whatever date is given to us by the HSE, CervicalCheck and the Department of Health is one we can stand over. Unfortunately, one often finds in politics - and the Deputy also served as a Minister - that other people break one's promises for one. One can make commitments in good faith but agencies and people who had committed to deliver sometimes do not.

Deputy Micheál Martin: Those agencies never anticipated the Minister's decision of last April to add 90,000 tests. Let us be fair to the officials and the CervicalCheck team.

The Taoiseach: I do not believe dealing with the backlog is the reason for the delay in commissioning a new test. It is a different test.

Deputy Micheál Martin: That was said at the committee this morning.

The Taoiseach: Regarding the national broadband plan, the tender prices are in from the last remaining bidder. They have been evaluated by two external parties - an expert panel involving international expertise and an outside consulting firm - and the Department of Public Expenditure and Reform and the Department of Communications, Climate Action and Environment, which is the promoting Department. We are not yet in a position to appoint a preferred bidder, which is the next step. After that we will be signing the contract. There is still some due diligence to be completed and there are some decisions to make.

My understanding of the project and tender is that it involves fibre to the home in 95% of cases but the company is given flexibility to use alternative technologies for the final 5% once a minimum speed of 30 Mbps is provided. I may be wrong in that regard, but that is my recollection. That has been in the specifications since the very start of the process. As people have asked whether the tender will be reviewed, it is important to recognise that it is very different from that for the national children's hospital. The national children's hospital is a two-phase build contract. This will be a single-phase tender. We will know if and when we sign it what will be the final cost and possible contingencies. Unlike the national children's hospital, it is a public private partnership, PPP, with the cost spread over 30 years. The private company which

will form part of the PPP along with the Government must invest in the project. It is a very different contract from that for the national children's hospital for those two reasons.

Deputy Boyd Barrett raised the issue of the cost of living. Obviously, energy costs are not under the direct control of Government. Rather, they relate to prices on international fuel and energy markets. However, the Government has not taken any action which would increase energy prices. The prices have fluctuated with the markets, as they often do. The policy of the Government, working with the Commission for Regulation of Utilities, is to increase competition in the sector in order to reduce prices.

The Deputy also referred to childcare costs. Much has been done in that area. Early childhood education has been extended to two years for all children. Maternity benefit has been increased and will increase further in March. Paternity benefit was introduced for the first time and has been availed of by 50,000 fathers. It will increase further in March. An additional two weeks of paid parental leave will be introduced later this year. In addition, various actions have been taken to reduce the cost of childcare and will culminate in the affordable childcare scheme which will kick in towards the end of the year. Childcare subsidies have been increased and extended to more parents. In October or November, subsidies will be increased and approximately 10,000 or 20,000 middle income families will qualify for subsidies for the first time. For example, dual income couples earning up to €100,000 per annum will qualify for subsidies for the first time.

I do not accept that there is a black hole in the national development plan or Project Ireland 2040. It is a ten year funding plan to which €116 billion has been allocated. There is contingency within that €116 billion, albeit in the later years of the plan. We anticipate being able to manage within the €116 billion over ten years. We have not increased the ceiling of €7.3 billion for this year. There is an opportunity to change some of the projects from direct capital projects to PPPs, thus changing the spending profile. Although very few PPPs were initially envisaged, having PPPs in some areas would spread the cost of those projects over a period of 20 years or 30 years rather than ten, thus freeing up money which could then be allocated to projects where there are overruns.

Acting Chairman (Deputy Eugene Murphy): We will move on to the next set of-----

Deputy Richard Boyd Barrett: I ask the Taoiseach to briefly address my question on the social housing income threshold.

Deputy Pearse Doherty: I ask that my question on insurance be addressed.

The Taoiseach: It is the same answer I gave on the last occasion Deputy Boyd Barrett raised that issue.

Deputy Richard Boyd Barrett: When will it be done?

The Taoiseach: I do not have an exact date.

Acting Chairman (Deputy Eugene Murphy): What was Deputy Pearse Doherty's question?

Deputy Pearse Doherty: I asked the Taoiseach about insurance premiums and whether he agrees with the view of the Minister, Deputy D'Arcy, in that regard.

The Taoiseach: There are many questions which I did not have time to answer.

Acting Chairman (Deputy Eugene Murphy): We must move to the next set of questions.

Deputy Pearse Doherty: Four Deputies asked questions of the Taoiseach and he chose not to answer mine.

Acting Chairman (Deputy Eugene Murphy): The allotted time has elapsed.

The Taoiseach: On a point of order, the Deputy is incorrect. I wrote down the questions in the order in which they were asked and I went through them one by one. I did not reach the questions on social housing and climate change. I will need more time if I am to reply to the outstanding questions.

Deputy Pearse Doherty: On a point of order, if the Taoiseach wrote down the questions in the order they were asked, he would have noticed that I asked my questions before Deputy Boyd Barrett asked his. The Taoiseach did not answer my questions but he answered some of those asked by Deputy Boyd Barrett.

The Taoiseach: Deputy Doherty's question on insurance was next on my list, followed by social housing and climate change. If I am given more time, I am happy to address those questions.

Acting Chairman (Deputy Eugene Murphy): I will afford the Taoiseach a brief opportunity to address them.

The Taoiseach: I will answer them as quickly as I can. On insurance, the Minister of State, Deputy D'Arcy, is heading up several actions to reduce the cost of insurance. Motor insurance costs have fallen from their peak in mid-2016 and health insurance costs have stabilised. Public liability insurance is now the major focus of the Minister of State. In particular, he is facilitating work on a more realistic book of quantum in line with other countries. We expect that will have a knock-on effect in terms of reduced premiums. There will also be far more data gathering regarding settlements to see if they are out of line and more action on fraud, which is an issue of particular concern.

On climate change, the Government's efforts focus on three main areas: investment, the carbon charge and regulation. Investment as detailed under Project Ireland 2040 will get us approximately one third of the way to meeting our climate change targets for 2030. It will comprise investment in renewable energy, public transport, home insulation and all those things we need to do. Regulation relates to decisions such as the ending of the burning of coal at Moneypoint by 2025, taking peat off the grid and banning the sale of new diesel and petrol cars from 2030. The third area is the carbon charge. We are currently working on that model. All three strands are necessary. Nobody honestly believes one can meet one's targets unless one is willing to do all three. I hope that Deputy Boyd Barrett informed the people who gave him the Valentine's card of the extent to which he objects to a carbon charge and why it would not be possible to meet those targets without a carbon charge that drives changes in the behaviour of people and businesses.

Acting Chairman (Deputy Eugene Murphy): We must move on.

Deputy Micheál Martin: The Government did not bring in a carbon charge. Fine Gael backbenchers ensured it did not.

Brexit Preparations

6. **Deputy Michael Moynihan** asked the Taoiseach his plans to increase the number of staff in his Department to work and assist on Brexit preparedness. [4353/19]

7. **Deputy Mary Lou McDonald** asked the Taoiseach if additional staff have been recruited in his Department to work on Brexit preparedness. [5488/19]

8. **Deputy Michael Moynihan** asked the Taoiseach the response he has given to the European Commission since its latest call on 29 January 2019 to increase the contingency plans for a no-deal Brexit. [5628/19]

9. **Deputy Brendan Howlin** asked the Taoiseach the number of additional staff recruited in his Department to assist with Brexit preparedness. [6511/19]

The Taoiseach: I propose to take Questions Nos. 6 to 9, inclusive, together.

My Department works closely with the Department of Foreign Affairs and Trade, which has overall responsibility for Brexit. Within my Department, staff across several divisions contribute to the work on Brexit, including the international, European Union and Northern Ireland division and the economic division. To augment this ongoing work, my Department established a small unit to work on Brexit preparedness and contingency planning. This unit assists a Secretaries General group which oversees ongoing work on national Brexit preparedness and contingency planning. The unit also focuses on cross-Government co-ordination, planning and programme management.

Managing a no-deal Brexit would be an exercise in damage limitation. It would be impossible to maintain the current seamless arrangements between the EU and the United Kingdom or to put in place arrangements equivalent to those provided for in the withdrawal agreement. We are firmly of the view that the best and only way to ensure an orderly withdrawal is to ratify the withdrawal agreement. However, given the ongoing uncertainty in the UK and the proximity of the date of Brexit, the Government is continuing to take concrete steps in preparation for a no-deal scenario. Our contingency plans are now being implemented.

Preparation and planning for a range of Brexit scenarios has been ongoing since well in advance of the UK referendum in 2016. A comprehensive set of Government structures is in place to ensure that all Departments and their agencies are engaged in detailed preparedness and contingency activities. On 19 December last, the Government's contingency action plan setting out its approach to dealing with a no-deal Brexit was published. The plan includes analysis under important headings, including economic and fiscal impact, security and Northern Ireland and North-South relations. It provides detailed sectoral analyses and approaches to mitigating the impacts of a no-deal Brexit.

On 24 January, the Government published a draft omnibus Brexit Bill as the next in a series of actions to prepare for a no-deal Brexit. It comprises vital legislation needed by 27 March and focuses on protecting our citizens and assisting the economy, enterprise and jobs. On 30 January, an update to the contingency action plan was published, setting out how preparations for a no-deal scenario have intensified since 19 December. This includes key decisions by Cabinet to advance our Brexit-related legislation, and Cabinet review of several important areas such as transport connectivity, including ongoing preparations at ports and airports; supply of medicines; agrifood and fisheries; the common travel area; and impacts on the Irish economy. There

were further updates on supports for Irish businesses and the Government's public information campaign, "Getting Ireland Brexit Ready".

Our preparedness and contingency planning takes full account of and complements the steps under way at EU level to prepare for the UK's withdrawal, notably as regards the implementation of the European Commission's contingency action plan. Irish officials discussed contingency planning issues with a delegation of Commission officials who visited Dublin and the Border area on 4 and 5 February as part of a series of engagements with all EU member states. We were the ninth country to be visited in such a way.

At my meeting with President Juncker in Brussels last week, we agreed that while we will continue to seek agreement on the orderly withdrawal of the United Kingdom, we will also further intensify our preparations for a no-deal scenario given the ongoing uncertainty.

An Leas-Cheann Comhairle: Deputy Micheál Martin is taking Deputy Michael Moynihan's questions.

Deputy Micheál Martin: I thank the Taoiseach for his comprehensive reply. During yesterday's questions, he was prepared to indicate he has no idea how many businesses will be Brexit-ready on 29 March, next month. Given the scale of the threat posed by Brexit, most people were working under the assumption that the Taoiseach would at least have monthly monitoring of readiness and a list of companies, or at least all companies over a certain size, that will be asked by the Government or State agencies to report regularly.

Equally, it would have been expected that the Taoiseach would be receiving weekly responses from State agencies on the uptake of funding schemes. It is quite striking that there is still money being spent on promoting a "start to plan for Brexit grant". With six weeks to go, should the Taoiseach not be somewhat worried that it is a bit late to be starting to plan? It is now 13 months since the Government published its last survey on SMEs' preparedness. Why has there been such a delay in publishing another one? I have never claimed one can ensure every company is prepared but it is absolutely reasonable to expect that we and the Government will know how many are prepared. Yesterday, Allied Irish Banks suggested up to 50% of SMEs are not prepared for Brexit. What percentage of businesses that need to prepare for Brexit will be prepared by 29 March? What are the Government and its agencies saying about that?

I was briefed by the Taoiseach's staff last week to the effect that the Government impressed the Commission's team when it reviewed no-deal preparations. Does the Taoiseach intend to publish the specific data he provided to them regarding the number of staff who will be in place by 29 March? How many of the extra staff announced last year will be trained and in place by 29 March across the various agencies?

Deputy Pearse Doherty: Obviously, we are approaching D-Day, 29 March. Comments on Brexit still have us all wondering what Brexit actually means. The UK Prime Minister, Mrs. Theresa May, has reneged on her position on the backstop. In the Taoiseach's engagement with her at the dinner last Friday, did she indicate to him why she had changed her position on the backstop? Did she give any indication that she was willing to revisit our earlier position, namely, the position shared by the Irish Government and all parties in this House?

On preparation for Brexit, a colleague raised yesterday with the Minister for Transport, Tourism and Sport a very simple matter, the ability to travel across the Border, for which we will need a green card. If the Leas-Ceann Comhairle and I want to come to the Dáil, we will

have to apply to our insurance company before the end of this month, in two weeks, for a green card. If we do not have one, we could be stopped and fined as we travel through the North. Is it the same for motorists who will be travelling from Strabane across the bridge into Lifford? Do they also require documentation so as not to be in breach of the rules pertaining to their insurance?

In light of the statement by the Minister for Finance, Deputy Donohoe, that there will be no need for a supplementary budget for this year in the context of dealing with a crash-out Brexit, how does the Taoiseach square the circle given that there will obviously be a need for financial supports for sectors and regions that will be hit hard as a result of a no-deal Brexit? Is the Government preparing to leave those sectors without the necessary supports? We know from all the various studies that it is my region, the north west, particularly Donegal, in addition to the Six Counties and the south east, that will be particularly hit. On the Taoiseach's table, as part of his contingency plan for a no-deal crash out, which we all want to avoid, are there proposals for financial supports for the sectors and regions?

Deputy Brendan Howlin: I understand the Taoiseach said he now expects the United Kingdom to leave the European Union at the end of March. It is alleged we got some insight into Prime Minister May's thinking through overheard remarks made in Brussels by her chief negotiator, Mr. Olly Robbins. According to a British journalist who overheard the comments, Mr. Robbins said there were two ways for the departure to be achieved: the deal will be approved in time for a March exit or there will be a long delay in achieving Brexit, whatever that means. Does the Taoiseach agree with the analysis attributed to Mr. Robbins? It is said that Mr. Robbins stated the backstop is a bridge to the long-term trading relationship. It is reported that he wants the withdrawal agreement amended to insert "subject to the future trade deal" after the word "necessary". In order to have clarity, could I ask whether the withdrawal agreement is being negotiated? Has the Irish Government been informed of or even sounded out on any insertion to or deletion from the withdrawal agreement? Alternatively, is the position the one the Taoiseach has outlined repeatedly in this House, namely, that the withdrawal agreement is complete, cannot be reopened and will not and cannot be subject to any further amendment?

The Taoiseach: With regard to helping businesses to prepare for Brexit, the Government has a public information campaign, Getting Ireland Brexit Ready, which is designed to warn businesses and stimulate them to take the actions they need to take to prepare for Brexit. In the past two weeks alone, for example, there have been outreach events in eight counties, and more are planned. The all-Ireland civic forum on Brexit will take place on Friday. I will be part of it. An array of financial and practical supports, including the Brexit SME Scorecard and the Be Prepared grant, are available from Enterprise Ireland. There is the Prepare for Brexit regional roadshow and Brexit advisory clinics are being run by Enterprise Ireland and the local enterprise offices. The Brexit Start to Plan voucher is being provided by InterTradeIreland. Brexit Barometer seminars, workshops and training are being run by Bord Bia. The Get Brexit Ready programme for the tourism industry is being run by Fáilte Ireland. There are Revenue trader engagement programmes to assist businesses and familiarise them with customs processes and so on. Also, there is a €300 million long-term loan scheme to assist strategic capital investment after Brexit. More than €450 million was allocated in loans already to businesses in previous budgets.

We also continue to engage with the European Commission on challenges for business. The Commission has acknowledged those challenges exist and states it will stand ready to help us to find solutions. I encourage all businesses and other organisations to take the necessary steps

to prepare for a no-deal Brexit, if not already doing so.

To answer Deputy Doherty's question on my dinner with the UK Prime Minister, she indicated the UK Government had changed its position on the backstop for the simple reason that she was unable to secure a parliamentary majority in favour of it.

On insurance, I am afraid I do not yet have certainty on the issues raised by the Deputy. I am trying to get a full briefing on it that I fully understand. I have not yet got one. I understand, however, that it may be possible for some of the insurance companies to waive the requirement for a green card for a period, but that has not been bottomed out yet.

On the budget, budget 2019 was designed with Brexit in mind. It provides for a budget surplus and a rainy day fund. It provides for a €1.5 billion increase in capital spending or record levels of investment in healthcare, housing and education. Therefore, we will not need a mini-budget in the event of a no-deal Brexit but it is likely that, rather than going into surplus, we will go into deficit. That is the right thing to do, quite frankly, if we end up in that sort of economic scenario as it would allow the automatic stabilisers to take effect. It will not mean a requirement for a mini-budget. It will not mean increased taxes or cuts to spending, welfare, pensions, or any of those measures that people experienced ten years ago. We do not need to enforce those kinds of measures on people again precisely because we have balanced the books and we are running a budget surplus. We will run a deficit if we need to and it will be a modest deficit, as the Deputies have seen from the Central Bank and Department of Finance projections.

We may need Supplementary Estimates for certain sectors, for example, to support the beef industry, agrifood and business that will be adversely affected by Brexit. That will not change. When people hear reference to a mini-budget or a Supplementary Estimate, they think it means the Government will come along and raise taxes or cut services, pensions or welfare. None of that will happen, or is even being contemplated, because the public finances are in such good order. That will not happen in a no-deal Brexit but there will need to be Supplementary Estimates and supplementary budgets to support businesses, agriculture and the agrifood sector in particular, small exporters and others who need funding to restructure and save their businesses and the jobs they provide, in some cases.

I have met Mr. Olly Robbins on many occasions and he is a very capable civil servant. It would not be appropriate for me to comment on words that were overheard in a bar. It would not be right for me to form any conclusions based on it.

Deputy Brendan Howlin: Can the Taoiseach assure us there will be no reopening of the withdrawal agreement? That was the question I asked.

The Taoiseach: There are no plans for that.

Deputy Brendan Howlin: There has been no sounding out of people about that.

The Taoiseach: There has not been with me.

Written Answers are published on the Oireachtas website.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

An Leas-Cheann Comhairle: Before we suspend, 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 Eamon Scanlon - to discuss ongoing issues with illness benefit payments; (2) Deputies Niall Collins and Seán Crowe - to ask the Minister for Foreign Affairs and Trade to discuss the deteriorating situation in Bahrain, including concerns over human rights and if he will make a statement on the matter; to discuss the current situation in Bahrain on the eighth anniversary of the mass protests for democratic change; the occasion of the eighth anniversary of democratic movement in Bahrain and human rights issues; (3) Deputy Willie O'Dea - to discuss an industrial relations dispute at University of Limerick; (4) Deputy John Brassil - to ask the Minister for Health, given that a young adult is still at home having graduated Nano Nagle School (Listowel, County Kerry Roll No: 19509T) in June 2018 but there is no adult day service allocated as of yet to the person and as the school is still waiting for the nursing support to be extended by five hours per week to cover school hours, what provisions are in place to ensure that all of our ten graduates will start their adult day service in September 2019, will the Minister for Health consider multi-annual investment funding being introduced for special schools and if the issue around the hours and contract for nursing support can be resolved as a matter of urgency given that the school has students with life-limiting conditions and high dependency; (5) Deputy James Browne - the need for the Minister for Business, Enterprise and Innovation to liaise with IDA Ireland to provide additional jobs and further investment in County Wexford; (6) Deputy John Curran - delays in the delivery of much needed extension work at Lucan community college; (7) Deputy Catherine Connolly - the decision to relocate a company currently employing over 100 persons from an Údarás na Gaeltachta site in Tulach, Inverin to the east side of Galway city with the assistance of IDA Ireland; (8) Deputy Darragh O'Brien - to discuss the urgent need for increased Garda resources for Dublin metropolitan region, DMR, north division; (9) Deputy Éamon Ó Cuív - the need for the Minister for Health to ensure a proper supply chain for the provision of incontinence pads to adults living in the community healthcare west region in view of recent events where the supply chain failed; (10) Deputy Gino Kenny - the approval of the drug Spinraza; (11) Deputy Gerry Adams - the proposal to establish an underground nuclear waste disposal facility in the Mourne Mountains and south Armagh, the threat this poses to Border communities and the Government's response; (12) Deputy James Lawless - chronic shortage of commuter parking in Sallins-Naas train station; (13) Deputy Dessie Ellis - the issue of infill housing, particularly in Ballymun and Finglas; (14) Deputy Fiona O'Loughlin - funding for Rath school, Ballybrittas, County Laois; (15) Deputy Eamon Ryan - to discuss extending the MetroLink project to the south west of the city; (16) Deputy Pat Buckley - to discuss effects of the cost overrun in the national children's hospital on capital projects for mental health; (17) Deputy Noel Rock - the delay of the proposed plastic bottle deposit and return scheme; (18) Deputy Martin Ferris - to discuss the status of Russian and Icelandic factory ships fishing off the Irish coast; (19) Deputies Robert Troy and John Lahart - to address the fact that Dublin city centre is now one of the most congested in the world, and the slowest city centre in Europe in terms of traffic movement; (20) Deputy Peadar Kirby - to discuss the fact that the insurance industry is killing Irish business; (21) Deputy Mattie McGrath - the proposed industrial action by community employment supervisors on Monday, 18 February 2019; (22) Deputies Joan Burton and Jack Chambers - to discuss additional prefabricated accommodation at Pelletstown Educate Together national school; (23) Deputy Jim O'Callaghan - the destructive impact that the proposed BusConnects project will have on the urban villages of Rathgar and Terenure, Dublin 6; (24) Deputy Donnchadh Ó Laoghaire - to discuss the need for

the Tánaiste to intervene in an issue (details supplied); (25) Deputy Brian Stanley - the Minister for Housing, Planning and Local Government and the rising costs of rents across the State; and (26) Deputy Richard Boyd Barrett - proposed changes to rules on allocation of social housing.

The matters raised by Deputies Eamon Scanlon, Martin Ferris, Joan Burton and Jack Chambers, and Eamon Ryan have been selected for discussion.

Sitting suspended at 2.42 p.m. and resumed at 3.44 p.m.

Saincheisteanna Tráthúla - Topical Issue Debate

Illness Benefit Payments

Deputy Eamon Scanlon: There are serious issues with the new illness benefit system. I cannot be the only Member contacted weekly about illness benefit claims or payments as it has been going on for several months. The issue first came to the fore in my office last August with dozens of complaints from ill and vulnerable people genuinely upset by the disruption to their payments with no money suddenly coming into their accounts. It was a case of a little bit here and none there, all with no warning from the Department of Employment Affairs and Social Protection. Last month, we learned of a 14-fold increase in complaints relating to illness benefit in 2018, accounting for 40% of all complaints made to the Department. This is hardly surprising when people were left for weeks with no payment and referred to the community welfare service. Sick people or people in recovery were left without an income. The illness benefit section in the Department did not answer phones or reply to messages. Staff in my office were unable to contact the Department and there are still issues with this. On 7 January, I received email responses from the illness benefit section to representations made in mid-October, four months later. These are issues involving sick and vulnerable people who are only looking for their own money back.

A lady contacted my office who had to take bed rest due to severe pregnancy complications and was receiving illness benefit. She had €66 for two weeks and then nothing for the following two weeks. With no medical card, she had no money for vital medication for her unborn baby. She also missed a mortgage payment.

Another person undergoing chemotherapy with radiation to follow did not get any payment for three weeks. The Department sent the individual letters stating their claim had been selected for review. This was their fourth review in a matter of months and the individual in question had returned documentation multiple times. This is obviously a distressing situation. The person involved, a cancer sufferer, told me that it was as if the Department did not believe they were sick.

I want to raise one particular case today, one of the worst I have ever seen. I must be thorough about it and I plead the Minister of State's patience because the people involved have none left. It involves an illness claim which started last September and is still an absolute mess, to say the least. I have more than a dozen letters received by the applicant from 7 November 2018 to 9 January 2019 but not one of them is correct. I also have a record of eight hours of

telephone calls made by the applicant's spouse to the Department over the two-month period. Contact was also made through my office. The local community welfare office was involved and I thank those officials for their help.

The claim started on 19 September 2018. On 7 November, a letter issued to the applicant awarding them illness benefit from 19 September for €361.20. My office phoned the Department straight away because this was incorrect as the payment did not include provision for a second dependent child. A letter on 14 November sought further information in this regard which was forwarded. On 15 November, the claimant received their first payment to their bank account of €739.20. On the same day, they received a letter from the Department awarding them a rate of €393. On 27 November, they got a payment of €485. On 5 December, they received two letters, one awarding them a rate of payment of €361.20 and the other of €345.30. Two days later, on 7 December, another letter was received, this time awarding them a rate of €198.00. This rate was reiterated in another letter the following week on 12 December. On 17 December, a payment of €870.85 was issued. On 20 December, there was a payment of €690.60. On 4 January, there was no payment.

On 7 January, two letters were received from the illness benefit section, both missing what can only be the first page of correspondence. All that was in these envelopes was a back page with the standard clause of "if you are not satisfied with this decision, etc, etc, please reply within 21 days". On 9 January, this person's payment was €35.65. On that same day, 9 January, they received a letter awarding them €361.20. The next day, on 10 January, two payments to their bank account were made of €2.65 and €392.15. On 17 January, a payment was made of €229.80. On 24 January, a payment was made of €191.50. On 4 February, a payment was made of €427.10. On 7 February, there was a payment of €195.33 which should have been €229.80.

An Leas-Cheann Comhairle: The Deputy will get another two minutes.

Deputy Eamon Scanlon: On contacting the illness benefit section, my office was informed that 15% of the payment had been taken back through debt recovery. That was the first the family knew about it. They received no notice or letter whatsoever.

An Leas-Cheann Comhairle: The Deputy will get another two minutes.

Minister of State at the Department of Employment Affairs and Social Protection (Deputy Finian McGrath): I thank the Deputy for raising this important issue. I commend his work in highlighting issues with claiming illness benefit. I appreciate his genuine concern.

The Department informs me that people who are due payments and whose certificates and claims are in order are receiving their entitlements promptly. Departmental staff are processing over 9,000 transactions per day, which is an indication of the volume of work in that section. It is important to note, however, that there are always individual cases, as the Deputy has highlighted, whereby people's payments are legitimately stopped, paused or delayed for a variety of reasons, including the late submission of medical certificates.

As the Deputy will know, in recent months issues arose with the scheme when my Department transferred administration of the illness benefit scheme from an old legacy payments IT system which is approaching end of life to its core BusinessObjects IT platform in August. Since then, the Department has worked hard to resolve these issues and to ensure that claims are processed and paid promptly. We have made good progress in this regard, with payment levels maintained at the expected norm over recent months. Telephone helpline and call-handling

performance have also been addressed and are now back to normal levels, although customers may still sometimes experience delays due to call volumes. I agree that it is not acceptable that families have to make phone calls lasting more than eight hours. I can also confirm that discussions with GP representatives with respect to a move from paper to e-certification have concluded successfully. As a result, we expect e-certification to be introduced this year. This will significantly improve service to clients and GPs. The Department has had a long and positive partnership with GPs over many years and is committed to maintaining good working relationships with our GP partners.

Customers who experience an urgent financial need as a result of possible delays in respect of their illness benefit payments can apply to the Department's community welfare services in order to obtain interim payments. They should contact their local Intreo centres in that regard. The illness benefit section can be contacted by phone on 01 7043300 or 1890 928 400, or by email to illnessbenefit@welfare.ie.

I understand the Deputy's concerns over this particular case. I will follow up further on the individual case. Eight hours of phone calls is not acceptable and we need to do something about it. However, the section is handling 9,000 transactions per day and at times it is very busy.

Deputy Eamon Scanlon: I thank the Minister of State for his response. This is a very difficult case. Even though the person was overpaid and our office notified the Department that the person was getting the incorrect payment, nothing was done. The person then received a number of payments, very few of which were correct. The person then received a payment with a 15% deduction because the Department claims that €800 was overpaid.

I accept that this money has to be repaid, but the Department should at least contact the people regarding the overpayments and the fact that it needs to deduct the money. What has happened is very unfair. The least the Department could do is contact those involved. We are talking about vulnerable people who are sick. They would work if they were able to do so but, unfortunately, they cannot. They are getting back their own money. It is wrong to treat people like that. They are the most vulnerable individuals who would normally work but who cannot do so as a result of health problems.

This is not the only case and many other families are finding it very difficult. I do not want to blame staff or anything of that nature. The system is not working. Somebody needs to take control of it in order to ensure that these vulnerable people are paid the money to which they are entitled because of their sickness.

Deputy Finian McGrath: I accept the Deputy's point on the vulnerable people and we need to resolve and address that. A number of difficulties arose with the changeover to a new system. These included people not receiving payments or receiving split or irregular payments. A large number of queries led to long delays in call answering. Up to 20% of those in receipt of illness benefit were impacted upon. However, we are gradually getting back to normal payments.

The Deputy is right that we need to ensure we fix the problems. We have taken three steps: additional staff to process the claims and answer customer queries; we have developed some IT routines that can further automate the process to ensure a faster flow through to payment; and review the design rules in the system to afford greater flexibility in processing the claims and certificates. In addition, the Department continues to engage with local professionals regarding

the implementation of the new process.

If problems are fixed, why are some people not being paid, being paid more or less than expected, or still due arrears? There has been an increase in claims for illness benefit in January. This trend reflects the annual increase at this time of year due to seasonal illnesses. There are delayed payments, extra payments and payments less than expected. On delayed payments, overall payment levels in respect of illness benefit are now normal. On the extra payments, delays in processing have meant that some customer claims which should be closed were open longer than should have been. As a result of the fact that we have not received final medical certificates, they have to receive an extra payment. This is also the case under the legacy system. In addition, the process of certification in 2018 which ensured that people got paid and also paid people who had not submitted a final certificate resulted in some extra payments to users. I take the Deputy's point and will bring his concerns back to the Minister.

Fisheries Protection

Deputy Martin Ferris: Early last week, concern was expressed regarding two fishing vessels that were in difficulty off the west coast. One of them was an Irish vessel and the other was a Russian trawler. What was most striking was when it became apparent that the Russian vessel, described as a trawler, had a crew of 91 on board meaning that, effectively, it was a factory ship. Over the weekend, a number of fishermen drew my attention to the marine traffic with the tracking of these trawlers fishing off the coast. Approximately 57 factory ships work west of County Galway and of Loop Head in County Clare in the vicinity of the Porcupine Bank. Their daily take would vary between 200 tonnes and 400 tonnes of blue whiting. On a good day, they would have 14,800 tonnes if they caught the maximum number of fish for the day. The consequences of that primarily for fish stocks and ultimately for the environment are drastic. I am informed that there is no policing of it in that there is nobody on board to determine if they are declaring what they are catching and whether they are caught within or outside European or Irish waters.

Obviously, this leads to many difficulties for the Irish fishing fleet. Before commenting further, I commend the Minister on his decision to exclude vessels of or greater than 18 m in length from fishing within 6 nautical miles of the Irish shore. That was a very positive step to take. However, many fishing vessels are short of quota or have no quota. These would have an historical track record but maybe not updated such that they would qualify for it.

I have been told that Norway has done a deal with the EU under which Norwegian factory ships have access to European waters. It is my understanding that it has negotiated for 250,000 tonnes of blue whiting and the trade-off for that works out at around 30 tonnes of cod for the Irish fishing fleet.

The SFPA will claim that it is monitoring the situation but how can it monitor factory ships that are working at between 150 and 200 miles off the coast? Staff of the SFPA are sitting in an office in Clonakilty, watching the sea on television. That is effectively the only monitoring I know about.

Factory ships are seriously detrimental to fish stocks, particularly in the context of 14,800 tonnes of whiting being taken from the sea per day. This needs to be investigated. I have suggested in the past that the large boats working within Irish and European territorial waters

should have a member of the SFPA on board permanently to monitor them properly. If that is not done, and I see that the Minister is smiling at me now-----

Deputy Michael Creed: Has the Deputy cleared that with his own fishing representatives?

Deputy Martin Ferris: If that is not done, essentially there will be no monitoring or policing as such. We do not know what these boats are taking on board or the damage they are doing to fish stocks in general. We also do not know what environmental damage they are doing. Factory ships should be obliged to have a member of the SFPA on board at all times.

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): I thank the Deputy for raising this matter. Under the Common Fisheries Policy, CFP, non-EU vessels are precluded from fishing in the waters around Ireland up to the 200-mile limit, other than under an EU agreement. For example, limited access is provided for Norwegian and Faroese fishing vessels under reciprocal access agreements. The Russian and Icelandic vessels referred to by the Deputy are not allowed to fish inside the waters of the Irish 200 nautical mile exclusive economic zone or any waters of the European Union.

Waters outside the 200-mile exclusive economic zone are considered to be the high seas and are open to all under international law, subject to certain regional management regimes between coastal states, for example, the North East Atlantic Fisheries Commission, NEAFC. Up until our accession to the then European Economic Community, EEC, and our declaration of the 200 nautical mile exclusive fisheries zone in the 1970s, factory ships from Russia and other countries were a common sight just 12 miles off our shore. At that time, the waters outside the 12-mile zone were high seas and we had no legal means of restricting the activity of those large ships. Our membership of the EU and the CFP ensured that we were able to put in place a strong policy and legal framework to manage fishing sustainably. This provides protection such that vessels from third countries such as Russia and Iceland have no access to our 200-mile zone. Our waters and their fishing resources are protected from any reoccurrence of the effective free-for-all which existed prior to our accession and the establishment of the CFP.

Fishing access to the Irish exclusive economic zone is strictly controlled and monitored by the Naval Service and the SFPA in co-operation with our EU partners. At a wider EU level, there is limited fishing access granted to some non-EU countries, including Norway, as part of reciprocal fishing agreements but no such arrangements exist in respect of fishing vessels from either the Russian Federation or Iceland. Vessels from all countries are free to use our port facilities in cases of *force majeure* and normal freedom of navigation rules apply. As the Deputy may be aware from media reports, a Russian vessel is currently in Castletownbere for repairs. I have been informed that this particular vessel, while operating outside our exclusive zone, reported a damaged propeller and was towed to the south side of Bere Island by another Russian trawler, where tug boats brought it into the bay. The vessel is under the supervision of personnel of the Marine Survey Office pending completion of repairs to free the propeller and follow-up procedures and it is expected that this work will take some time.

I wish to refer briefly to the issue of factory ships more generally. Quota in Ireland are a public asset and are not privately owned. Had we privatised that asset many years ago, we would have far fewer trawlers now and the smaller number of vessels would be large factory ships. We decided to keep the quota as a public asset and to allocate it on the basis of fishing effort on an annual basis. Others have chosen an entirely different approach and they have fewer and larger boats or factory ships. Those factory ships, insofar as they are under the flag of EU

member states, operate under the CFP and fish under the quota regimes of that policy which are negotiated on an annual basis. While I appreciate that there are emotive arguments around factory ships, which are large, they fish only in accordance with CFP rules and regulations and quotas allocated to them.

Icelandic and Russian vessels have no legal entitlement to fish within the 200-mile exclusive economic zone. That zone is a creation of our membership of the EU and the CFP.

Deputy Martin Ferris: I do not know where the Minister is getting his information but the information I have is that these Russian and Icelandic factory ships are operating inside the 200-mile territorial limit. How is the exclusion zone is being policed? The SFPA is not policing it because it does not go out that far. Is the Department depending on the Naval Service to police the area?

On the Norwegian agreement, will the Minister confirm that 250,000 tonnes of blue whiting was given to Norway in return for 30 tonnes of cod for the Irish fleet?

On the SFPA and monitoring, the Minister will tell me that the authority can monitor the area by way of satellite and so forth. That is the answer that we get all of the time but, in reality, that is not the case. If vessels enter Irish territorial waters but there is nobody within 100 miles to police them, they can fish those waters and leave again.

Was the Russian boat currently in Castletownbere inspected by the SFPA? Did inspectors board her and check the type of fish that she had on board? She was fishing for a significant time before she broke down. I understand that she lost a propeller. Did the SFPA board the Russian vessel that towed her in to determine the type of species on board and whether any of the catch came from Irish or European territorial waters?

Deputy Michael Creed: For the Deputy's information, the regulation and policing of this area is determined under the Sea-Fisheries and Maritime Jurisdiction Act 2006. It is interesting to note in the context of that legislation that I am specifically mentioned and prohibited from any involvement in the day-to-day management, supervision and operation of the enforcement regime, which is only right and proper. Under the Act, day-to-day operations are the job of the SFPA and the Naval Service. I invite the Deputy to visit Clonakilty where the SFPA has an active capacity to monitor the movement of all ships within our 200 nautical mile zone. My information is that the fishing endeavours of the trawler that was towed into Castletownbere were outside of our zone.

There is a tendency never to let the truth get in the way of a good story and the Deputy has told a good story here today-----

Deputy Martin Ferris: It is the truth.

Deputy Michael Creed: -----but his information is at variance with the facts as conveyed to me by officials in my Department. We are adamant that our fishing resource is adequately policed and monitored to maintain sustainability, and to ensure that our waters are not over-fished and that people fish only in accordance with the quotas that are allocated to them on an annual basis. There is some access for Norwegians on the basis of coastal state negotiations in respect of certain species on an annual basis - the pelagic sector in particular. This is a reciprocal arrangement. The Norwegians have access to area 6 west of Scotland but north of 56° latitude, which is roughly in line with Edinburgh. These are reciprocal arrangements in terms of EU

negotiations and EU member states having access to Norwegian waters and Faroese waters in those circumstances. Access is governed by international negotiations where issues between coastal states and the European Union are at play.

To return to the core point which the Deputy raised, there is no access to Russian or Icelandic vessels in EU waters. It has been sought in the negotiations but resisted on all occasions.

School Accommodation Provision

Deputy Joan Burton: Pelletstown Educate Together national school is a rapidly growing school in an area where hundreds of houses are being built, sold and occupied on a monthly basis. There is demand for an additional 60 children, approximately, for September 2019 and, thus, urgent requirement for two additional prefabricated classrooms and additional space for other school activities on the temporary site currently occupied by the school while it awaits a permanent building. The parents, pupils, teachers and staff of the school are concerned that nothing has happened to indicate the building of the two prefabs is receiving the urgent attention required to ensure that children have classrooms to go to come next September. What is the reason for the delay in submitting a planning application for these two prefabs, which are urgently required for next September? Will the Minister of State clarify whether the planning application to Dublin City Council in respect of the prefab development has been submitted and if agreement has been reached with the developers of this large housing site for the temporary installation of the prefabs on the site currently occupied by the school pending the development and construction of a permanent school on the lands at Pelletstown? This is a successful neighbourhood with an expanding population in Ashtown beside the Grand Canal.

In September 2017, the school was in crisis when prefabs failed to materialise and junior and senior infants had to be taken by bus to the Broombridge Educate Together school some miles away. This was very difficult for the pupils, teachers and the parents.

Deputy Jack Chambers: Pelletstown Educate Together held a public meeting last night at the Royal Canal community centre, which was attended by teachers and more than 100 parents. The history of this school does not vindicate good departmental policy in terms of forward planning policy for schools. According to the parents and children, owing to a site delay, the school started out in a bunker with no natural air or light and no play space. In 2017, owing to a delay on the part of the Department in securing temporary accommodation, the school was split and some children had to be taken by bus to another school a few miles away at a cost to the Department of a couple of hundred euro per day.

The school faces a new accommodation crisis for 2019. As Deputy Burton mentioned, the responses of the forward planning section of the Department have been ambiguous. While it is positive news that a site has been secured for a permanent building, the planning application for the additional accommodation required for 2019 has not been submitted. There was a significant delay in securing temporary accommodation in 2017. We do not need evasive language or ambiguity. The feedback from the Department is that the planning application will be dealt with shortly. We all know that in Civil Service-speak “shortly” can mean weeks or months, which means delays and uncertainty for the school community of Pelletstown and Ashtown.

I ask the Minister of State to outline when the application will be submitted and to give a guarantee that this project will be progressed for September 2019. This is the feedback and

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certainly the teachers, pupils and parents need. Up to now, the history of this school in terms of development has not been good from a departmental perspective. It is important these issues are rectified now and that the Minister of State provides greater certainty than the answers heretofore.

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

I am taking this matter on behalf of the Minister, Deputy McHugh. I thank the Deputies for raising the issue as it gives me the opportunity to set out the position in regard to the interim accommodation needs of Pelletstown Educate Together national school. The school is currently in interim accommodation at Ashtown Road, Rathborne, Dublin 15, on a privately owned site and currently has sufficient accommodation.

In September 2019, the school will require additional interim accommodation. Officials at my Department are aware of the additional accommodation requirements of the school and work is ongoing to ensure sufficient suitable additional accommodation will be available to the school for September 2019. The Department has been seeking the landlord's permission to install the two prefabs that will be required for September 2019. The landlord has recently given consent and the Department is currently working on the planning application, which will be lodged with Dublin City Council shortly.

With regard to the permanent school building project for the school, I am pleased to advise that the Department has secured the permanent site for the school and planning permission has been lodged with the city council. Providing the planning process runs smoothly and no issues arise, the project is scheduled to be on site in quarter 2, 2019. It is intended that construction will take place in a manner to allow for a phased handover of sufficient accommodation to meet the school's need by the end of January 2020. Phase 2 of the project is expected to be ready for quarter 3, 2020.

The Department is in regular contact, and holds monthly meetings, with the school's patron body in regarding to this and a number of other projects under its remit and will continue to keep the school's patron body fully informed of progress.

Deputy Burton asked the reason for the delay in submitting the planning application. The Department was not in a position to submit a planning application until consent was received from the landowner. The necessary consent has now been received and the Department will shortly submit the planning application for the additional accommodation required for September 2019 to the local authority.

Deputy Joan Burton: I thank the Minister of State for his reply, which I acknowledge is very positive. The Minister of State has promised the parents, pupils and staff of Pelletstown Education Together that they will have their prefabs in September 2019. I welcome that promise. We will hold the Minister of State to it. This school has been split and we want a commitment that it will not be split again.

I am interested to hear that the developers, who are advertising the wonderful schools in the area to sell the houses, were slow to give their consent to the installation of the prefabs on the current temporary site. Will the Minister of State confirm that the entire site, which is a large site, will be useable as required for the prefabs and for the essential purposes of the school? I hear the Minister is lodging the planning application shortly. Does "shortly" mean by the end of next week because it will take a couple of months to build the prefabs and satisfy the planning

conditions? We want it open in September.

Deputy Jack Chambers: I welcome the comprehensive response from the Minister of State. There is a division of language. Much certainty has been provided on the timeline for the permanent school build, which we are aware of. He spoke about being on site in the second quarter of 2019 with completion in the third quarter of 2020. There is an urgent need for the school now. The primary issue we both discussed in this Topical Issue debate is the definition of “shortly”. Is it a week, is it a month, or is it five months? It is for the Department to provide that certainty.

It is good the Government and the Minister of State at the Department of Education and Skills are providing a guarantee to parents, children and the broader community that the prefab will be on site. The reason I referenced the historic issue in this school and the difficulties it has had with Department is that promises were not fulfilled, despite them being well-intentioned. Will the Minister of State provide clarity on what “shortly” means for this school? Is it a guarantee that the prefabs will be on site in September 2019? When will the application be lodged?

Deputy John Halligan: I reiterate that the difficulty was seeking permission from the landlord to install the two prefabs. That was the immediate problem the Department had. We were not in a position to place the planning application until we had received written confirmation from the landlord, which has been received. I spoke to the Department and the Minister this morning and now that it has been received, there will not be a delay. The Minister is aware of the difficulties that Deputies Burton and Jack Chambers have brought to his attention.

On the permanent site for the school, the site acquisition process is now complete and it is a 1.57 acres site in Ashtown. That is sufficient to deal with what is required. The Department told me this morning that it is in regular contact - the Deputies can confirm this with the patron body of the school - and that there are agreements to have monthly meetings with the patron. We will give regular updates on what is happening to both Deputies. The Department officials told me this morning that there will not be a delay. Now that everything is in order and the landlord has given consent, this will be done immediately.

Rail Network Expansion

Deputy Eamon Ryan: I appreciate the Minister coming in to discuss how we extend the metro to the south side of Dublin. He may be aware that on Monday night, South Dublin County Council approved a motion, advanced by my colleague, Councillor Francis Noel Duffy, that rather than stopping at Charlemont, Ranelagh or Beechwood, as I believe the Minister and the Department may be considering, we would continue the metro south west, through my preferred route of Harold's Cross, Terenure, Knocklyon, Firhouse and Tallaght. Thinking really big - cities like Copenhagen have done exactly this - we should put an orbital metro in place where it would run around the south side of the city from Knocklyon to Sandyford to UCD and back into town. That way, we would solve the congestion concerns coming from Sandyford. Critically, it would go back to the original metro design, which was to run a spur to the south west of the city. As the Minister will know, this is an area that is atrociously served by public transport.

I was at a meeting on Monday night in the Hilton Hotel on BusConnects and considering the Rathfarnham bus corridor route. It is going to be the hardest, most difficult route. There was

real anger from local people because front gardens are going to be taken away. No matter what we do on that route, we are not going to have the level of public transport the areas deserve and need in order to thrive and develop. There is significant development potential, particularly as one goes further south. On the edges of the mountains, we are building thousands of new houses. The current and projected public transport system - buses and cycling facilities - will not be able to cope with this and the metro is the right option.

It will obviously cost an additional and a significant chunk of money. We should not be scared off doing anything additional because of the national children's hospital. There will be concerns, and the Minister may articulate these in his response, that we do not want to delay the overall metro project. I, for one, am the last person who would wish for that because we need the metro.

This can be done. Under the existing plan the metro will run from Charlemont Street, St. Stephen's Green, O'Connell Street or whatever section one wants to have as the breakpoint. The metro could proceed as planned for the north side of Dublin. When that is going through the whole procurement and rail order phases, one could work out to the Minister's satisfaction the design, costing, and alignment of the extension of the metro to the south west rather than digging up and closing the Harcourt Street line. That is the last major case for this alternative approach.

What the Government is planning to do - it goes back to the 2015 transport plan, so this is not just about this Government in that it has been thought about for a while - about which we became aware recently is to close the green line, to convert what is a highly successful pedestrian access Luas line into a segregated metro route, which cuts off local access to the line and cuts across communities even with measures to try to protect against that, and to close that critical public transport artery for a year to two years. That would miss the opportunity to service a wider variety of catchment areas with a high-quality rail-based transport system, which is the scale of ambition we should have and what we need.

It will cost money and may require a complicated planning process. As we are proceeding, we could develop the final rail order for the south side. In terms of engineering coherence, servicing people of south Dublin, meeting our climate objectives and switching from the car-based system choking our city, this is the right way to go. A study published this morning found that Dublin was the worst city in the world for traffic congestion. This city needs this scale of ambition to solve this problem. I encourage the Minister to consider this and I am keen to hear what he has to say on the matter.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I thank the Deputy for the opportunity to address this important question on transport in Dublin. I welcome a debate on how best to use the increased levels of investment this Government is making available to support the development of improved public transport. I am sometimes fearful that we do not seem to be learning from the lessons of the past. By that I mean - I believe the Deputy would agree with me - that we need to move away from transport projects by press release and instead move towards a planned and integrated development of public transport and land use strategies. That is why the Oireachtas voted to create the NTA in 2008. Importantly, and I know the Deputy will agree with me, the legislation gave it a much-needed statutory power to develop a transport strategy for the greater Dublin area and that this strategy must be integrated within land use planning strategies across the greater Dublin area, GDA.

We now have a statutory transport strategy in the greater Dublin area which covers the period 2016 to 2035 and which must be reviewed every six years. That strategy is the basis for the development of an integrated transport system for the GDA. Development of the strategy was subject to a full public consultation period and any and all interested parties were able to make their views known. Following that public consultation, the approved strategy set out an ambitious range of improvements across the area of metro and light rail. These improvements include: the development of a metro from the city centre to north County Dublin; the development of a metro from the city centre to south County Dublin along the Luas green line; the need to improve the capacity of the green line in advance of its upgrade to metro standard; and a number of Luas extensions to Lucan, Finglas, Bray and Poolbeg. What we are now trying to do is to implement that strategy. That is why I secured the funding allocations under Project Ireland 2040 to allow for its implementation over the next ten years. The need for the development of a north-south metro has been recognised for 20 years or more. The Deputy will recall how *A Platform for Change*, published in 2000 by the then Dublin Transport Office, called it the spine of any future metro system. The need to upgrade the Luas green line to metro over the medium to long term was recognised then as it is today. We are providing longer trams and purchasing more trams under the green line capacity enhancement project but, ultimately, that only buys us time; it does not solve the problem. In the long term, the upgrade to metro standard is necessary to ensure growth along that corridor can be accommodated.

I have not yet formally received the council's motion, as proposed by the Deputy's council colleague last Monday. From media reports and the information the Deputy has provided today, it would appear to be an entirely new set of projects, both Luas and metro, rather than an extension of the MetroLink. I am clear that we need to implement the transport strategy in a planned and co-ordinated manner, and I am also sure that new projects and programmes can and should be considered as part of the review of the strategy in the next couple of years, which obviously includes what the Deputy has just suggested. We are planning to transform the greater Dublin area's transport network in line with the strategy, whether MetroLink, BusConnects or DART expansion, and we need to work together to ensure this transformation takes place in a timely fashion.

Deputy Eamon Ryan: There has been 30 years of work on this issue so it was not just by press release that they were trying to make the case. The fundamental case is that the plan can and should change, and it already has changed. It included in its original form a DART interconnector which has since been removed by the Government as an aspiration or put off into never-never land. As a result, the MetroLink plan has been moved to the city and, as a consequence, now threatens the Markievicz pool. That plan is constantly changing and it has to change further to get it right.

The key failing, and it is only in the detail that we discover this, is that going back and turning the green line into a metro line is a flawed engineering approach. It is flawed because it has to be shut for a year or a year and a half, flawed because all the great aspects of pedestrian accessibility are being taken away and flawed because it is missing the opportunity to branch elsewhere. The key concept is that we do not just connect MetroLink into the green line, but we keep the tunnel running. Once there is a tunnelling machine in the ground, I am told by the engineers I trust that it is much lower-cost to keep the tunnel running, so we should use that opportunity to keep it running to the south west. As an alternative, we could keep it running to the south east to UCD and Sandyford, or, as Councillor Duffy suggested, have a southside loop. This is what Copenhagen has done in the same time we have been talking; it has built two metro

lines while we have been thinking about it and saying we are going to do it. Copenhagen is now building just such an orbital loop and I see no reason we should not do that for south Dublin.

We asked the NTA what our climate emissions will be from transport in Dublin, given all the other planned projects, and its answer was that there would be increase of 30%. I said to Mr. Cregan at the BusConnects meeting on Monday that this metro alternative should be done. He agreed it was the right project but he said he could not do it because he does not have political clearance for it, effectively. He would love to do it but he needs political support to make it happen, which is why the Minister and his Cabinet colleagues are critical. This is a political decision. Will the Minister think big about public transport in south Dublin or is he going to stick to the existing plan?

Deputy Shane Ross: I thank the Deputy for taking a far more moderate approach to this problem than he normally takes. Any suggestions he makes will certainly be considered in the review which comes up in 2021-2023 because, obviously, there are some constructive elements to what he has to say. I acknowledge his recognition of the costs of what he is suggesting but I do not see any figures or any suggestion as to how it is to be paid for. While I am open to correction, it seems the Deputy has two principal suggestions, first, that there would be an extension of Metro North from Charlemont to Knocklyon, and the second involves the red Luas line from Tallaght to Booterstown. I do not have a clue what that would cost, nor has the Deputy. To make a suggestion of that sort, which would cost billions of euro, without even suggesting where the money will come from is fairly irresponsible-----

Deputy Eamon Ryan: Take it from the motorway programme.

Deputy Shane Ross: It is a luxury which the Deputy enjoys in opposition, although he did not exploit it so well when he was in power.

Deputy Eamon Ryan: The Minister is adding blindness to insult.

Deputy Shane Ross: Let us have lots more of the Deputy's suggestions, which will, of course, be considered, but when they are considered they will have to be carefully costed. The Deputy hopes what has happened with the national children's hospital will not stop us from embarking on big projects, and it will not, but it will certainly make us more careful. It will also put a burden on the Opposition to not just throw out castles in the air like this but to acknowledge that such suggestions will cost billions of euro and that they do not know where those billions of euro are going to come from.

Deputy Eamon Ryan: Take it from the motorway programme.

Deputy Shane Ross: The Deputy mentioned he is hoping to take the metro through Rathfarnham and Terenure. A very detailed analysis was conducted in the transport strategy. It concluded that the actual and forecasted demand along the Rathfarnham-Terenure corridor does not meet the threshold of a metro-style service. That is the only scientific evidence which has been produced. Whatever the cost, and the Deputy does not seem to worry about the cost, it does not even meet the threshold of numbers.

Nurses, Midwives and Paramedics Strikes: Motion [Private Members]

Deputy Ruth Coppinger: I move:

That Dáil Éireann: notes that:

— nurses and midwives have taken industrial action to end wage restraint, lack of pay parity and against the working conditions they are faced with;

— there is a crisis in recruitment and retention of nurses and midwives as a result of pay and conditions they are faced with;

— like all workers, nurses and midwives have seen a massive rise in the cost of living, such as childcare, rent and housing generally;

— there is considerable support and solidarity for nurses and midwives as a result of ordinary people's direct experiences of the health service;

— paramedics have taken strike action seeking recognition of their union, the National Ambulance Service Representative Association (NASRA);

— there is enormous wealth in our society and yet our health service is being starved of resources, resulting in nurses and midwives being underpaid;

— €270 million was used to pay Anglo Irish Bank junior bondholders in December 2018;

— BAM Ireland, the construction company that is building the new children's hospital, saw its turnover rise by 28 per cent in 2017 to €465 million, while its pre-tax profits for that year were €15.9 million; and

— Ireland's richest 300 people have €79 billion in wealth;

believes that:

— there is a need to reverse austerity measures that have hit the health service;

— there is a need for a national health service that is free at the point of use and under the democratic control of working class people;

— a victory for nurses and midwives in this strike would be a victory for all workers and our health service;

— strike action by nurses and midwives has demonstrated the effectiveness of strike action in seeking just and necessary pay increases and improvements to working conditions;

— the recommendations from the Labour Court on 11th February, 2019, which are supported by Government, fall short of the demands of nurses and midwives in their dispute; and

— if this offer is rejected, the Irish Congress of Trade Unions must give full support for the nurses so that the struggle can be brought to a quick but satisfactory

outcome; and

calls on the Government to recognise NASRA as the representative union of their members and to accede to the full pay demands of nurses and midwives.

The motion deals with the pay and conditions of nurses, midwives and paramedics. Many messages have been circulating online and on the picket lines from nurses and midwives about why they were brought to take the unprecedented step of national strike action. One woman who has been a nurse for five years wrote:

The education and respect that I got in the NHS when I emigrated was second to none. They constantly wanted progression for their nurses and even offered to pay for funding of college courses so we could up our skills. Unfortunately, I made the silly decision to move home, which to this day I deeply regret. I have been forced to move back with my parents, which was a difficult decision to make. I will never be able to afford a mortgage. I worked four long years in university to be where I am today. Why can't we have pay parity with other professionals we work alongside? Why can't the Government respect us?

That sums up many of the reasons and sentiments we have heard throughout the past couple of weeks.

The INMO in its 100 years of existence has only twice waged a national strike. It is quite an unbelievable circumstance and shows the urgency of the issue. It is anathema to nurses to have to leave behind the patients they know to go on a picket line. It shows how far they have been pushed and how low they have been allowed to go by this Government.

For weeks we listened to the Government saying there was no money for nurses. For weeks it even said there was no recruitment and retention crisis at all, and it was a figment of the INMO's imagination. It then said it was not due to pay and that pay would probably not make any more nurses want to stay in the country where their families and friends are. In just three days of industrial action, however - this should be registered by anyone watching this debate or interested in this issue - the INMO achieved more than the rest of the trade union leadership did for their members in years, in the sense that an offer is on the table, which is obviously an improvement on the current situation.

The question nurses will be asking is whether it is a fundamental change and what nurses deserve, or is it the Government continuing to abuse the goodwill of nurses. There is no question that the Government was absolutely desperate to avoid three more days of strike this week. It witnessed the significant public sympathy there is for the nurses. It also saw the massive demonstration that took place on Saturday. It is unusual to have 40,000 to 50,000 people marching to defend workers. It was primarily the INMO and members of the public who use the health service who mobilised. It was people who know what it is like to be on waiting lists, who know what it is like to wait in accident and emergency departments and who see where the Government is spending public money and that it encourages private healthcare.

As we speak, nurses and midwives are getting information about the pay offer and they will have time to consider it. We tabled this motion before the deal was offered but it is still a major issue. Nurses will ask whether the offer provides pay parity and pay restoration and if it will stop the brain drain of young, qualified nurses. They want to know whether the wards will be safer and whether the pay offer will pay the rent or buy a house. We have been getting some feedback from nurses on pay parity. Perhaps the Minister could clarify the position. On paper,

it can appear that there is parity with other therapists and grades, which has been sought by nurses. However, pay for nurses is heavily dependent upon an allowance. As we saw during the recession, the first thing to be taken off workers were allowances. We saw it with teachers and other professionals. A bank manager does not count an allowance as part of a person's wage. In addition, allowances do not always apply to every group. There are questions about whether it will apply to community nurses, those in outpatient departments and others. Another key issue is that occupational therapists and physiotherapists, with whom nurses are seeking parity, usually progress to become senior occupational therapists or physiotherapists but there is no such progression, even in this offer, for nurses. They will still remain on the same pay scale.

The Minister should feel ashamed and embarrassed about staff nurses' pay. In 2008, the starting point for a staff nurse was €31,875 and the scale went up to €46,541. Following this deal, the starting point is still €29,346, which is lower than 2008, and now the highest one can go on the enhanced scale is €45,841. Despite winning better pay, it seems that nurses still do not have full pay restoration, which they should have, in the context of what was taken from them during the recession.

Another matter of concern is the productivity that will be demanded of nurses. The general response of nurses is to comment on the cheek of the Minister for Public Expenditure and Reform, Deputy Donohoe, to state that they must qualify to go on the scale when they have given all they can give. It shows the response of the Government to the idea of workers having a recovery. The Government boasts about the economy being in recovery and being one of the best performing in Europe. However, it is not happy for workers to get back what was taken away. We constantly hear in the media that there is no money or wealth available, that there is just a little pie for the health service and that if nurses and paramedics get an increase, then something else will have to go in the health service. We completely and utterly reject that concept. There is a large pie of untapped and untaxed resources in this economy. We have the €14.3 billion sitting untouched in the Apple account. We are informed that the cost of the Labour Court recommendations will be €35 million in a full year, but the Apple money would pay that 400 times over 400 years. What greater demonstration is there of the Government working hand in hand with Apple to protect that company's interests?

Meanwhile, in terms of the cost of living for workers, the average rent nationally is €1,347. In Dublin, it is €1,800. The average rent in Waterford has gone up 16%, in Galway by 13% and in Limerick by 17%. That is what any wage increase has to compete with. In terms of wages, the average weekly earnings for workers in the health sector were €796 in 2008 and today are €720. Workers will look at the example of what the nurses have been given and act accordingly.

There will be a debate on the national children's hospital. Let us contrast what has been spent on it and how the purse strings have been opened with the treatment of the nurses. On every single picket line when I got into a conversation with nurses the question of gender was invariably raised. Phil Ní Sheaghdha raised the point on the demonstration of whether they are so shoddily treated because they are women workers. I have no doubt we will see the Minister talk about the advancement of women on 8 March, International Women's Day, but this is the gender pay gap in action and how it works. That is what happens if one decimates the wages of female-dominated professions such as nursing, teaching and many others in the public sector. The Minister has to answer for that.

I wish to refer to paramedics because they are still in dispute with the Government. They have demanded to join a union of their choice, not of the Minister's choice. It is meant to be

a right of workers to use whatever organisation or union it wishes to negotiate on their behalf, but it seems that the Government would rather pick unions they consider tame or under its influence or control. Ambulance workers, paramedics, nurses and midwives are in the Gallery. The Minister has just come into the House. Workers should be allowed to join a union of their choice. The HSE must be directed by the Minister to recognise NASRA as the union of choice to negotiate on behalf of those workers.

Nurses will assess in the coming days whether this deal goes as far as they wish. If they decide that it does not, on the basis that it does not provide for pay restoration and pay parity and it is not what they made the sacrifices for, and if they decide to vote “No” to the agreement, the entire trade union leadership and movement must get behind the nurses for their sake as workers but also for the sake of the health service. It must mobilise and support them completely, and not leave them standing on their own, to end austerity throughout the public sector and also to bring up the wages of all workers. It is time for a recovery after a decade of austerity.

Deputy Gino Kenny: I am not sure whether the Minister was at the march on Saturday but a few of us were and it was probably one of the best marches I have been on for a long time. The only comparison I can make with Saturday’s march is the anti-water charges marches. There was a great atmosphere. I do not think any workers have the same respect among the public as nurses. The level of solidarity and support for them was second to none. There is an unbreakable bond between the nursing profession and the public and that was borne out by the public support over the three days of the strike.

I speak from first-hand experience, as I was a care assistant for 17 years before I was elected to this House and I worked with nurses in many hospitals and various other care settings. Nurses play an extremely important role in society. They are extremely professional and passionate about their job. That is what it comes down to: they do not do it for the money; they do it out of a sense of commitment to their fellow human beings and to try to help them as much as possible.

Nurses do not want platitudes. They want attitudes to change in the Government about pay and retention in their profession. Nurses were very reluctant to go on strike. They wanted to be on their wards caring for people but they were forced to take action because this is a safety issue. This is a pay issue. It is an issue affecting our whole public health system. It goes to the heart and soul of their profession and what we are fighting for in public life. What does it say about society when nurses have to go on strike while the Government paid bondholders €270 million in November, gives tax exemptions to banks and puts bankers on a pedestal? Meanwhile nurses do not get a fair hearing. The substantive issue has not gone away. That is recruitment, retention, pay and conditions for nurses. If hospitals are not safe places for nursing staff, auxiliary staff or care assistants they will become dangerous for patients and patients will die.

We will wait and see what comes of the Labour Court recommendation. We will take our green light from nurses themselves. The indications are that this does not go far enough and does not address the substantive issue of retention and pay parity. Nurses do not ultimately want a pay rise. They want to be respected and paid like other allied professions. Nurses have crossed the Rubicon and there is no going back. For too long they have heard platitudes from successive Governments and they have stood down. As Deputy Coppinger said, it largely comes down to the fact that nursing is a female-dominated profession. They have crossed the Rubicon and it is time for the health professions as a whole and the public health system to stand side by side with the nursing profession because when they win, we all win.

Minister for Health (Deputy Simon Harris): I move amendment No. 2:

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

“notes:

— the industrial action already taken by nurses and midwives in recent weeks;

— the decision of the Labour Court to intervene in the dispute is in the public interest; and

— the acceptance by the Government of the Labour Court recommendation; and believes that:

— while respecting the requirement on nursing unions to ballot their members, the recommendation represents a fair and balanced solution to the dispute which is consistent with the Public Sector Stability Agreement; and

— an important opportunity exists to enhance the status and significance of nursing and midwifery through collaboration and dialogue, and through the implementation of Sláintecare.”

I thank Members for their contributions and I thank the Deputies tabling this motion for the opportunity to discuss the recent dispute between health service employers and the nursing unions, the INMO and the Psychiatric Nurses Association, PNA.

Following the recommendations issued by the Labour Court on Monday, the INMO and the PNA industrial action scheduled for three days of this week has been suspended. That has been very welcome news for patients throughout the country. Taking the point made by other Deputies, it is also welcome news for nurses and midwives, who want to be back in their workplace, not on a picket line. Since this suspension was announced, I can assure the House that the HSE immediately commenced work to address the cumulative impact this dispute had already caused and to get our health service back a degree of normality.

It is clear that the previous three days of industrial action, which involved a withdrawal of labour by nurses and midwives across the public health services, had already had a significant impact. The further planned escalation, if it had proceeded, was likely to severely challenge the ability to provide a safe service to the public. On that basis, the Government very much welcomes the decision by the nursing unions. I understand and accept the decision to take this action was not taken lightly by nurses and midwives, who would rather be at work. I agree on the point that this was an action not taken lightly.

I would also like to take this opportunity to thank the members of the Services, Industrial, Professional and Technical Union, SIPTU, who did not engage in industrial action throughout this period. It is important to point out that SIPTU nurses and midwives did not engage. When we talk about other unions it is important to acknowledge their decision and thank them for their ongoing services. The Government has accepted the recommendation of the Labour Court to resolve the industrial action with the nursing unions. That is important. An independent recommendation was given by the Labour Court, the highest industrial relations mechanism in the land, and the Government accepted that recommendation in full at its meeting on Tuesday. The Labour Court intervened in this dispute due to the exceptional circumstances and the grave and extensive implications of the dispute. I would like to thank the Labour Court for its inten-

sive work between the parties, particularly over the weekend. I also thank my own officials, the HSE and officials in the Department of Public Expenditure and Reform for the hard work they put in to help us to arrive at a point where the Labour Court involvement and engagement proved fruitful for both sides by producing a recommendation. While I am very conscious that the recommendations remain to be accepted by the INMO, I would like to thank the union's leadership for its continued engagement with health service management throughout this dispute. That is very important to note. During this dispute the INMO was working to put contingency plans in place and I thank the leadership for that.

As referred to in the constructive Fianna Fáil amendment to the motion, an amendment which I welcome, the Government agrees that all sides to the dispute should be given time to consider the recommendations without interference. It is important we allow the unions to do what they do, have their deliberative process and consult with their members. I understand that the INMO is to consider the recommendations further at its executive meeting today. The INMO will also consider its ballot process. The Government does not intend to interfere with that process and I suggest that we in this House should not do so either. It is now a matter for nurses and midwives, the members of the unions, to give their views on these matters. I should also note that talks are continuing with the PNA and that the Labour Court has invited the parties to a hearing on Friday of this week.

However, the original motion, as presented by Solidarity-People Before Profit, seems to set out a very simplistic approach to dealing with a complex dispute. The recommendations issued on Monday by the Labour Court are grounded in the reality of what is achievable within the public service pay agreement. I heard from most parties in this House, although not from all groupings, that people wanted a solution to be found within the public service stability agreement. Indeed, many Members put it to the Government that it was possible to find a way forward within the context of that agreement. This was complex but that was the work that was under way. The recommendations also met the three principles this Government repeatedly stated it wanted to achieve in any solution to this dispute, namely, that a deal would be fair to taxpayers, fair to public servants as a whole and fair to nurses.

I welcome the recommendations as putting forward further realistic measures which should help improve staff retention and recruitment within the nursing and midwifery profession. It is also very important that the recommendations require staff to agree to improved productivity measures as part of the introduction of an enhanced nursing practice role. The recommendations include a range of changes and initiatives to deliver enhanced practice in nursing and midwifery. These include: contract changes; agreements to flexibility and assessment of rosters in the context of the framework on safe staffing; a review of staffing and skill mix in all areas, including ambulatory and outpatient areas; full co-operation with the implementation of integrated care organisations in our health service; and full co-operation by all sides with the implementation of the healthcare assistant review.

As part of the roll-out of these productivity measures, provision will be made for an enhanced nurse practice salary scale. Funding will be linked to savings from a reduction in agency staffing costs, using funds from the new entrant salary scale agreement and savings from increased productivity. The Labour Court also stated that these savings would need an independent verification mechanism under the auspices of the court. It even went so far as to state that if savings are not realised it will reconvene to examine this mechanism.

The recommendation also proposes a new location allowance for nurses working in medical

and surgical areas. In the longer term, it is also proposed that an expert review of the nursing profession is to be undertaken, to be completed by 2020. Another positive development is the commitment to the national roll-out of the safe staffing and skill mix framework. As the Minister for Health, I very much welcome this and the acceptance of the recommendation by the Government. This will be implemented by the end of 2021 at an accelerated pace compared to what had previously been agreed. Additional advanced nurse practitioners are also to be recruited. If we are serious about Sláintecare, and I am, we will need more advanced nurse practitioners. The commitment under this recommendation to providing 700 across our health service will be a great help. In summary, this recommendation provides the foundation for significant and meaningful reform of the nursing and midwifery profession as we know it.

The motion also raised the separate issue of union recognition in the context of a separate dispute. The union in question, the National Ambulance Service Representative Association, NASRA, is affiliated with the PNA. This group is to engage in industrial action over three days starting on Friday. This is a further escalation of a one-day withdrawal of labour earlier this year. NASRA is a group which is currently not recognised by the HSE and, therefore, does not have negotiating rights for ambulance personnel. The PNA, which is a non-ICTU-affiliated union, has negotiating rights for nurses working in psychiatry and intellectual disability sectors. SIPTU, Fórsa and Unite represent the ambulance grades. It is regrettable that this industrial action is being taken. I have asked my Department to engage with the HSE to explore ways forward and see if we can progress a resolution to this dispute.

The proposers of the motion also describe the health service as being “starved of resources”, despite record funding being provided to the HSE in 2019. We have many challenges in our health service and face many challenges in reforming it. There is a lot of ongoing work. However, the idea that it is starved of resources does not stand up to much scrutiny. Clearly, funding alone is not the answer. I note the reference in the motion to providing an equitable health service. I do not believe Solidarity-People Before Profit has signed up to Sláintecare. I think it is the only grouping in the Oireachtas not to have done so, although I am open to correction on that. The vision set out there will greatly assist us in achieving improved access to services based on a person’s needs. Sláintecare is the bedrock. It is about delivering an equitable and universal health service. It is a document that all major political parties and most Independent Members of this House have signed up to.

To support the delivery of Sláintecare, the Government has put key structures in place to drive and implement reforms. These include a dedicated Sláintecare programme implementation office, led by an executive director, which is now established with an allocated budget for this year. The Sláintecare programme implementation office will publish action plans every year and progress reports twice a year.

In the meantime, for the first time, the HSE based and developed its national service plan for this year on the framework of the Sláintecare implementation strategy. The focus on Sláintecare in this process is an important element of the strategic transformation of our health service.

It is worth noting that the changes to the nursing profession contained in the Labour Court recommendations are transformative and in line with the agenda of Sláintecare. When trying to resolve an industrial relations dispute, to find it being resolved in a manner that is compliant with our health reform policy, Sláintecare, is very encouraging.

The cost of living is also something the proposers of the motion have also put forward. The

Government has taken, and will continue to take, a number of measures to try to address issues relating to the cost of living.

By the end of 2019, the Government will have spent €6.6 billion in the past four years to accelerate the delivery of housing supports. In my Department, over successive budgets we have extended access to free GP care, reduced prescription charges, which will be reduced again at the end of next month, and reduced the threshold of the drugs payment scheme, which will be reduced again at the end of next month.

I would like to return to the Labour Court recommendation made on Monday in respect of the nurses' dispute. I firmly believe that these recommendations present an opportunity to enhance the status and the significance of nursing and midwifery through collaboration and dialogue and through the implementation of *Sláintecare*. There is a lot of work to be done by all the parties involved if the recommendation is accepted. A new nursing contract needs to be agreed and an agreed model of measurement and verification of savings needs to be developed. The expert review group on nursing, which many in this House called for, while many others called for a commission, will also need to be set up. However, the parties must now be given the time to consider the recommendation without the interference of Government and, I respectfully suggest, the Oireachtas. It is important that we allow nurses and midwives the space to consider what this recommendation means to them, to their colleagues and to the workplace and to give their adjudication on that.

As opposed to the proposers of the motion, the Government takes a longer-term, strategic view of the situation and we are working to ensure that the role of our nurses and midwives will be enhanced, strengthened and aligned with the future health needs of the population.

In respect of the other dispute, I hope engagement can happen to try to find a way forward to resolve it because we do not need any more industrial relations disputes in our health service.

An Ceann Comhairle: I call Deputy Donnelly, who is sharing with his colleagues, Deputies Browne, Eugene Murphy and Cahill.

Deputy Stephen S. Donnelly: Yes, and potentially others if they arrive. I welcome the suspension of the industrial action following the recommendations of the Labour Court earlier this week. No nurse or midwife wanted to be out on strike. They wanted to be on the job doing what they know how to do best and what they are trained very well to do. However, a combination of issues, including pay discrepancies, staffing levels, working conditions and patient safety concerns, left them in a position where they felt they had no choice. They have been raising those concerns since 2013. They raised them directly at their national conference in Cork last year. They raised them through 2018 but they were not listened to or treated with respect. Their concerns were not acted on and so it took a national strike, the second such national strike in the 100-year history of the INMO, to get the Government's attention. Members of the PNA found themselves in the same position. It is welcome that they have also suspended industrial action following the Labour Court's recommendation.

As the INMO pointed out, the recommendation makes progress across all areas of concern to the nursing unions. These include safe staffing levels and addressing recruitment and retention problems. Importantly, both sides have also agreed that the resolution to this dispute must be found within the framework of the public service stability agreement.

Fianna Fáil welcomes proposals for enhanced practice in nursing and midwifery with the

development of a new enhanced nurse practice salary scale. We welcome the guaranteed multi-annual funding to maintain safe staffing levels - it is critical that this happens; the increased education and training opportunities it is hoped will be seen; the expert review recommendation of the nursing profession to be undertaken in the medium term; and the addressing of other issues of concern to the union side as part of the resolution to this dispute.

At this point, we believe all sides to the dispute need to be given time to consider the recommendations without interference. For that reason, we will not support the motion, as it prejudices the outcome of those discussions. It seeks to influence those discussions, and those discussions should be left to the INMO and PNA members and to all other groups involved. It is not for the Dáil to tell them what to do; rather, it is for the Dáil to respect their right to consider the options before them.

Deputy Ruth Coppinger: The Deputy does not have a right-----

Deputy Stephen S. Donnelly: Fianna Fáil has tabled a countermotion to this effect, which I hope the House will support.

Deputy James Browne: I welcome Monday's decision by the nursing unions to suspend their strike this week following the intervention of the Labour Court. The court's recommendations are aimed at resolving the dispute over pay and staff retention issues within the nursing profession and make progress on all areas of concern to the nursing unions, including in the key areas of safe staffing levels and addressing recruitment and retention problems.

The proposal states that a range of tangible and specific enhanced nursing practice measures constitutes the basis for a fundamental change in the role of staff nurses. To underpin the new arrangement, a new nursing contract focused on delivering improved outcomes should be finalised within three weeks. The court further recommended that an expert review of the nursing profession should be undertaken in the medium term. There is also agreement by both sides that the resolution to the dispute must be found within the framework of the public service stability agreement.

All sides in the dispute must be given time to consider the recommendations without interference. The members will rightly have the final say in a ballot.

Nurses did not want to be on strike. Nurses from Gorey, Enniscorthy, Wexford and New Ross reluctantly took to the picket lines in my county of Wexford. This was only the second time in their history that they did so. Nurses want to care for their patients and those who are sick.

The stress caused by the strike to the nurses and patients could have been avoided had there been meaningful engagement earlier by the Government. The cancellation of 75,000 appointments could have been avoided. The INMO and the PNA had been warning for some years about the stresses and strains the nursing profession was under and the risk to patient safety as a result of retention and recruitment issues but they were not listened to. Our nurses have many valid concerns aside from recruitment and retention, for example, the overcrowding in hospitals, which are running at 95% to 120% capacity, and the high level of assaults to which nurses are subject.

The nature of the nursing and midwifery professions has changed significantly in the past 20 years, with ever-increasing demands on them. I hope the Government is now beginning to

recognise that, is starting to listen to nurses and understanding their needs, is beginning to demonstrate to our nurses that they are valued and respected, and giving them due recognition for their vocation. The suspension of the strike and the proposed agreement are welcome but it is now for the nurses themselves to decide.

Deputy Eugene Murphy: I am delighted to say a few words on this motion. Nurses are genuine carers of all of us. When we end up in hospital or in a doctor's surgery, they are the ones who calm us. When we are anxious about our health, they are the ones who speak to us. I had a bad fall some years ago and as a result had many visits to hospital for surgery. I know the value of nurses and the way they look after people. They are the people who must be respected.

It has been made obvious time and again that nurses do not go on strike. History shows us they have not gone on strike. It is important we look after them and recognise the difficulties they are experiencing. That is why I welcome the intervention of the Labour Court. I hope the discussions that will take place will deal in a reasonable way with reasonable people because nurses are reasonable people. They make a major contribution to all our lives because at some stage everyone, through their family or whatever, will have an engagement with a nurse in terms of hospital or doctor surgery appointments.

It should be acknowledged that we have had many issues with the health service in recent years, particularly mental health issues. Many of the psychiatric nurses who deal with people with mental health issues are under an enormous strain. The pain those people experience worrying about others is not often recognised. Psychiatric nurses are concerned for people with mental health issues.

Let us hope the Labour Court sorts out the issue and that the nurses will be recognised because they have a grievance and it should be sorted out.

Deputy John Brassil: I welcome the progress made earlier in the week. I hope it brings about a resolution to the issues and the necessary progress. It is unfortunate that the nurses, for only the second time in 30 years, had to go out and picket to achieve their aims. It would have been far more favourable if they had been recognised without the need for a strike but that is the position.

I raised one or two issues in the previous debates that I want to ensure are continued and included in the negotiations. The first is the number of temporary contracts still in place, particularly for the members of the PNA. I tabled a parliamentary question last month to be informed that 33% of contracts issued last year for psychiatric nurses were of a temporary nature. I posed a question on how we will resolve the issue of the long-term retention of staff if temporary contracts are going to be issued in a time of crisis. I do not have the figures for the nurses and midwives but I am informed that they are similar. The Government wants to reduce agency staff costs and if it is to do that, a positive measure would be to offer permanent as opposed to temporary contracts.

Another issue I want to raise is the safety of nurses in the workplace, in particular, psychiatric nurses. I also tabled a parliamentary question on this issue last month in respect of Kerry University Hospital to be informed that it was fully satisfied with all elements of security in the psychiatric ward. However, I was contacted subsequently by two nurses who were seriously injured, both of whom are now off work receiving treatment because of their injuries. There is a need for security staff, full-time if necessary, to protect our nurses in the workplace. This is a

critical element to this dispute. It was not all about pay; it was also about terms and conditions.

I also want to mention the potential strike by the ambulance crew. I ask that even at this late stage, the HSE would intervene, recognise them and prevent this unnecessary action.

Deputy Jackie Cahill: The nurses and midwives were forced to take their action because the Government refused to negotiate with them in any meaningful way. It was a last resort for the nurses. There has to be a lesson in it for the Government.

Deputy David Cullinane: And Fianna Fáil.

Deputy Jackie Cahill: As has been said, it is only the second time in their history that nurses have taken this course of action. I welcome the decision of the nursing unions to suspend their strike this week, following the intervention of the Labour Court. The court's recommendations make progress across all areas of concern to the nursing unions, including the key areas of safe staffing and addressing recruitment and retention problems. There is no doubt in my mind that the chaos within the HSE is making working conditions for those working at the coalface difficult. The stress and pressure that they are working under would not be accepted in any other industry. While we are grateful that a solution has been put forward in this case, there must be a root-and-branch change in the day-to-day working conditions in our hospitals and other medical facilities. To operate continuously in a crisis situation will not have the patient outcome that we all require. It is impossible for staff of all kinds within the system to work at their most productive when they are plugging leaks all day every day. When this particular crisis is over, therefore, the management style of the HSE must change. Instead of selling people on the ideas of the state-of-the-art, 21st-century medical system, they must begin at the bottom and make the health service user-friendly, efficient for patients and a safe and productive place in which to work.

I also concur with my colleague, Deputy Brassil, that every effort should be made to prevent ambulance personnel being forced to go out on strike as well. This would also cause great disruption to the health service and should be avoided. Their request of union recognition is fair and reasonable.

Deputy Louise O'Reilly: I will share time with Deputies Cullinane and Funchion. I listened with more than a wee smile on my face and a bit of amusement to Fianna Fáil telling us that nurses do not normally go on strike. In truth, the last time that Fianna Fáil was in government, it introduced the recruitment moratorium and there were nurses' strikes in Sligo University Hospital, University Hospital Limerick and Beaumont Hospital. A national strike is unusual and it should not have taken a national strike to bring the Government to the table but when the Government went to the table, a recommendation could be made from the Labour Court. It was not lost on nurses and midwives on the picket line that they were out for improvements in their pay to ensure that they could meaningfully address the recruitment and retention crisis and all the while, we have the lads here - and it is mostly lads - with the attitude of "what is €1 billion between friends?" and "let us keep the confidence-and-supply arrangement going". It is not lost on those nurses and midwives that money can be found for a catastrophic overspend on the hospital and it cannot be found for the vital personnel who will work in it. Doubts have been expressed by healthcare professionals and medics over whether there will be sufficient numbers to staff the hospital, should it be built. That is another concern.

The recommendation from the Labour Court is under consideration at the moment. I recall

that when I worked as a trade union official I rarely, if ever, thanked politicians for interfering in the minutiae of industrial relations on the basis that there are processes and procedures and they are going through that at the moment. My understanding is that the executive of the INMO will consider it and it will go out to its membership for ballot. They, and only they, will decide on this. We hear that the Government has accepted it and that is fine but it is up to the nurses and midwives themselves to judge what has been recommended by the Labour Court and to apply a test on whether this meets their demands and whether this will meaningfully address the recruitment and retention crisis. They will cast their ballot on that basis alone. We will have to respect that, and we have to respect that process. I have heard Members eulogise nurses but they are the same people who were happy to cut their pay and so on. Nurses are not angels or saints and it is not a vocation. They are workers, they had an industrial dispute, they brought their employer to the table, and now they have a recommendation and they will consider that. We should allow that process to take place and allow those people to deliberate because that is their right. Anyone who was on the march on Saturday will say that there is great public support for them and that was not lost on the Government either. I do not believe that the Government went to the table willingly; I believe it was forced to the table, in part because of the support that was out there for nurses and midwives.

The Government is heading down the same road again with paramedics because that is also a group held in much esteem by the people. People do not want to see paramedics out on strike for a silly reason. Three unions are recognised within the health sector to represent paramedics. It is not as if it is a single union environment and it is not as if unions from outside and inside the ICTU do not have procedures and mechanisms in place to ensure that people are represented by the trade union of their choice. I have read a letter sent by Peter Hughes of the PNA in which he appeals to us to demand that the HSE, even at this late stage, engages through the Workplace Relations Commission, WRC. That letter is to the same people who were extolling the virtues of the third party processes. The Government should engage with these people and avoid the dispute.

Deputy David Cullinane: It is unacceptable that the Minister for Health has left before he has listened to the Opposition respond to the Private Members' business debate. He made his own contribution, he listened to contributions from his partners in government in Fianna Fáil but he was not present to listen to the contributions made by the Opposition in Sinn Féin and other Opposition Deputies who will speak. If he listened to us last year when we moved a motion on the retention and recruitment crisis in nursing and in our health service, he would not have found himself in the position he found himself in over recent months, which is in direct conflict with nurses. We tabled a motion, which was supported by Fianna Fáil at the time and most of the Opposition, that identified all the problems that needed to be addressed and we said that while pay was front and centre, it was not the only issue. The Government ignored the motion, it would not support it and then it found itself in conflict with nurses. The Government brought that on itself.

There are solutions out there. The same is happening with the ambulance paramedics and with GPs where there is the potential for a conflict and industrial action with nurses. I agree that it is up to nursing unions and nurses themselves to work out their responses to the Labour Court recommendation. It is a matter for nurses but it is the Government's job to put in place solutions and to value people and to treat them with respect. It is not treating nurses with respect when Ministers ignore their plight for years on end, are tone-deaf to the issues they raise and then come to the Chamber, as members of the Government and Fianna Fáil have done, and state that

they respect nurses and that they are very good at what they do. There are hollow words and tea and sympathy, but the Government has not put in place any of the solutions that are necessary to support nurses. The Minister has not done enough.

I appeal to the Minister to listen to what the nurses' unions, the PNA and the GPs' representative groups are saying and to what the Opposition has been telling him for the past year, which is that he is making a mess of our health service. He is prioritising private healthcare and is not making the necessary investments in public health. He is tone-deaf to those on the front line who are bearing the brunt not just of Fine Gael's cuts but also those introduced by Fianna Fáil. Fianna Fáil cut and chopped our health service when it was in government. In fact, Fianna Fáil introduced the two-tier pay structure that lies at the core of the dispute, whereby people are on different pay scales. Fianna Fáil must take responsibility for that.

There have been enough hollow words and tea and sympathy. Nurses and other public sector workers need real support. Pay is part of that, but it is not the only issue.

Deputy Kathleen Funchion: First, I wish to pay tribute to the nurses, particularly those in my constituency of Carlow-Kilkenny, who have been on the picket line for the past few weeks. It is not an easy place to be. Anybody who has been involved in trade union activities will say that the last place any worker wants to be is out on strike.

To put it in context, in St. Luke's General Hospital in Kilkenny, which serves both counties, the level of overcrowding last year was the second highest on record, according to the INMO. That shows the type of conditions in which nurses and midwives are working. We all know this. It has been stated in many of the debates here. We all know how bad the health service is and how great a crisis there is. People regularly tell stories about there not being enough blankets and pillows, let alone beds, for patients, yet we expect nurses to work in that environment and those conditions every day. They do not get the pay they deserve.

I agree with my colleagues about Members coming to the House to say how fantastic the nurses are. They are. We all agree with that. We all have had personal experience or experience with family members and will say that the standard of care they deliver in difficult circumstances is unbelievable. However, it is not good enough just to say "Well done" and give them a pat on the back for doing great work. It is also not good enough that we wait until a crisis is reached before we acknowledge their work and the role they play.

I also agree with a previous speaker who referred to it being a predominantly female workforce. Time and again we see that it appears to be okay to treat the members of a workforce that is predominantly female as second-class workers. We also see it in the childcare and early years sector and in other areas where the workforce is predominantly women. I wish to point out to people who had an issue with the strike that, in fairness, nurses gave more than the legal requirement for notice. That is how much they put the safety and care of their patients front and centre. They gave three weeks' notice of the strike but one never hears anybody who criticises them acknowledge such issues.

This is quite simple. It is not rocket science or something fantastic. We must acknowledge the work they do with pay, decent terms and conditions and decent working conditions. We should not have people going to work in what are almost Third-World services. I do not like to use that term but the conditions in which we expect nurses, midwives and psychiatric nurses to work are absolutely ridiculous. It should not happen. We should treat them with the respect

they deserve and the best way to do that is to put one's money where one's mouth is and give them the pay and conditions they deserve.

On that note, I support our proposed amendment to the motion.

Deputy Alan Kelly: We debated this last week so I will repeat what I said then. We are now in a different space where an agreement has been reached. I will not interject on that because it is up to the individual unions to vote on it over the next few weeks after having debated the proposals and reached decisions.

I wish to make a few points, however. What probably distinguishes this Government from previous Administrations is the fact that we should not have reached this point. The solution with regard to how we got here from where we were a few weeks ago, and before the nurses had to go on strike, was regularly outlined to the Minister for Health and the Minister for Public Expenditure and Reform. We always said that clauses three and four of the pay agreement could be used to deal with these issues. This was denied. However, when the solution was found, that was used as the excuse for how it could be kept within the pay agreement. Why bother? Why let it get to the stage where there was a strike? Why could this not have been intercepted? Tens of thousands of patients missed their appointments and that backlog will now have to be chased. Why could that not have been avoided? Was it that the Government had to have a show of strength? Did it have to be seen to face it down? It was unnecessary, to be polite. Was it ideologically driven? Was it the fact that it was a sign for other unions? What was it?

I and many other Members made the point that the potential savings from agency costs, income tax returns, recruitment costs, delivery of efficiencies and the resulting shorter bed stays would create savings that would neutralise much of the pay cost in the first instance. Including some other items that have been added on the employer side means that, essentially, this is not far from what the agreement will do. The agreement includes different pay recommendations that have to be debated. I will not discuss them because it would be inappropriate to do so while they are being debated among the unions. My point is that all of this was avoidable. It was unnecessary to reach this point, and the consequences and hardship for the public have been brought about because the Government just would not listen and debate.

It required a firmness on the part of the unions. I acknowledge the way in which the PNA and the INMO organised themselves. The withdrawal of labour is the final opportunity that trade unions have to force employers to recognise the issues before them, and those unions did that *en masse*. It was a pleasure to be with them last Saturday. If anything was needed to wake the Government up to the issue by which it was starkly confronted, it was the show of support from the volume of people who were in Dublin last Saturday.

There are other issues that are deeply worrying. We all know the tenure of this Government will not be long. However, the manner in which it purported to deal with this through the media was concerning. In industrial relations, where there is a serious dispute, potential strike or strike, there must be a manner whereby the dispute is discussed. It must be behind closed doors, without leaks and without innuendo. The way many of the communications were carried out, particularly before the agreement was reached, certainly left a great deal to be desired.

I have some final points. There is an opportunity as a result of this potential agreement. It is based on workforce planning. We have always known that the nurses were fighting for issues surrounding recruitment and retention. Part of that was better pay because of the need for safe

staffing and to be able to attract people into the workforce. There is a real issue in regard to the various plans, some of which the Minister of State, Deputy Byrne, who is present, was part of. I refer to Sláintecare, which I and my colleagues on the health committee spent 11 months putting together, the national maternity strategy, the mental health strategy and a range of other strategies, many of which are very good and which I fully endorse. However, the roll-out of primary care is pointless unless we learn from the Government being forced to come to the table to reach a form of agreement and we move on to the issue of long-term workforce planning in the health service. Frankly, all of these strategies are a waste of time unless they go hand in hand with workforce planning. Central to that, obviously, are all the various occupational roles and nursing is at its core because it is the oxygen for many services in acute and primary settings. The issue must be dealt with differently. There was much discussion of that at the health committee and more broadly in the run-up to the strike. We need a plan for the future across acute and non-acute services and all of the various sectors which will encompass educational needs, geographical requirements and interaction with GPs. The issue of the GP contract, on which GPs took to the streets last week, is intrinsically linked with this issue. In addition to addressing the points I raised on negotiations, communications, interactions with unions and respect, the area of workforce planning into the future must be dealt with in order to avoid continuous recruitment bottlenecks. New units at South Tipperary General Hospital and Limerick Regional Hospital, the two most overcrowded hospitals in Ireland, will not open on schedule because of recruitment difficulties. I ask the Minister of State to take that on board.

An Ceann Comhairle: Deputy Joan Collins is sharing time with Deputy Pringle.

Deputy Thomas Pringle: I welcome the motion as it symbolises a rising awareness among the public and a growing discontent at the state of industrial relations in this country. A positive result of the recent nurses' strikes was the huge nationwide display of support for public sector workers and their struggle for better pay and conditions. We must give the nurses the space to decide whether they agree with the recommendations of the Labour Court.

I hope that some of that public display of support will transfer to support for another much-deserving group of workers who every day shoulder the burden in our national health service by providing necessary front-line medical supports. The issues involved will be far easier to deal with than the nurses' strike. I refer to ambulance crew members represented by the National Ambulance Service Representative Association, NASRA, who will take part in planned strike action this Friday by the ambulance personnel branch of the Psychiatric Nurses Association, PNA. The HSE does not currently recognise NASRA as representing emergency medical technicians although SIPTU, UNITE and Fórsa are officially recognised by the State agency. A large cohort of workers have signed up to the union, with more than 500 staff represented as part of the Psychiatric Nurses Association. Dozens of work-related disputes have been addressed by NASRA, but the HSE has repeatedly refused to negotiate with it on pay-related issues or to engage on the issue of payroll deductions of union subscriptions from NASRA members. There is a clear conflict of interest in circumstances where the only union recognised by the Government is the same union representing the workers' employers. This does not represent a healthy and diverse environment for industrial relations and compromises the pay and conditions of many workers in this situation. The refusal of the Government to become involved further undermines industrial relations in this country.

I wish to bring to the attention of the Minister the results of the most recent national ambulance staff survey, carried out in 2016, which reveals much about the Government's refusal to recognise the union of choice for ambulance crew. It was found that many ambulance staff

would not recommend their employer, felt undervalued and that their performance was not recognised, lacked feedback from line managers, rated quality of communication as poor and were dissatisfied with pay levels. Most strikingly, there was evidence of discrimination, bullying and harassment. Overall, some 53% of National Ambulance Service respondents were dissatisfied with their employer. This paints a clear picture of discontent within the workforce which has been allowed to fester beneath the surface thanks to many years of the State turning a blind eye. This has created an unfair power dynamic within the workforce whereby the HSE has been allowed to ignore invitations to work on a resolution at the WRC. In addition, the HSE has repeatedly refused to enter talks with the Psychiatric Nurses Association to use established dispute resolution mechanisms to avoid further escalated action. However, ambulance personnel represented by the PNA want the Government to know that this dispute will not go away. Support for NASRA continues to grow within the House and among the wider public. There needs to be a shift in the power dynamic. Workers should have the final say on who represents them, not the employer or the State. There is an easy solution to this strike. The invite to talks at the WRC remains open. All the Government must do is tell the HSE to respond in a positive manner, as it did with the nurses, and find a resolution with the PNA.

Deputy Joan Collins: It is important to note that the Government, which only a week or so ago stated it would not discuss pay with the nursing trade unions, has been forced into a significant climbdown. The reality is that it had no other choice when it was facing the prospect of a three-day strike in a health service already in crisis and the tremendous militancy of nurses on the picket lines, as evidenced by the massive demonstration last Saturday, which was organised in four days. The response was incredible. Up to 45,000 nurses and others took to the streets. I note that RTÉ downplayed the scale of the demonstration, stating that tens of thousands were in attendance when, surely, there were far more. There was widespread public support for the nurses.

The executive of the INMO believes it made progress in the Labour Court talks. However, there could be opposition among nurses to the proposals when they are balloted. The deal is somewhat complex - I am neither a nurse nor a midwife and do not understand life on the wards or in an accident and emergency department - but it seems the average pay increase will be in the region of €1,200 to €2,500 per year, which is far short of the nurses' equal pay claim of €7,000 per year. The deal contains a clause to revisit the issue next year and that may be sufficient to persuade nurses to accept it. I understand negotiations are ongoing.

Will the Labour Court recommendation meaningfully resolve the recruitment and retention crisis? It may be that many nurses, disappointed by the Government response to their situation, will decide enough is enough and move abroad. Will it be enough to encourage the nurses living abroad who stood in solidarity with the pickets to come home? Will it resolve the dire safety issues for patients and nurses in our hospitals? I do not know the answer to those questions. However, nurses and midwives will go through the recommendation with a fine-tooth comb and I will fully support whatever decision they make.

It is symptomatic of the mess in the health service that the Government raised such a hue and cry about the €35 million cost of these proposals while €114 million is paid to agency nurse and midwife staff and €53 million paid to agency psychiatric nursing staff. It is important to note that the PNA is still in negotiations pending the Labour Court reconvening on Friday.

The House should note that there will be a strike this Friday by up to 500 ambulance staff represented by the National Ambulance Service Representative Association, a branch of the

PNA, which is taking action in pursuit of a claim for union recognition. The stance of the HSE, the Department and the Minister on that issue makes a mockery of a person's right to join and be represented by a union of his or her choice. The positions of SIPTU and Fórsa, which are blocking these workers' rights to be represented by NASRA, are deeply regrettable. I refer to a letter sent today by Mr. Peter Hughes, general secretary of the PNA, to all Deputies, in which he states, "The HSE ignored the clear indication from Minister for Health, Simon Harris in the Dáil that he wanted this issue dealt with by negotiation rather than confrontation." Again, there is confrontation. He explains, "The HSE ignored two invitations to the WRC to work to a resolution, and refused to enter talks with PNA to agree contingencies for providing essential ambulance cover during the strike."

He goes on to say:

I would therefore appeal to you as an Oireachtas member to demand that the HSE, even at this late stage, engage through the WRC to resolve this unnecessary dispute that has been forced on frontline ambulance personnel.

The Minister should accept the invitation of the WRC and instruct the HSE to enter these negotiations, as the PNA has agreed to do.

Deputy Mattie McGrath: I, too, am speaking in support of this motion. While there has been some movement, it was pitiful to see the nurses, or angels of mercy, as I called them here last week, out on the picket line where they did not want to be.

This matter is not all about pay. It is also about dignity, respect and safe conditions in the workplace. It is about having a reasonable modicum of support staff so nurses do not go home from work every evening stressed out of their minds and totally disregarded by the petulant, juvenile actions of the Minister for Health. He has no respect for them. He threatened to dock their pay if they went on strike. At the same time, consultants got €80 million to design a hole in the ground. I have just come back from there. The Minister of State, Deputy Catherine Byrne, knows well where it is because it is in her constituency, or very near to it, in Dublin.

Our nurses need to be respected. They are the staff at the front line who meet us after any incident when we go to hospital or when somebody has a heart attack or some other problem. They take the patient from the ambulance into care. I include triage nurses in accident and emergency departments. Right through the wards the nurses cover a broad spectrum, from the cradle to the grave. They work in delivery rooms delivering the wonderful new creations, the new babies, and they are the last in attendance when one's eyes are closed when one dies. They do everything in between. I could not say enough about them. I could not say enough to support them.

I have to declare an interest because I am married to a nurse. She is not acting as a nurse now. She nurses me most of the time but she was a nurse in her career. I declare an interest in case someone says I am being biased. I am not.

We all know about the disrespect with which nurses are treated. The Minister of State, Deputy Catherine Byrne, knows because she has a family, including grandchildren. She will know about the dysfunction in the HSE and Department of Health. The nurses see the waste every day of the week. In the wards, there are ward managers, floor managers, bed managers, linen managers, hygiene managers and food managers but nobody managing. Despite this, the nurses are trying to run the hospitals and to keep everything in order. A consultant might

breeze in and out, certainly, but the front-line staff are present all the time. We have way too many layers of management and no one managing. When there was a matron, the place was clean, well-managed and well organised, without five people going around with flipcharts writing down the same thing about the patient and asking the same questions.

Deputy Michael Collins: I am pretty certain that if I asked the members of the Government what the weather was like last Thursday, most of them would not be able to tell me. I guarantee them that if one asked the nurses what the weather was like last Thursday, they could tell one exactly. It was a cold, wet day. It shows the character, strength and resilience of our nurses that they stood strong last Thursday despite the weather and fought for their rights and for patient safety. Last Thursday, I spoke to nurses picketing in Bandon, Dunmanway, Kinsale, Clonakilty, Schull, Skibbereen and Castletownbere, and at Bantry General Hospital. It was important for me to meet them face to face and show them I was committed to supporting them. The Government was not committed to doing so. Last week, the Government would do nothing for the nurses. When there was a protest last weekend, by God the Minister jumped off the table quickly and realised he had to do something for them. The whole country told the Government it is a disgrace that, up to now, the nurse and midwife professions have remained the lowest-paid graduate professions in the healthcare system.

It saddens me to read stories about how a young Meath nurse named Gabrielle Cooney McGuire left her job because she was burnt out and had her heart broken by the job she once loved. The mother of two said on social media, “I was the nurse who cried the whole way home after giving a patient the best care I could - but not the care he deserved.” This lady sums up exactly what all the nurses have been fighting for. When one talks to any nurse, one of the first things she or he is concerned about is the patient. That is what I found on the line in west Cork last week. Outside each of the hospitals, it was the patients whom the nurses were worried about, not anybody else. The strike was not solely about pay. Even though pay restoration is important, the nurses want to be able to care for their patients in the best and safest way possible. All nurses deserve this.

It was reported this morning that the INMO will face an uphill struggle to convince its members to accept the Labour Court’s pay recommendation. There is a risk that nurses could soon be returning to the picket line if this is the case. I will stand 100% behind them. Let us not forget that there is planned strike action by over 500 members of the ambulance personnel branch of the PNA. The strike is due to take place this Friday. These ambulance members already carried out a one-day strike in January and now have no choice but to strike again. The HSE has refused to afford these personnel the right to be represented by the trade union of their choice. The Government needs to engage with them because their requests are reasonable. If, however, it refuses to engage, there will be further strikes later in the month and also in March.

Deputy Danny Healy-Rae: I am glad to get the opportunity to talk about our nurses, who do such a wonderful job. Everyone will talk about his or her own county but the nurses do an especially good job in my county, Kerry. I met the nurses last Tuesday. It was absolutely lashing in Killarney, Tralee, Kenmare, Caherciveen and Dingle, yet the nurses were determined. One could see the determination in their faces and demeanour. As Deputy Michael Collins stated, it was not just about them but also about the patients they take care of minute by minute every day.

We need to recognise that nurses have to be properly paid. Considering the amount of training they do and the amount of activity their rosters require of them every week, they certainly

need to be paid properly. I know what they do because they gave great care to my father and other members of my family who were sick at various times, just as they gave it to everyone else in their wards.

It was horrible to hear of a young nurse crying because she did not have enough assistance to get an elderly man into his bed. She had to ask the man's wife to give her a hand. The wife could see her crying because she felt inadequate because she could not get enough help to deal with the man. The safety of our nurses is paramount.

There is certainly a staffing issue. Half the community hospital in Kenmare is not yet open because it cannot be staffed. In the hospitals that are open, we just do not have enough staff, including front-line nurses. This needs to be dealt with by the Government. We have been talking about it here for long enough. Deputies on all sides have been reminding the Government about it but it is not doing enough about it.

The safety of our nurses in the wards is important. Some nights ago, I met a nurse whose mother was also a nurse. Her three sisters are nurses. She is wearing a neck brace because she got hurt while working in the hospital. She will never again work. That cannot be allowed. I ask the Minister of State, Deputy Catherine Byrne, to take this to heart and do something about it. It is happening quite a lot in recent times and must be stopped. There must be security within the hospitals as well as outside so this will never happen again.

An Ceann Comhairle: I call Deputy Bríd Smith.

Deputy Bríd Smith: Go raibh maith agat, a Cheann Comhairle.

An Ceann Comhairle: The Deputy is more than welcome.

Deputy Bríd Smith: I am sorry for my interruption of Deputy Pringle earlier regarding the queue, or the pecking order.

It is amazing that it is less than a week since nurses and the leaders of the INMO and PNA, namely Phil Ní Sheaghdha and Peter Hughes, respectively, were in the Visitors Gallery to hear us discuss for two hours the nurses strike. We felt it was significant enough for this House to discuss its implications. After that, on the Saturday, we saw one of the most amazing demonstrations of workers' power on the streets of Dublin. I reckon that 50,000 to 60,000 turned up. I do not believe that is overstating the number. It very much reminded me of the Repeal the 8th movement. I was thinking about the role the Minister played in that and how, after we won the vote, less than a year ago, some people were shouting "I fancy Simon" and carrying placards about how wonderful Simon was.

Deputy Paul Murphy: Deputy Bríd Smith-----

Deputy Bríd Smith: No thanks. You were, Paul. I saw you.

Simon himself is now at the other end of the agenda and is probably one of the figures of disdain and disgust among the wonderful movement. There was a feeling of the Repeal the 8th movement on the march. The march largely comprised young people. It was hugely feminine and it was international. It felt like the movement we had been through on the campaign to repeal the eighth amendment but nobody was carrying "I fancy Simon" signs.

I want to describe what goes on with the Government. This Government poses as liberal.

The members of the Government have a liberal attitude in wanting to promote the just causes of same-sex marriage, the repeal of the eighth amendment, reproductive rights and same-sex family rights. However, when it comes to the neoliberal agenda, the Government is as vicious as Margaret Thatcher or any of the rest of them. The Government has set out to try to break the nurses because it wants to teach a lesson to all public sector workers.

I want to preface everything I say by saying it is for the nurses to decide if this recommendation is good enough for them. The issue here is for us to be able to state clearly that the public sector pay deal is not fit for purpose and blind adherence to it will guarantee that the core issues therein remain ignored. This will increasingly become a fact as we go through the next couple of years. It is not just for the workers concerned. It is not fit for purpose in terms of our public services and what we can expect to be provided from them.

The view has been put across by many commentators that it is an outrage that nurses would get anything outside of that pay deal and that it will bring ruination to the country if we pay them more than the miserly award in the deal. The rubbish and hypocrisy that comes from the usual suspects never ceases to amaze me. They go to great lengths to commission reports, the conclusions of which tell us that there is no case for giving the nurses a decent pay rise beyond the constraints of the public sector pay deal. They claim there are no outstanding issues and, a decade after the sacrifices that nurses and others made, there is no crisis in the hospitals. I suspect those shrill commentators and, indeed, many of the politicians on the other side of the House do not actually experience the pain, overcrowding and the seriousness of what the health service is grinding beneath and what those nurses work under. Most of those commentators and politicians have private health insurance which guards one from the chronic problems that nurses are trying to highlight.

The key question is not whether the nurses want to accept this recommendation. I do not believe it is good enough but it is up to them. The key question for politicians is whether this recommendation and the measures contained in it will deal with the chronic shortage of nurses and midwives in our hospitals. Will it recruit and retain nurses? We can say conclusively that it will not. If it does not keep nurses here, and we will see the proof in the pudding over the next period of time, then we really have to think about what sort of a Government we want.

The Minister and his cheerleaders say there is no crisis in the system and people are not endangered. I learned a lot listening to Ms Phil Ní Sheaghdha over the course of the strike. One thing she pointed out well, eloquently and scientifically was that we work under a seriously dangerous ratio of nurses to patients. The recommended international best standard is one nurse to every four patients. I would not hold California up as an exemplary social democracy but it has a law that states the ratio of nurses to patients should never fall below one nurse to every five patients. Our system has one nurse to every eight patients, at best, and one nurse to every 11 patients, at worst. The latter end of that scale tends to apply in the psychiatric services.

The Taoiseach, a former Minister for Health, and the current Minister for Health manage a system that oversaw the trolley crisis grow last year to 108,000-plus people on trolleys, in which nursing numbers fell by 6% last year which means there are 1,754 fewer staff nurses in Ireland today than a decade ago and where, in the psychiatric services in the past 13 years since A Vision for Change was born, 70% of all beds have been taken out with the promise that the shortfall would be replaced within the community but only 36% of what was lost of that service was replaced within the community. We now have a system which is in chronic crisis with very dangerous nurse-patient ratios. It seems that it is okay to endanger patients and, apparently, to

overrun the national children's hospital by €500 million and to have a procurement process for CervicalCheck that results in the fiasco that we have witnessed. It is okay for all that to happen but God forbid that the Government interferes in a public sector pay deal that is not working for the public sector, the workers or the people in this country who rely on those services. It is ironic that the Government is prepared to stick with that pay deal and undermine our ability to recruit and retain the staff we need. The result is, for example, the shortage of beds in places such as Linn Dara in Cherry Orchard where, most of the year, half the beds are empty and those are beds for adolescent children with psychiatric problems.

We are happier to pay €100 million a year to agency nurses to bridge the gap in staffing than to deal with the issues. Beyond the health service, we are happy to pay almost €1 billion a year to keep people in homeless accommodation through a combination of supporting rack-renting landlords, hotels and bed and breakfasts. It never gets mentioned that we are wasting €1 billion a year in the homeless industry.

It will be a matter for the nurses and the shop stewards. We will know, in the next while, whether they accept this recommendation, but if it is not good enough for them, it should not be good enough for us. They will have our full and continued support whatever they decide both publicly and in our communities. There may be a howl of outrage from the usual suspects I mentioned earlier if the nurses reject the deal. They may see it as more guff and nonsense from some union leaders who should know better. The public, the ordinary people who receive the services from the nurses, know and understand that a bad deal for the nurses is a bad deal for all of us because it does not contribute one iota to improving the health service.

This motion also attempts to address another element of the crisis. I am shocked at how the Government is behaving with the Psychiatric Nurses Association and its paramedics and ambulance drivers. Deputy Paul Murphy and I raised this as a Topical Issue matter a little over a week ago and the Minister of State's colleague, Deputy Finian McGrath, in his printed statement, said that they concluded that the Government will not recognise the National Ambulance Service Representative Association, NASRA, union. Get out from behind the HSE. It is not only the HSE that is denying the ambulance drivers the opportunity to be in the union of their choice. The Cabinet and the Government are also sticking by that decision. It is most undemocratic, anti-constitutional and unbelievably right wing that the Government has taken that position and forced 500 paramedics and ambulance drivers back onto the streets tomorrow and beyond. It has been said that there are multiple unions representing paramedics and ambulance drivers, most of which do not have a membership of 500, which NASRA has. It deserves recognition. Shame on the Government if it holds out on refusing to give it to them because it is forcing another, deeper crisis on the health service.

I pay tribute to the almost 40,000 nurses for the battle they have fought in the past couple of weeks. It was summed up best by one nurse who spoke on "Morning Ireland" and said that this was their Rosa Parks moment and they were not going to get off the bus. They may settle for this or they may not but, whatever they do, the fight for parity and equality within nursing in this country is not over by a long shot.

Minister of State at the Department of Health (Deputy Catherine Byrne): I thank the Deputies on behalf of myself and the Minister, Deputy Harris, for tabling the motion on this important issue. It is good to have an opportunity to debate the concerns Deputies have around this dispute. The Government welcomes the recent development in the dispute in the recommendations from the Labour Court. Listening to some of the speakers, I noted how passion-

ately they spoke about this serious issue. I do not believe there is one person in this House and building who does not have respect for the dedication of the men and women who are in our hospitals and dealing with sick people on a daily basis.

I am sorry that Deputy Mattie McGrath has left the Chamber because he mentioned that he visited the hole in the ground in St. James's Hospital where the new national children's hospital will be erected in the coming years.

This is a new beginning for sick children, as well as for their parents and families who have been forced to sleep on chairs when they are attending hospital. Many of them have spent months and even years comforting their children in this way. It will also be a new beginning for the nurses and staff who will work in the positive environment of the new national children's hospital. Many public representatives on all sides of the House will be delighted to stand behind the ribbon when it is cut for the opening of the hospital. We must continue on our journey to build a children's hospital to the best international standards.

6 o'clock
I appreciate that nurses and midwives did not take the decision to engage in recent industrial action lightly. I know from meeting many of them that they prefer to be in work than on the picket line. I value the contribution they continue to make to the health service every day. The Government has always maintained that the existing State industrial relations mechanisms were there to help reach a resolution. It is happy that a solution has been found through those mechanisms.

This dispute caused significant disruption to our health services. The HSE is working through any backlog relating to appointments. Work has already begun in rescheduling appointments affected by this dispute. I thank the HSE and its staff for their execution and maintenance of contingency plans throughout this dispute. I also thank the members of the INMO and the PNA for their assistance in facilitating and enabling these plans. It is sincerely appreciated by the Government.

By intervening, the Labour Court recognised the grave and extensive implications of the dispute. I welcome the initiative shown by the Labour Court in helping to avoid further disruption to patients. Additional disruption this week would have further compounded the impact of the industrial action that took place last week and would have made the task to reschedule appointments in a timely manner more difficult. For that, the Government sincerely appreciates this intervention.

The Government and the two nursing unions signed up to a three-year public service pay agreement which commits to significant increases in pay by 2020. Nurses and midwives can expect to see their deserved share of these increases beginning this year. Through this agreement, financial emergency measures in the public interest, FEMPI, pay reductions for pay levels up to €50,000, which include a large proportion of the nursing and midwifery profession, will be fully unwound by the end of 2019. The issues of recruitment and retention in our health service are taken seriously. We fully accept the reality that the numbers of highly qualified nursing, midwifery and medical professionals leaving the country is an issue. This is why the Government engaged the Public Service Pay Commission to look at roles in the public sector where recruitment and retention had been identified as issues. Nursing and midwifery was among the first of the professions investigated by the independent commission.

In addition to the benefits nurses and midwives can expect to receive from the unwinding of pay restrictions under the public service stability agreement and the correction of salary scale issues for post-2011 new entrants, the Government has agreed to the commission's recommendations of a 20% increase in local and qualification allowances for nurses, as well as accelerated promotion for staff nurses to the senior staff nurse level. This change would represent a further investment of €20 million in our nursing workforce. We are confident these measures can support nurses and midwives in their essential day-to-day work, along with paving the way for growth, progression, and development in their profession.

Monday's Labour Court recommendation build on the findings of the Public Service Pay Commission. The recommendations are also grounded in the reality of what is achievable within the public service pay agreement. They also meet the three principles the Government wanted to achieve in any solution to this dispute, namely, a deal that is fair to taxpayers, fair to public servants and fair to nurses. While these recommendations remain to be accepted by the INMO, I am confident the recommendations offer an opportunity to fully address those concerns expressed by nurses and midwives. They offer a clear path to an enhanced nurse practice salary scale. The recommendations also specify productivity and service improvements which will be to the benefit of both nurses and patients.

The Government's work to improve our health service for patients and employees does not end with the Labour Court recommendations, it continues. There will be more work to do to ensure those recommendations achieve what they set out to achieve for all sides. For nurses and midwives, the recommendations herald the beginning of a transformation process of the nursing profession. This will be continued in future public sector pay agreements. For our health service, those recommendations also signal a change in how our hospitals and community services are more effectively staffed. This is good news for patients.

Turning to the issue of recognition also raised in the motion, while individuals have a right to membership of any trade union, they do not have a right that such membership is facilitated or recognised by their employer. While it is regrettable the PNA has decided to take industrial action, it is not possible to negotiate with a union which is not recognised as having negotiating rights for ambulance grades.

Deputy Paul Murphy: That is tautology.

An Leas-Cheann Comhairle: Allow the Minister of State to continue without interruption.

Deputy Catherine Byrne: As the Minister has already stated, the health service is not starved of resources, contrary to what the motion claims. He referred to the record levels of funding allocated to the HSE this year. However, the health service is more than just numbers. The additional resources allocated are delivering improved services and outcomes for the public.

The positive impacts of these increased resources are being visibly felt, most notably referred to in the recently published *Health in Ireland: Key Trends 2018*. The report showed life expectancy in Ireland has increased on average three months per year over the past decade. Other developments reflecting the increased resources and policy changes to our health services by the Government include Ireland becoming one of the first countries in the European Union to provide access to Orkambi for children with cystic fibrosis aged six to 11 years old, along with Ireland's membership of the BeNeLuxA initiative on pharmaceutical policy which aims to

secure affordable and timely access to new medicines for Irish patients.

There have been reduced waiting times for procedures. Under the 2018 action plan, we saw real progress in driving down waiting lists, especially for high-volume procedures. The number of patients on such lists has fallen by 18% from its peak. We are also witnessing significant falls in waiting times. While Sláintecare is being implemented, we have already taken great strides to make the health service more equitable for all. The provision of free GP care to under sixes and those over 70, as well as the introduction of a diabetes cycle of care for adult GMS patients with type 2 diabetes are just some of the examples of improving access for all and those with acute long-term needs.

In terms of improving facilities for the general public, we are continuing to invest in primary care centres with another 12 such facilities due to open in 2019. This is in addition to the 126 already operational. The impact from these measures already taken by the Government is that improvements are being felt on the ground. The evidence from the recent national patient experience survey found encouragingly that over 80% of respondents reported that they had either a good or very good experience. This is further real evidence that the current service is delivering for the public, far from the simple vision suggested by the Opposition.

Coupled with the transformative agenda contained in Sláintecare, the outlook for our health service is positive. The Labour Court's recommendations have already created a positive momentum in supporting the planned transformative changes which will serve our health service well into the 21st century. They are imaginative and grounded in the realities of which I already spoke. It is a fair and balanced solution to the dispute which is consistent with the public service stability agreement. The recommendations also present an opportunity to enhance the status and significance of nursing and midwifery through collaboration and dialogue, as well as through the implementation of Sláintecare.

Despite these difficult past few weeks, I want to strike an optimistic note on the outlook for our health services. When one examines the general improving health outcomes experienced by our people and the concrete steps taken by the Government to increase fair and equitable patient coverage, one can see demonstrable progress. Adding that to the transformation agenda contained in Sláintecare and indeed to the measures recommended by the Labour Court, the outlook for our health service, its employees and our people is positive.

An Leas-Cheann Comhairle: I thank the Minister of State.

Deputy Catherine Byrne: May I finish?

An Leas-Cheann Comhairle: The Minister of State has a minute into injury time.

Deputy Catherine Byrne: The recommendation put forward by the Labour Court is a fair and balanced solution to a significant industrial dispute and is consistent with the PSSA. I thank all the Deputies and urge them to show their support for the Labour Court recommendation.

An Leas-Cheann Comhairle: I call Deputy Barry who is sharing time with Deputy Paul Murphy.

Deputy Mick Barry: Ambulance paramedics, advance paramedics and emergency medical technicians will strike on Friday and again on 28 February and 1 March. The striking workers are members of the National Ambulance Staff Representative Association, NASRA, a branch of

the PNA. It is a strike for union recognition for workers to be allowed to be represented by the trade union of their choice. The Minister of State said the strike is regrettable. What is regrettable is that the Government refuses to even talk to this trade union. What is admirable is that these workers are taking a stand for their rights.

NASRA and the PNA are the union of choice for a very substantial bloc of ambulance workers. Some 1,800 people work in the national ambulance service. The Minister of State might tell us how many of these 1,800 are front-line staff with patient contact because approximately 600 of that number seem to want to be represented by NASRA. However, the Government and the HSE refuse to recognise this union. They continue to adopt a hard-line union-busting position. The Government and the HSE do not want to be put under pressure to deal with the underfunding of the ambulance service. The consequence is chronic overwork of ambulance staff. The national ambulance service is currently under-resourced to the point of approximately 600 staff and 300 ambulances at a minimum. Instead of confronting the issue, the Government prefers to overstretch ambulance staff, with pressure, threats and suspensions from national ambulance service management being used to whip the service into shape.

According to the 2016 national ambulance service staff survey carried out by Ipsos-MRBI on behalf of the service, 48% of staff members had experienced bullying or harassment in the organisation in the previous two years. Every worker in the service knows that a greatly disproportionate amount of that bullying and harassment came from management.

As an example of the methods used, two ambulance paramedics are currently out of work on suspension in Macroom, County Cork, because one of them cited a health and safety concern related to extra duties demanded at the end of a 12-hour shift. The formal disciplinary procedure only takes four to six weeks to process, but incredibly these workers have now been suspended for eight months. Is it an accident that both are members of NASRA and that one of them is the NASRA representative for the Cork and Kerry region? This management bullying culture in the ambulance service must end. The union chosen by hundreds of ambulance staff must be recognised and the service must get proper investment.

On 28 January members of SIPTU refused to pass pickets placed by their NASRA ambulance service colleagues. I have no doubt that they will do so again this Friday, again in defiance of appeals from their own union leadership. The stance of these rank-and-file SIPTU ambulance staff should set the template for the entire trade union movement in supporting this important fight for union recognition.

Some 71 years ago a leaflet was delivered to every home in the UK. It read:

Your new National Health Service begins on 5th July. What is it? How do you get it?

It will provide you with all medical, dental and nursing care. Everyone - rich or poor, man, woman or child - can use it or any part of it. There are no charges, except for a few special items. There are no insurance qualifications. But it is not a "charity". You are all paying for it, mainly as tax payers, and it will relieve your money worries in time of illness.

That is the kind of health service this country needs - an Irish national health service. We need a national health service that is not for profit, free at the point of use, funded by a steeply progressive system of taxation, which fully included the super-wealthy and corporate interests, a health service that involves the total separation of church interests from State interests and one that provides a living wage and reasonable working conditions for its entire workforce.

A victory for the nurses and midwives is a victory for all who want a better health service. In reality the fight for workers' rights within the health service and the fight for an Irish national health service go hand in hand.

Deputy Paul Murphy: Saturday's march with 50,000 nurses, midwives, paramedics and their supporters in all sorts of different jobs and trade unions - a sea of INMO blue coming down O'Connell Street - was a striking demonstration of the power and solidarity of working-class people. Coming on top of three days of very effective strike action, it no doubt struck fear into the heart of the Government and brought it to the negotiating table over the weekend. The proposals on pay that the Government had ruled out quickly became possible.

The fear of workers being organised in effective unions is the reason the HSE, clearly under the instruction of the Government, refuses to recognise the union of choice of more than 500 paramedics, NASRA. There is a lesson there for all public sector workers and indeed all private sector workers. Getting organised and taking action can win concessions. However, it seems that the Government was not listening properly. Those who were striking and marching were demanding pay parity and an end to the recruitment and retention crisis. However, the Government is trying to get away with offering significantly less than that. It is no wonder there is significant discussion and disagreement from below with the Government's offer at this stage.

As we all know Fianna Fáil gutted the health service. It claims it is not for the Dáil to tell nurses what to do and we agree. Fianna Fáil's amendment to the motion precisely tells the nurses what to do, referring to the Labour Court recommendation in glowing terms. However, it is for the Dáil to tell the Government what it should do, which is what our motion does. Our motion finishes by calling on the Government to recognise NASRA and to pay the nurses' pay demands in full.

However, if the nurses and midwives reject the offer because it does not deliver the pay parity they were fighting for, we will support them as will the public, and we will be calling on other sections of the trade union movement to support them again. That power will be seen once more and can extract more concessions.

It is suggested that there is a problem with money in the health service. It is seen in the Labour Court recommendation where at a maximum cost of €35 million the nurses are meant to pay for their own small step towards pay parity through productivity. However, there is plenty of money in the health service. It is in what is a for-profit health industry. Denis O'Brien owns the Beacon Hospital whose profits rose by 27% to €8 million in 2017. The profits of the Blackrock Clinic, part owned by Larry Goodman, rose by 10% to more than €12 million in 2012. Pfizer Pharmaceuticals, a company with profits of over \$12 billion globally in 2017, tried to decimate the pension rights of its workers in Cork. It is owned incidentally by Monsanto of Agent Orange infamy. It is a rogues' gallery of those who profit from illness and from the privatisation of our health services. The problem is not a lack of resources and money; the problem is with how they are organised increasingly on a for-profit and private basis. The same is true right across society.

There is plenty of money to pay the nurses. The question relates to who currently owns and controls it, and how that money is used. Let us consider the €270 million paid before Christmas to the junior Anglo Irish Bank bondholders, which is more than enough to pay the nurses claim in full. Let us consider the €14.3 billion in the Apple tax account where the Government is spending money so that Apple can get it back. Let us consider the €29 billion held by the

richest three people. The Government's response is that it has to make difficult choices and that it cannot just choose to pay the nurses but that illustrates the madness of its policies and systems from the point of view of the majority. We agree that choices need to be made but we do not agree that they are difficult choices. They are easy choices and from the point of view of working class people and society as a whole, it is very easy to say that we should pay nurses and not Anglo junior bondholders, that Pfizer should not be able to cut workers' pensions while making super profits and that private insurance companies should not be able to profit off the back of an underfunded health service. Making those easy choices means undertaking the difficult task of transforming our society, turning it on its head and taking on the power of the major companies that profit from illness and the underfunding of the health services and which own the major sources of wealth. It involves deciding that they should be in public ownership and building a socialist society where they are used for the benefit of the majority. A crucial part of such a society where resources are used for the benefit of the majority is building a properly funded national health service whose workers are respected in terms of union recognition, pay and working conditions.

Amendment No. 2 put.

An Leas-Cheann Comhairle: In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 14 February 2018.

National Children's Hospital: Statements

Minister for Health (Deputy Simon Harris): As I said yesterday, the past number of weeks in the Oireachtas have been dominated by debate and discussion regarding the development of the national children's hospital and cost escalation. I have been clear that my Department, the Government and I take seriously the significant increase in public funds over those originally committed by Government based upon the business case submitted by the National Paediatric Hospital Development Board, NPHDB. As I have set out, once I was notified of potential cost increases at the very end of August 2018, a period of intensive work took place, although this does not suit the narrative of those who suggest that there was inaction. There was a high level of activity to establish the extent of the increase, explore ways to reduce it, quickly commission independent reviews and consider all contingencies. This detailed work was essential to arriving at the final position in November and allowed the Government to make a thorough, considered decision in December which eliminated options that would have cost more or delayed this vital project. I rebut fully the idea that partial information leads to better decision-making rather than full information and a considered and thorough thought process.

As I also said yesterday, the new children's hospital project will transform the delivery of children's healthcare in Ireland, with major capital investment underpinned by a new model of care. The establishment of Children's Health Ireland by legislation passed by this Oireachtas at the end of last year was an important milestone and will further assist the ongoing operational and cultural integration of the three hospitals in advance of the opening of the new hospital and centres. There has been much discussion about governance recently but Deputies from all sides of the House had an opportunity to bring forward amendments when they voted to pass the Children's Health Bill at the end of 2018. The hospital will have a leadership role nationally in the implementation of the national model of care for paediatrics and neonatology, working

closely with paediatric service providers in other hospitals across the country, in the primary care system and in the community.

We will replace outdated hospital buildings with modern and appropriate infrastructure, including fit-for-purpose, single en suite rooms for every child designed to best serve the needs of our children and their families and of the staff who care for them. There are currently only 14 theatres, including one cath lab, in the three existing hospitals, which has to be supplemented by outsourcing procedures to other hospitals. This limits our ability to tackle the long waiting times for surgery for children. In the new hospital there will be 22 theatres, including two cath labs, which will have a profoundly positive impact on activity levels and on theatre waiting times for children. The equipment at the new children's hospital will include five MRIs with space for two more, three CT scans, 30 ultrasounds and seven X-ray rooms, all of which will be state-of-the-art. New outpatient centres will be provided at Connolly and Tallaght hospitals, with the former opening later this year. Conversations relating to the new hospital often seem to be about a project that has not yet commenced, but part of it will open this year. These centres will expand outpatient and urgent care capacity and provide services in modern facilities. The three new sites will significantly increase capacity across all types of care, including increases of 16% in inpatient capacity, 7% in emergency department attendances, 26% in day case capacity and 47% in outpatient capacity levels. It is true that the costs of this project have increased significantly and taxpayers want to be assured, as does the Government, that their investment is being managed correctly. This is an investment that taxpayers were meant to make in the 1960s but, due to a failure of political leadership, it is now only about to be delivered in the 21st century. An inquiry is under way to understand the reasons for the cost escalation associated with the new children's hospital construction project and will report back by the end of next month. The report will be published and I welcome the constructive engagement of Deputy Donnelly and others in making sure that the terms of reference of the review are robust and that the focus will be on ways to reduce and mitigate costs. The primary focus of the review is on the governance and management arrangements in place within and between the NPHDB and executive, design team, relevant consultants, user groups and contractors. The review will deal with the accountability of the relevant key parties, functions and roles and this will inform appropriate next steps. As I said yesterday, the Government will act swiftly on its recommendations and is happy to work on a cross-party basis in that regard. The Government and I will not be found wanting when it comes to acting against any entity or any company where errors were made. If the report finds a requirement for governance or personnel changes, I have stated clearly that these will happen. It is important that we give the review an opportunity to undertake its work before drawing conclusions prematurely. Commissioning external reviews and then deciding the outcome of those reviews before they report is becoming all too commonplace in politics. Lessons must, and will, be learnt and the Cabinet took a number of decisions in that regard yesterday. Along with many others, I firmly believe that we are building the right hospital on the right site and for the right reasons. I was presented with three options: cancel the project, re-tender the project or proceed with the project. I know, and will always know, that the right decision was to proceed with the project. This hospital is now under construction. I invite Members to visit the Connolly site as it nears completion. I invite Members to visit the St. James's site to see the building work commenced as it comes overground. I have heard commentators suggest that we should just fill in the hole in the ground but there are bricks on top of bricks now. I invite Members to join me in ensuring that, while recognising and meeting legitimate and important concerns, we get on with delivering this vital project, and I assure the House of my willingness and desire to work on a cross-party basis in that regard.

Deputy Stephen S. Donnelly: I would like to go back and forth quickly enough with the Minister, if possible. We have been waiting for the past few weeks for the Mazars report, which was commissioned towards the end of last year to examine the reasons for the cost escalation and so forth, similar to what the PwC review will examine. We received the Mazars report approximately two hours ago and I want to focus my initial questions on it because it does put to bed some of the reasons or excuses we have heard so far. According to the report, the construction costs between April 2017 and November 2018, a period of a year and a half, went up by 56%. At committee, the first line of defence we heard, not from the Minister but from the Department, the HSE and the hospital development board, was that the increase was due to inflation. In fact, one of the Minister's colleagues said at a committee meeting earlier that this entire increase can be explained away by inflation. The Mazars report gives us the figures we have been waiting for and tells us that there was a 56% increase in construction costs in 18 months. The base case included an assumption on inflation of 4% and we know from the Society of Chartered Surveyors Ireland that construction inflation in that period was 6%. Inflation, therefore, was only 2% more than was allowed for in the contract. Given a 56% increase in costs and only a 2% additional increase in inflation, does the Minister accept that inflation does not explain the vast majority of the cost overrun?

An Leas-Cheann Comhairle: Before I call on the Minister, I wish to explain to the House that each of the ten-minute slots can be taken in the form of questions and answers.

Deputy Simon Harris: I thank the Deputy for his question. Yes, I accept that because it is the truth. The Deputy has put the truth on the record of this House. It if was simply a matter of inflation, we would not need an inquiry and we would not be asking which entities and companies, if any, and which individuals or key roles did not discharge their responsibilities correctly. Certainly inflation is a piece of this. The Deputy has seen the documentation and he has followed this closely. While inflation is a piece of it, it does not explain all of this and, therefore, we need to allow PwC analyse what went wrong in other areas. I have my own thoughts on that but I will come back to the Deputy in that regard as I know he wants to speak.

Deputy Stephen S. Donnelly: I appreciate the Minister's candour on that issue because, to date, we have had five committee meetings on this issue and, hour after hour, we were told the overrun could be explained away by inflation.

Deputy Simon Harris: Not by me.

Deputy Stephen S. Donnelly: I again thank the Minister for his candour. This has very little to do with inflation. The Mazars report confirms that the gross area has not increased either. We know that no additional bedrooms, operating theatres and so forth were added and, therefore, the overrun is not due to a larger hospital. The Mazars report states that the vision and functionality for the hospital did not change throughout this entire process. We can both agree with that.

I come now to the design team. The Mazars report has much to say about this team. In its analysis, it attributes an increase of €94 million on second stage measurement to the design team getting the quantities wrong. It attributes another €92 million to programme and preliminaries associated with the design team getting their initial quantities wrong and it states that the value engineering target was missed by €50 million, which it again attributes to the design team. We have only had the report for two hours. By my count, Mazars attributes between €230 million and €240 million in additional overrun to the design team and to the calculations it got wrong.

Page 21 of the report states: “The design team did not highlight or signal the looming capital budget overrun.” The design team fees for the project were agreed in 2017 at €44 million but that the team asked for more money and a year later the €44 million was increased to €71 million, an increase of more than 60% in fees for the design team. Will the Minister identify the design team?

Deputy Simon Harris: I do not want to say anything on the record of this House that in any way impedes the accountability piece that has to be discharged by PwC. I am certainly happy to share with the House all of the information I have, and I have been sharing documentation. The Mazars report makes clear, as the Deputy correctly outlined, that a number of things did not go right in regard to design, as listed on pages 22 and 23 of the report. The PwC report will examine this in more detail in ascertaining where changes could be made. I do not want to use up the Deputy’s time but it is important to say that the report did find that the guaranteed maximum price, GMP, process was still the correct way to go. It also found that the process locked in costs at 2016 prices. Clearly the quantities of materials that needed to be used was completely misestimated. I await the PwC report to establish where to go in that regard.

Deputy Stephen S. Donnelly: I asked the Minister to identify the design team.

Deputy Simon Harris: I will have to get those details for the Deputy. I will get them for him before the end of this debate.

Deputy Stephen S. Donnelly: I thank the Minister. I move now to an area we have to continue to focus on, namely, cost reductions. There is a massive cost overrun and we know some of the year 1 implications of that overrun, which will escalate as the years go by. The Minister and I have discussed this issue previously. I acknowledge that he amended the PwC terms of reference to identify costs and I appreciate that. In previous conversations the Minister and the Minister for Public Expenditure and Reform said that the State is nonetheless contracted at €1.43 billion. My belief is that the contracted cost should be driven down. Is it the Minister’s intention to aggressively pursue cost reductions, which may include that contracted price of €1.4 billion being reduced?

Deputy Simon Harris: Yes, it is, but if we are doing so on an evidential basis or if the PwC report finds, as the Deputy and I have discussed at great length throughout nine hours of questioning at the health committee over two days, it is possible to do so without doing what the Deputy and I, and the House, do not want to do, which is to reduce the clinical benefit of it. We could reduce costs easily by providing fewer theatres and less equipment but that is not what the Deputy wants to do and I know that is not what he means. That is not what I want to do either, or what the House wants to do. If it is possible to reduce costs, we will not be found wanting in terms of vigorously pursuing that. We have reflected that explicitly, at the Deputy’s invitation to do so, in the terms of reference of the PwC report.

I have said previously in this House, and I will repeat it lest it be lost in the noise of this debate from time to time, that if the PwC report indicates that there was wrongdoing or a failure on behalf of professional firms to do what they should have done, or anything like that, we will pursue vigorously those firms through the contracts that we, as a State, through the NPHDB, have with them. There may be other ways to do it. If people made significant errors, we will make sure they are held to account and we will use the full rigor of the law to make sure that is a reality.

Deputy Stephen S. Donnelly: The Minister referenced the two-stage process. There are three positions in this regard as far as I can see. In committee we were told repeatedly by the board, the Department, the HSE and, I think, by the Minister - my apologies if I am wrong in that regard - that if the Government was to start again it would use the same two stage process. That is what we were told repeatedly. I have had only a short time to read the Mazars report but I do not believe it concludes what the Minister said it concludes. It highlights numerous issues with this two-stage process. I stand to be corrected but, based on my initial reading of it, the Mazars report does not conclude that the two-stage process was the right way to go; rather, it concludes the opposite.

Critically, the Minister, Deputy Donohoe, yesterday said in his statement that these kinds of processes will not be used again and that the full design and costs will be known before the contract is set. That is my understanding of what he said. There appears to be a conflict between what the HSE, the Department and the board are saying, which is that the two-stage process was not only right but knowing what we now know they would use it again, which I find extraordinary, and what I think is a new Government position as of yesterday, which is that not only will they not be allowed but such an approach will never be used on major capital projects again. Will the Minister clarify the position?

Minister for Public Expenditure and Reform(Deputy Paschal Donohoe): I will take these questions. What I said yesterday is that I believe we need to be far more sparing and careful with the use of two-phase processes in the future. I believe they may have a role in the future, in particular to facilitate preparatory works for some projects, such that when and if a final agreement is reached a project can then move ahead without further delay. As I said, we need to make sparing use of them in the future.

In response to the second point which Deputy Donnelly put to the Minister for Health, regarding the point at which we move ahead, the point I made yesterday, which I am happy to restate now, is that for large projects, which stretch across many Departments and for which there is a higher variance of cost than, for example, the construction of a primary care centre or a road in respect of which we all know the cost, the final decision from Government should not come until we are crystal clear on the tendered cost.

Deputy Stephen S. Donnelly: On a point of clarification, we have been given more than 100 new documents since the Minister for Health appeared in committee. I take him at his word that he was informed in September 2017 that there was a €61 million overrun and he was next informed in August 2018. Given the vast volume of information that we now know has been floating around between the Departments of Public Expenditure and Reform and Health, the HSE and the numerous boards that were involved signalling again and again the issue of cost overruns that were increasingly getting out of control, will the Minister confirm that at no point in that time did he seek an update on the €61 million report and that it was not brought to his attention that there were escalating issues with the capital costs?

Deputy Simon Harris: The benefit of telling the truth is no matter how many times one is asked the same question, the answer will be the same. I received five memorandums in respect of this. I published all of them, despite the fact the health committee only asked for one of them, which was the one from 27 August. That is the extent of the briefing that I received on this. I was, as the Deputy will see from the memorandum that came to me at the end of September 2017, satisfied that there was rigorous activity in that regard. The Deputy will see the note from my Secretary General handwritten on that document, showing clearly that this was being

projected managed and the specific steps there were taking to try to drive down costs.

Deputy Louise O'Reilly: The Minister came into the House yesterday and apologised but I do not think anyone was satisfied with that apology. The Minister did not apologise for the €500 million overrun and neither does he appear interested in taking any responsibility for that, which is very regrettable. As is the style with this Government, we will be drip-fed information, probably via journalists, rather than get direct answers to questions. However, we will hear over time of this incompetence, who will pay for it and what projects will be re-profiled or whatever word the Government wants to use, although it means they will not happen. It is not credible that overspending of this magnitude can happen without any consequences. There are clearly going to be consequences but the Minister simply has not told us what those consequences are going to be.

As of today, the overrun is currently at €500 million. The Minister was aware of an overrun of at least €191 million on 27 August, plus an additional cost claim of €200 million from the main contractor. Why did the Minister not consult with the Minister for Finance on this issue? It is not credible to say that he did not have a full set of facts. One thing he would have known if he had asked - another very important question is whether he asked - is that the costs were only going in one direction. They were not fluctuating. The overrun went from €95 million to €191 million to €235 million. All the while this was happening, the costs were not fluctuating but were only going in one direction. Does the Minister honestly think it is credible that he did not inform his colleague, the Minister for Finance?

Deputy Simon Harris: I counted approximately four questions there. No matter what I said yesterday the Deputy was not going to be satisfied with the apology because she had decided her position on this. That is okay because that is the style of her party, which is not hearing what people have to say before deciding the action to be taken. It is a parliamentary stunt her party uses regularly.

The Deputy's assertion on capital is completely untrue. We, as a Government, published what we were doing yesterday. We are very detailed and very clear on that. What it shows is the scaremongering that her party has been engaged in throughout the country, saying individual projects will not happen. That is not true but Sinn Féin should not let the facts get in the way of its narrative.

The Deputy factually misled the Dáil herself, so maybe she will apologise for suggesting that the project has overrun by €500 million. That is obviously incorrect. The annual breakdown of capital funding to the end of 2018 was €235.64 million, so the project has not overrun. I presume what she means is that there is a projected overrun-----

Deputy Pearse Doherty: Is the Minister being serious here?

Deputy Simon Harris: -----identified through the guaranteed maximum price, GMP, figures.

An Leas-Cheann Comhairle: There will be sufficient time to ask questions. The Minister, without interruption.

Deputy Simon Harris: Read the transcript. The Deputy said that the project had already overrun by €500 million. The project has not overrun its budget.

Deputy Louise O'Reilly: Can the Minister answer the question, please?

Deputy Simon Harris: I am answering the question. The project is projected to overrun by €450 million, of which €320 million is funding that will come from the Exchequer. The Deputy asked why I did not tell the Minister for Finance, which ignores the fact there was contact at official level, as is appropriate, between my Department and the Department of Public Expenditure and Reform, making people aware that was a GMP process ongoing. The Deputy said I had full facts but obviously I did not. I had the full facts on 9 November - the documents I published show that - and I immediately was in contact with the Minister for Public Expenditure and Reform and the Taoiseach. They both stated that was the appropriate action to take. Capital budgets were set on a multi-annual basis, the Deputy knows. We even had a very large launch about it earlier in 2018, so it was not a secret. We were constructively negotiating on the issue of current expenditure for health with the main Opposition party as to how to deal with what was going to be a supplementary overrun. I have said consistently why I took the actions I took and I stand by them.

Deputy Louise O'Reilly: I find it incredible that the Minister would not have told the Minister for Finance, but if that is his story and he is going to stick with it, that is fine.

In July the National Paediatric Hospital Development Board was informed that the Minister had accepted its memorandum requesting reappointment. These are the people who were in charge. We now know the scale and trajectory of the overrun was known to the development board with the size of the overrun going from €95 million to €191 million and on so by August. In this period, the Minister reappointed the entire board. When he reappointed the board and gave it that massive seal of approval, did he seek any advice on the performance of the board and its members? Did he discuss the results of the board's performance in relation to the project? If he did not, will he accept that was negligent on his part? If he did, will he tell us who the hell was backing this board? All the problems arose on its watch and that of the Minister. The Minister is supposed to be in charge. The board was supposed to be doing its work. The trajectory of the overspend as predicted was only going in one direction and yet in the middle of this, the board got a massive endorsement from the Minister.

Deputy Simon Harris: If the Deputy would like to follow the facts on this issue, I took a decision to reappoint the board in July 2018, as the Deputy rightly said. In my letter of reappointment, I specifically referenced the fact that in this House we would be passing the Children's Health Ireland legislation, which would give me, as Minister, powers as to replacing that board, should I decide to do so. The Deputy voted in favour of that and I do not believe she brought forward any amendments to alter that reality and I was given powers at the end of 2018 in relation to that board that I did not have in advance of that. I took the decision to reappoint the board in its entirety to provide continuity for the delivery of a project. This was a competency-based board. The Deputy has been judge and jury on its performance. It was a competency-based board, appointed originally by my predecessors in the Fine Gael-Labour Party Government, of competent individuals who are doing their very best to deliver a major piece of infrastructure for our country. I now have powers under the Children's Health Ireland legislation to replace that board should I decide to do so and I will be led in relation to any governance and personnel changes by the PwC report.

The Deputy has decided the board has done a really bad job. The evidence to that effect has not yet been gathered and we should afford people due process in that regard. This is a competency-based board. We are often criticised as politicians for putting cronies on boards.

This was a situation where people with the professional qualifications required to deliver a major infrastructure were asked to serve, and they did. I was pleased to reappoint the board in its entirety but its reappointment was pending the completion of the legislation in this House, and I made that very clear in my letter of reappointment, that I would have new powers by the end of the year and then I would decide what to do.

Deputy Louise O'Reilly: I brought forward amendments to that legislation, which were focused on the capacity of the health committee to have a role in assessing the members of the board. That aside, the Minister gave the board a ringing endorsement, all the while this project was escalating out of control. I will not use my words but I will quote a senior Fianna Fáil person who said that “the children’s hospital scandalous overspend is affront to every child waiting for an operation and we now have a review that is an affront to accountability”. I am not the only person who does not have a massive amount of faith in the Minister or in his many reports or reviews.

According to the minutes of the National Paediatric Hospital Development Board in March 2018, one of the subcommittees of the board was very critical of BAM’s refusal to engage with the GMP process, that is, the GMP process the Minister is saying is the greatest thing since sliced pan. In September 2018, the board noted:

The performance of BAM during the phase A construction works fell far short of what would be expected from a Tier 1 contractor. BAM, had not demonstrated that they were adequately resourced to complete the phase A works. In the event of and prior to a phase B award the contractor would need to address these issues.

Before the Minister signed off on phase B, did he ask any questions on whether these issues and the poor performance of the main contractor, as outlined in the minutes, had been addressed? What steps did he take to ensure that performance had been addressed? Did he ask any questions about the performance of the main contractor before he handed it another massive cheque?

Deputy Simon Harris: I will make two points. First, the Deputy continues to attack the credibility of people in this House who are not here to defend themselves, which is not a new tactic in relation to the Deputy. A number of months ago the Deputy was moving motions of no confidence in Tony O’Brien and today on Leaders’ Question he was quoted as a source of great authority on Leaders’ Questions. Maybe she will be quoting them in six months’ time and taking their advice on board in that regard.

Phase A of the project, the completed phase, came in on budget. It is important to say that as one would not think that from the Deputy’s assertion. I would be answering extraordinarily serious questions, in fact, I would not even answer the questions, if I had awarded the contract and picked the company. That was the bad old days of Irish politics. A process in place. The legal entity-----

Deputy Louise O'Reilly: The buck stops with the Minister.

Deputy Simon Harris: Saying that the buck stops with the Minister is just a great piece of rhetoric. I know where the buck stops with me in political accountability for the decisions I make. I stand by that and I will always do so. We will deliver this hospital. Where the buck stops in terms of placing contracts, legally, under statutory instrument, is with the National Paediatric Hospital Development Board. That is the fact. It makes decisions on the awarding

contracts. Should I start doing that, the Deputy would be asking me a hell of a lot more serious questions.

Deputy Louise O'Reilly: On a point of clarification, does the Minister accept the performance of BAM during phase A construction works fell far short of what would be expected from a tier 1 contractor?

Deputy Simon Harris: The assessment of the performance of contracts is a matter for the National Paediatric Hospital Development Board, funnily enough, and not me and the Deputy on the floor of the Dáil. That is not what we do. We do not discuss construction companies on the floor of the Dáil.

Deputy Louise O'Reilly: I am asking for an opinion.

An Leas-Cheann Comhairle: The Minister, without interruption. He is well capable of answering questions.

Deputy Simon Harris: I enjoy answering questions but it is nice to get a chance to answer the questions. I am not going to come in here and comment on the performance of companies in this country. We have laws in regard to procurement and laws in regard to contract, and we have an entity called the National Paediatric Hospital Development Board which places and monitors contracts.

Deputy Louise O'Reilly: It is its fault then. It is the scapegoat.

Deputy Alan Kelly: I am glad the Minister's colleagues are present and that he is here to represent the Government. I feel some of my questions will be more oriented to the Minister, Deputy Donohoe. I am pleasantly surprised he is here.

When we look at the hundreds of documents we have gone through, we find there is a letter that came in from the contractor on 24 August. It is an alarming letter, no matter what way one looks at it. It outlines how the company got special permission to tender for a project of €600 million without an external joint venture partner when the normal limit was €300 million - I think it bid €660 million. The documents then outline the minutes of the hospital board, as opposed to the other board which was set up for some other reason. They outline that in September, when there were concerns about it falling far short of what had been expected, it was wondering whether the company and the whole way in which the project had been put forward were fit for purpose to deliver a project of this scale and complexity. There were also concerns on the board about the contractor being sufficiently resourced, which backed up the previous concern.

Were these issues not worthy? These are serious concerns for a board. Was it not obligatory for the members of the board, many of whom would have reported to the Department of Health, to bring these concerns to the Minister at that point in regard to making a decision on the status of the project? Is the Minister not concerned when he reads those minutes that they were not brought to his attention at the time?

Deputy Simon Harris: One of the reasons, along with transparency, that I chose to publish all of the memos was that we do not read them in isolation. The Deputy can see a memo came to me on 27 August. Of course, it is important to note that memo was quickly followed by another one on, I think, 7 September, which provides more assurance in regard to how some of

those issues are being dealt with. There is also another note from the board, as the Deputy will know from his scrutiny. I am happy with the conduct of my officials in this regard. I am happy with the conduct of my Secretary General, who was my interlocutor in regard to these matters.

Deputy Alan Kelly: The Minister is fine that they did not raise concerns.

Deputy Simon Harris: I got the memos and I was satisfied by 9 November that a very thorough deliberative process had concluded.

Deputy Alan Kelly: My next question is addressed to the Minister, Deputy Donohoe. He knows I keep going on about circular 12/10. We have a difference of opinion in regard to what that circular means and our party has a very defined view of what it means. I will outline what it means in regard to this project, where a very senior civil servant from the Department of Public Expenditure and Reform is sitting on the board. Point 4 of that circular states that the Minister must be notified without delay where there are serious weaknesses in controls that have not been addressed despite being drawn to the attention of the board or the chairman, or there is a significant strategic or reputational risk to the body that is not being addressed.

The Minister, Deputy Donohoe, answered a parliamentary question from me in recent days by stating that all civil servants across the public service are subject to this circular. It is not credible to most of us who observe this that there could be a senior civil servant from the Minister's Department sitting on the board who is subject to that circular yet, during all this period, there were Chinese walls and nothing was brought to the attention of the Minister or the Secretary General. In combination, it is not credible that, during a whole budgetary negotiation and a whole confidence and supply negotiation, none of the concerns being expressed at board level to this individual was being brought to the Minister's attention. It is also not credible that on 17 October the Department of Health contacted the Department of Public Expenditure and Reform yet, even though the Minister knew on 9 November, according to the emails released, the Department of Public Expenditure and Reform did not know or have detail until 21 November.

Either the timelines I have outlined are wrong, which would be a concern considering how far we have come, or else there is some dysfunctionality in that Department. There are a number of people in that Department whose full-time job is to manage the Department of Health's budget and where it is spending and over-spending. That has not changed. Either the timelines are wrong or there is some level of dysfunctionality. How in the name of God could it be reasonable to say a Government is functioning properly when it took more than a month to sit down and talk about the largest capital project in the State?

Deputy Paschal Donohoe: The Deputy opened up by saying he was pleasantly surprised to see me here. I do not know why he would be. This is the third time I have been subject to appropriate questioning by the Dáil or by a committee of the House in regard to my role in this. The Deputy opened up with an assertion and I am not sure why he opened on that point, given my role in it.

I will move on to answering the three questions he put to me. First, in regard to the circular which he spent time reading out, the circular makes very clear the role of the judgment of the civil servant in question regarding whether the matter is being dealt with on the board of which he is a member. I met the civil servant in question and he told me his judgment was that this matter was being dealt with in the board, and that subsequently led to the engagement the Minister, Deputy Harris, and I have detailed on a number of occasions.

In regard to the process of this issue and how we got to this point, again, both myself and the Minister, Deputy Harris, on a number of different occasions have outlined when we knew what.

As opposed to the Deputy's allegation of dysfunctionality in regard to the matter, the way in which I have worked with my colleagues across all Government Departments has led to and is one of the reasons we have Project Ireland 2040 and why we have such a strengthened public capital plan. Both myself and the Minister have acknowledged on a number of occasions that there are clearly learnings and issues that developed in regard to this project, and we have outlined how we are looking to address them.

Deputy Alan Kelly: That was not an answer. As I was driving up today, the Minister, Deputy Donohoe, said on "Morning Ireland" that something went very wrong here. I thought it was very honest of him to say that. He said, "I acknowledge my role in that ... we will learn for the future." I would like the Minister to tell me what role it was and what mistakes he feels he is acknowledging. He said something went wrong and he acknowledged his role in that. What is his role in it? What is his Department's role? It is bizarre beyond belief that in the whole of the Department of Public Expenditure and Reform, which, rightly, would fight you for a fiver, in all that time and despite the most senior procurement official in Ireland sitting on the board, nobody ever said during a budgetary process and a confidence and supply process, "Listen lads, we have a very serious issue here." The Minister was kept in the dark about it until 9 November. When the Minister answered another parliamentary question from me, he said he got full knowledge around 19 November. It is beyond comprehension for a project of this size that the Department of Public Expenditure and Reform, with full-time officials working on health, were not asking questions and were not aware. It is just not believable there was not a concern, given the fact we knew there was an overrun of more than €60 million from the year before. It is not comprehensible. If it is comprehensible to the Minister, then we have a bigger issue as regards functionality in the Department. I am sorry. This is not personal but it just is not credible.

The Minister referred to his role in this. What were the issues from which he should have learned or should have done better on, as he said on "Morning Ireland"? How can he say his Department is functionally operating in a way we can have confidence in when it did not have any awareness whatsoever until 9 November, and then, on 21 November, the Minister's officials said in reply to an email that it was the first documentation of which they had heard?

How can the Minister stand over that? Could he please answer the question as to how a Department of Health official could send an email on 17 October to his Department and yet it was 21 November before a meeting was arranged?

An Leas-Cheann Comhairle: Time is very limited.

Deputy Paschal Donohoe: Deputy Kelly put three questions to me in respect of my role in the situation, the alleged dysfunctionality in my Department and the timeline for engagement with the Minister for Health. First, what was my role? As Minister for Public Expenditure and Reform, I have responsibility for the use of taxpayers' money. I acknowledge that. I have done so on many different occasions.

Deputy Róisín Shortall: When did the Minister do that?

Deputy Paschal Donohoe: Clearly, an issue developed here - it has developed on my watch - in respect of a cost estimate and it has led to very serious concerns in this House and through-

out the country. What would I have done differently and what are my learnings from what has happened? Yesterday, I published an entire set of different proposals on how we can change the procurement process relating to vary large projects in the future. The particular learning I have regarding this is that, in the context of genuinely large projects, having separate governance structures in place might work for a particular project. However, I have now seen, with organisations such as Transport Infrastructure Ireland, TII, and Irish Water, that if one has an institution in place whose only job it is to deliver multiple projects of the same kind, the kind of issues with which the Minister for Health and I are now dealing potentially could be less likely to happen in the future. I take responsibility for that, along with the Minister for Health. Both of us were responsible for the setting up of the structure relating to all of this.

On the point about dysfunctionality within my Department, let me make clear again that during this year we will have three major road projects delivered, we will have more than 6,000 new homes delivered, and more than 18 primary care centres delivered.

Deputy Brendan Howlin: On this issue.

Deputy Alan Kelly: What about this issue?

Deputy Paschal Donohoe: That matters because the Deputy is making an allegation about the operation of my Department and we are acknowledging-----

Deputy Alan Kelly: On this issue.

Deputy Paschal Donohoe: -----in the context of this issue what needs to be done differently in the future. In acknowledging that, I will also point to the kinds of projects that we do get right and that are in place.

Deputy Alan Kelly: What about the delay from October to November?

An Leas-Cheann Comhairle: We are depriving others of time to ask questions.

Deputy Alan Kelly: The Minister never answered that question.

An Leas-Cheann Comhairle: The Minister should respond to the final question. We are losing time. There are too many interruptions.

Deputy Paschal Donohoe: The reason for that is we had just finished many different sequences of budgetary meetings that had been focused on how we put together the budget. Nearly all of those meetings were focused on current expenditure. That is the reason, as some of the emails acknowledge. We had just finished a period of Estimates negotiations and we were then moving on to implement the budget. As soon as I became aware of the issue and the scale of it, the same memos will show the scale of engagement that then happened between the two Departments.

Deputy Bríd Smith: I wish to share time with Deputy Barry.

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

Deputy Bríd Smith: I asked the Minister for Health in a parliamentary question why there was not a fixed-price contract for the national children's hospital. I got quite a long answer and I wish to tease out some parts of it. First, the Minister stated there was a two-stage procurement process, a full tender and contract for phase A, below ground, and then a tendering of phase B

for the works above ground. He went on to state that the procurement strategy of phases A and B was developed and finalised between 2014 and 2016. Was that not when the Taoiseach was Minister for Health and does he not bear some responsibility for that? The reply goes on to state that there were several reasons for adopting the two-stage process. One was that market engagement with Irish and international contractors identified that this procurement approach would attract increased competition. Was it BAM which stated that market engagement with Irish and international contractors would attract increased competition, because somebody in the market said it? The contractors also went on to state that one would reduce the exposure to rising inflationary pressures in the construction markets throughout the procurement at 2016 tender market rates versus 2018 tender rates. That worked nicely, did it not? Could the Minister indicate who gave the Government that advice? I suggest to the Minister and the Taoiseach that the issue is not as the latter suggested, namely, that some bids are too low to be unrealistic, but that the entire process renders the State financial hostage to private companies that have various mechanisms to inflate their profits and margins. It is underbidding, but the State is entering a very useful cartel arrangement for the builders and developers. My final question is whether the State is also hostage to the EU procurement processes or if it can step outside them.

Deputy Simon Harris: I will take that.

Deputy Paschal Donohoe: I will deal with the final question.

Deputy Simon Harris: The Minister for Public Expenditure and Reform will deal with the question on EU procurement because it falls within his remit. As Deputy Bríd Smith correctly stated, we have already indicated on a number of occasions in reply to parliamentary questions why it was decided to have a two-stage procurement process. PwC will continue to analyse the appropriateness of all of those matters. There were benefits to the two-stage procurement process and it is important to acknowledge that. Deputy Bríd Smith is correct that it was decided and endorsed by the Government contracts committee for construction and by our procurement sub-committee in May 2015 that this was the right approach to take given the size and complexity of the project. It was also decided that the traditional design and tender method of procurement was not suitable or realistic. Those were not determinations made by me, as an individual, or by individual Ministers, they were made by procurement experts and endorsed by the Government contracts committee for construction and its procurement sub-committee in May 2015.

Some of the benefits of that process included full participation of suitable main contractors and some specialist subcontractors in the tendering process. Also, in terms of the timelines and the need to facilitate an early start on the site, the approach of breaking the work into sections ensured that the early phases of the work could commence while the detail on later phases was being finalised and agreed. I do not mind stating in advance of the PwC report that where we were extremely badly let down was in the context of the elasticity of the cost for phase B. So while the GMP process – a phrase we have all become used to now – locked in the prices at 2016 rates, it is the quantity of material required that were clearly not realistic. That is what PwC needs to grapple with now in the context of what went wrong and where. Had we gone with a different model, we would have potentially taken longer to deliver the project. That seems to have been the advice of the procurement experts at the time in 2014 and 2015.

Deputy Bríd Smith: Will the Minister answer the question?

Deputy Josepha Madigan: He is answering the question.

Deputy Bríd Smith: Was it BAM that told the Minister to engage with this two-phase process-----

Deputy Simon Harris: No.

Deputy Bríd Smith: -----in order to increase competition?

Deputy Simon Harris: I have answered that question. No. the Government's procurement strategy in 2015 was decided and endorsed by the Government's contracts committee on construction and was ultimately-----

Deputy Bríd Smith: Market engagement informed the process.

An Leas-Cheann Comhairle: Deputy Bríd Smith will have an opportunity to respond if she so wishes.

Deputy Simon Harris: Deputy Bríd Smith may not agree with or like the answers but they are-----

Deputy Bríd Smith: I am not getting answers.

An Leas-Cheann Comhairle: The Minister should be allowed to speak without interruption.

Deputy Simon Harris: Deputy Bríd Smith does not like the answers because she has decided that they are something to do with a construction company which she is going to keep naming on the record of the House, as is her right. I am not actually sure whether it is her right to keep naming companies on the record of the House but that is her choice. I am outlining to her the process the Government went through - I was not a member of the Government in 2015 - in terms of deciding the right procurement approach to take. That was a decision that I did bring to the Government in April 2017, and one I stand over based on the expert advice available.

Deputy Paschal Donohoe: Perhaps the Deputy could clarify why she thinks we are hostage to EU procurement rules. Broadly speaking, we are subject to and part of the procurement policy of the European Union.

Deputy Bríd Smith: So the Government cannot step outside of EU policy in any circumstances.

Deputy Paschal Donohoe: There are circumstances in which we can do so, such as, for example, in terms of the use of local labour. We can ensure that flexibilities are there in respect of procurement but because procurement policy follows on from the operation of the Single Market, I am not aware of any circumstances in which we could completely ignore it.

Deputy Mick Barry: The Tánaiste stated earlier that there was no parallel whatsoever between the cost overruns in respect of the national children's hospital and those relating to the Cork event centre and that no conclusions could be drawn about the fact that one company, BAM, was central to both projects. The BAM overrun at the national children's hospital arose when the figure of €432 million ballooned to €556 million. At the Cork event centre, costs increased from €53 million to €74 million. Let us take the Tánaiste at his word and let us look at a different example entirely, namely, the example of the Port of Cork. BAM had the contract to redevelop the Port of Cork and move it down towards the mouth of the harbour at Ringaskiddy.

An Leas-Cheann Comhairle: Could Deputy Barry refrain from naming companies? The information may be known but I am sure the Deputy can make his case without naming the company.

Deputy Mick Barry: Okay. The tender was won at a cost of €46 million. The bill that was submitted was for €58 million, a cost overrun of more than 25%. There was actually a court case about it. BAM said in the course of the court case that the €12 million overrun was down to an arithmetic error. Is the Minister concerned by the fact that this major construction company was linked to cost overruns of a major character in not one, not two, but at least three major State projects? Why does this company keep getting lucrative State contracts? Does the Minister not believe this underlines the case for nationalisation and the establishment of a State construction company to eliminate the for-profit element? Those are my questions.

Deputy Paschal Donohoe: I will deal with that. We tried to put together one utility company to deliver infrastructure for something that really mattered for our country, which was Irish Water. Deputy Barry opposed that too. Let us be clear.

Deputy Mick Barry: Is the Minister bringing in Irish Water?

Deputy Paschal Donohoe: When we tried to put together an organisation whose job was to deliver infrastructure-----

Deputy Mick Barry: The Minister should answer the question.

Deputy Paschal Donohoe: -----Deputy Barry was against that too. Deputy Barry can make speeches but when somebody on this side of the House responds, it is not good enough for him. He has made several allegations and statements about a company that does not have the ability to defend itself here.

An Leas-Cheann Comhairle: I warned the Deputy about that.

Deputy Paschal Donohoe: The Leas-Cheann Comhairle may have warned him, but he kept going.

Deputy Jim Daly: He had a good run of it.

Deputy Paschal Donohoe: It is important to state that every procurement policy-----

An Leas-Cheann Comhairle: Hold on a minute. I am not psychic. I do not know what is going to come out of Deputies' mouths so I warn them when it emerges. I have a lot of attributes, but that is one I do not have.

Deputy Charles Flanagan: It is predictable from Deputy Barry.

Deputy Paschal Donohoe: It is interesting that what he says appears to be what he has stated repeatedly in the past.

Deputy Mick Barry: The Ministers are doing everything except answering the question.

Deputy Paschal Donohoe: To answer the question, a company has the right to participate in a procurement process. It is up to those running the process to decide what they believe to be the best value for the project. That is what happened in respect of the different processes-----

Deputy Mick Barry: Is the Minister concerned about three major cost overruns involving one company?

An Leas-Cheann Comhairle: I call on Deputy Wallace to control himself.

Deputy Paschal Donohoe: Again, I am trying to answer the question.

An Leas-Cheann Comhairle: I know the Minister is.

Deputy Barry Cowen: That is Deputy Barry, not Deputy Wallace. He did not get a haircut.

An Leas-Cheann Comhairle: The Minister has a right to reply and to be heard. He can take an extra half a minute.

Deputy Paschal Donohoe: The Government agreed yesterday that there is a role for other tendering processes in respect of very large projects in future. I have outlined what are the characteristics of those projects. We will look at how we can conduct tendering processes differently in the future. It is not appropriate to go beyond that.

Deputy Mick Wallace: A big problem at the heart of all this is the procurement process. The National Paediatric Hospital Development Board was dealing with the construction element and with operational maintenance. We now find ourselves in a position where different entities such as BAM and others are able to look for an awful lot of extra money and we are still at a very early stage. I would argue this was avoidable, and it remains avoidable. We can reduce the damage that is likely to be done.

The board and its legal procurement agent, McCann Fitzgerald, were faced with two options. They could go for a fixed-price contract or a remeasurement contract. I am well aware of the fact that the Government has a serious obsession with fixed-price contracts. It depends on such contracts in the context of the capital works management framework. The trouble with a fixed-price contract is that it does not really work unless a watertight scope of works can be established. Truth be told, that is not possible with a project of this nature. If I was building a house or an apartment, or 100 of either, it would be possible to create an almost perfectly designed scope of works because of the nature of the work involved. It is modular and repetitive and one can measure every aspect of it. A hospital is different. There is no such thing as a fixed price for a seriously complex engineering project. We can call it a fixed price, but it is not. It does not remain the same.

In the case of the children's hospital, the scope of works was not well defined. I suspect that operations and maintenance did not have enough input, but I do not know. Either way it would have been just about impossible to have a scope of works as tight as we would like for a fixed-price contract. One just cannot define all the parameters of a project of this nature, so the fixed-price approach does not work. This project was always going to need very detailed commissioning of the various systems unique to a hospital. Commissioning is a systematic process that is ongoing throughout the pre-design stage, design, construction and operation and maintenance. There are systems that need to interact in order to bring about the output sought. The works delivered are constantly assessed to check that they comply with the employer's requirement or, as some people call it, the works requirement.

A bespoke civil engineering remeasurement contract was required. A bill of quantities visualises the drawings into items that will make the design happen. If properly drafted, it can

be managed, as can the costs involved. The contractor carries out the work, it is measured as it goes along and the employer pays accordingly. Quantity surveyors on the side of the employer and that of the contractor know what are the costs. There will be a debate, but the difference is rarely more than 5% and there is access to arbitration. The difference between the quantity surveyors on both sides is rarely more than 5% when the parties measure and pay as they go.

The decision makers have approached the children's hospital project as if it is a regular building, which it is not. I wonder where the decision-making came from. Why did McCann Fitzgerald not insist that the capital works management framework was not suitable for a complex project such as this? I do not know if the Government has the answer. Alternatively, was it a case of the HSE pushing McCann Fitzgerald aside and insisting----

An Leas-Cheann Comhairle: I do not want to stand accused. I ask Deputy Wallace----

Deputy Mick Wallace: I am not bringing any accusations. I am looking for answers.

An Leas-Cheann Comhairle: The Deputy must refrain from mentioning names.

Deputy Mick Wallace: I am sorry. Did the HSE insist on the capital works management framework? Who did? I do not know if those answers are readily available. Perhaps they are. In any event, I will come back in.

Deputy Simon Harris: I thank Deputy Wallace. He is one of the few people in the House who can speak with authority on this subject and I thank him for his reasonable points, which I have been noting down furiously. The first point to make about the decision makers and how we got to this process is this: some version of the National Paediatric Hospital Development Board has been in place since 2007. That was a recognition by successive Governments and Ministers that the skill set required to build such a specialist hospital, which is at the core of the Deputy's point, does not exist within a Department. We could argue over whether the Government got the appointment right or wrong in 2007. Many of us have served in government since then. Deputy Shortall will get her moment soon. I am dealing with Deputy Wallace's question.

Deputy Wallace has asked where the decision makers were. I am making the point that there have been various iterations of the National Paediatric Hospital Development Board in place since 2007, which was a recognition that this expertise was required. I do not want to use up the Deputy's time outlining the reason the decision was arrived at to do the two-stage process, but long consideration was given to it and it was recognised that there were specific benefits because of the complexity of the project. The Deputy may have a different view and may be much better informed. Some of the reasons were that it allowed early commencement on site two years ahead of traditional procurement; it allowed market engagement with Irish and international contractors - they had identified through this market engagement; this procurement approach would attract increased competition in a situation where, as we know, there was very limited competition at this time; claims would be addressed upfront and, therefore, we are talking about a potential cost overrun before it has happened so we can have the chat about how to mitigate those costs as well; it would reduce exposure to rising inflationary pressures in the construction market; it would provide an opportunity for the three contractors to interrogate detailed design; and the programme for the main works were fully aligned across three contractors with a single point accountability for site management. There was definitely a view from the procurement experts available to Government, from the Government's construction contracts committee and the procurement sub-committee that there was merit in this.

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What the Government decided yesterday, as my colleague, the Minister for Public Expenditure and Reform outlined, was that we need to seriously interrogate this approach as we go forward on other capital projects. However, a solid and explicit rationale was put forward back as far as 2015 that this was the right way to go.

Regarding many of the questions the Deputy is asking about detailed design and the like, it is clear we were badly let down here somewhere and we need the PwC report to identify where we were let down.

Deputy Mick Wallace: I am not arguing about the two-stage process. Whether the Ministers had opted for one-stage in total or two, if they had opted for a remeasurable contract, they would not have run into the problems they are running into now. It is February 2019. This project will take approximately four years. The Minister said he knows that going ahead is the right thing to do. None of us know that. The Minister does not know if that is the case. I am not saying that I know but if we continue with this procurement and this contract process, this project will not be built for €1.7 billion nor will it be built for an extra €500 million. I guarantee that the costs will not stop at €2.2 billion because this process is tailor-made for BAM to reef us.

An Leas-Cheann Comhairle: Please, the Deputy is an intelligent man. I do not have to remind him-----

Deputy Mick Wallace: It will rob us blind with this form of an arrangement.

An Leas-Cheann Comhairle: The Deputy cannot use that language; I am telling him.

Deputy Mick Wallace: I am sorry, a Leas-Cheann Comhairle.

An Leas-Cheann Comhairle: I am going to move on.

Deputy Mick Wallace: I ask the Minister one question.

An Leas-Cheann Comhairle: Ask the question but refrain from mentioning names or making accusations.

Deputy Mick Wallace: I believe it is possible to stop the project. If the contract was drafted properly, we have default determination, which does not apply, but we have termination of will, which is the Minister's call. In terms of public works contracts, condition 12.6.3(3) states: "... all other amounts due to the Contractor under the Contract but not damages". They are excluded from loss of profit. The Ministers can manage this. They should stop this contract now. I believe that we will save a lot of money if we redo the process and do it differently.

Deputy Paschal Donohoe: It is true there are matters in respect of the future cost of this project and how we can save money on it on which the Government is still working. That is why we have appointed Fred Barry as the new chair of the board and why we have a PwC report under way. The Deputy acknowledged that none of us has a monopoly on wisdom or certainty in respect of this matter. It is my genuine view, having reviewed where we are and other options, that the best course available to us is to move ahead with this project and through the work that is under way by PwC and the Government, look at finding ways in which we can deliver the project as cost effectively as possible while looking at the lessons learned to date, which we acknowledge are very big.

An Leas-Cheann Comhairle: We move on to the Rural Independents. I call Deputy Mattie

McGrath, who will be followed by Deputies Danny Healy-Rae and Michael Collins. I understand they may have a new recruit.

Deputy Mattie McGrath: Yes, a new recruit. With the permission of the House, Deputy Cowen will ask a question at the end.

An Leas-Cheann Comhairle: Within the ten minutes.

Deputy Mattie McGrath: Yes. I visited the site today with my colleagues and, as I said last week, there is a black hole in the ground. Nothing of any height is coming out of the 15 m depth yet, so spending €80 million on it so far is a lot of money.

In December 2018, the Minister welcomed the announcement by the European Investment Bank, EIB, of its decision to provide a loan of €490 million to Ireland to support the construction of the new national children's hospital and associated outpatient centre. He stated:

This is the EIB's largest ever single capital loan in Ireland and the loan represents almost half of the €1 billion Exchequer investment required to develop the core hospital and the two outpatient and urgent care centres. Securing this long-term financing from the EIB will reduce the overall interest cost to the State of financing the new children's hospital and centres.

Clearly, nothing of this kind has happened in terms of reducing costs. What was the interest rate for the loan and what is the cost of the repayments to date? Is he considering going back to the EIB to request another loan? What happened to the €200 million he got from the sale of the national lottery? Where is that gone? This hole is getting bigger and deeper.

PwC has no construction experience. Will the Minister not bring in a construction expert from Switzerland or somewhere outside the country who is not connected to BAM or anyone else?

Deputy Paschal Donohoe: On the interest rate for the funding we have from EIB, I do not have that information. If the information is publicly available and we can share it with the Deputy, I will write to him with it.

As to whether we have looked for a further loan from the EIB for the project, the answer is "No. We have not". We know how much extra money is currently needed for the project-----

Deputy Mattie McGrath: We do not.

Deputy Paschal Donohoe: -----and it should be made available from the Exchequer.

Deputy Simon Harris: On the specific services question from the Deputy and the point he raised about it just being a hole in the ground, he said approximately €80 million had been spent on the project but, as I said earlier - and he may not have been in the House - €234.64 million had been spent as at the end of 2018. Far from this project just being a hole in the ground-----

Deputy Mattie McGrath: Contract-----

An Leas-Cheann Comhairle: The Minister can leave it. If he does not want the answers, then I will call Deputy Danny Healy-Rae.

Deputy Mattie McGrath: I want the truth.

An Leas-Cheann Comhairle: I am sure the Deputy wants to put the answer on the record of the House.

Deputy Mattie McGrath: I want the truth.

Deputy Simon Harris: I want to put the answers on the record because there are parents who would like to know how these services will affect their children rather than rhetoric.

Deputy Mattie McGrath: The Minister did not listen to parents.

Deputy Simon Harris: Some €235.64 million had been spent by the end of 2018 and far from just being a hole in the ground, part of this hospital facility at Connolly hospital, which I hope the Deputy visits, will open this summer to start serving our children. The X-ray facilities were delivered to that facility only this week.

Deputy Danny Healy-Rae: The clients in this case are the taxpayers and the people who need a children's hospital. Who was responsible for signing the contract with the contractor? That is one question.

An Leas-Cheann Comhairle: The Deputy should ask the second one.

Deputy Danny Healy-Rae: Who decided to enrol PwC or how was the price of €450,000 to be paid to it agreed? Will Kerry be compromised now due to the fact that we may not get our community hospital in Killarney that was promised? I ask the Minister to answer those questions.

An Leas-Cheann Comhairle: I ask the Minister to be as brief as the questions were.

Deputy Simon Harris: They were very good; they were very forensic. The NPHDB has the legal responsibility to sign and issue contracts. That is the answer to the first question.

On the second question, parts one and two, PwC was chosen because it was drawn off a framework that the HSE has in place. The HSE appointed it. Regarding the cost of the report, there is a daily rate for that company so that is the maximum cost. I hope and expect it will come in much cheaper.

On the issue in Kerry, as I am sure the Minister of State, Deputy Griffin, will be happy to remind people, that project is not affected in respect of this matter and will proceed.

Deputy Michael Collins: The people of Cork South West elected me to this House. I have spoken to them on this issue and they have told me they are astounded by the carry-on in respect of this children's hospital. I have a number of questions. First, €50 million will be cut from the health budget as a direct result of the overrun on the children's hospital. Does the Minister have an exact breakdown as to the areas in the health sector that will suffer these budget cuts? Second, will the overspend on the children's hospital have a negative effect on the recent announcements of funding for the rehabilitation unit in Bantry General Hospital in west Cork? Will it also affect the funding for the newly announced endoscopy unit? If these units will not be affected, what is the likely start date for these?

In respect of rural development projects in west Cork, many groups are coming to see me asking if their projects are gone by the wayside. Will those of us in west Cork be negatively affected by the budget overrun on the children's hospital and the rural development project?

An announcement was made recently that funding would be made available to complete the Bandon bypass in west Cork. Will this project now be negatively affected by the overspend on the children's hospital?

Deputy Simon Harris: I was pleased to visit Bantry recently with my colleague, the Minister of State, Deputy Jim Daly, and, indeed, the Deputy was there. All of the commitments that have been made regarding Bantry will be delivered. I will respond to him in writing on some of the specific questions but there is no impact on those important projects. However, children in west Cork will sadly get sick as well and will use this new hospital, and there are children in west Cork in our hospitals tonight in inadequate, antiquated facilities. This is, therefore, not a Dublin project; this is a national project-----

Deputy Mattie McGrath: Of course it is, we cannot access it.

Deputy Simon Harris: This is a national project to transform-----

Deputy Mattie McGrath: There is no helipad.

Deputy Simon Harris: -----paediatric healthcare in our country. On how we will find the money, as I outlined yesterday, the Department of Health will make a contribution to meet the costs from a budget that we provide to the HSE for equipment, replacement and infrastructural risk. This budget was extraordinarily low during the recessionary years. We received a large increase in that budget in 2019 and we will take €24 million from it this year but it will still mean that there will be an awful lot more in that fund than there was this time last year.

Deputy Barry Cowen: I want to ask the Minister for Finance a question on the European Investment Bank, EIB. There was a loan of €490 million for a project that we thought then would be €893 million, which was over 50% of the cost and which is perhaps 30% of the cost now. What monitoring and reporting system was put in place between the EIB and the Department? Will the Minister publish all the communications on that monitoring system since the loan was granted?

Deputy Paschal Donohoe: There were agreements in place on how the loan would be drawn down and the circumstances upon which the loan could be accessed. If nothing in those agreements is commercially sensitive, I will make the information available to the Deputy.

Deputy Barry Cowen: Have there been communications since the project began with the EIB and its representatives?

Deputy Paschal Donohoe: I assume that there have been communications between the EIB and officials in my Department. I do not know the nature of those but I assume there have been communications and if there is anything there that is not commercially sensitive, I will share the nature of it with the Deputy.

Deputy Barry Cowen: Is the Minister not kept abreast of those communications?

Deputy Paschal Donohoe: Not on the nature of a loan and how it is being operated. I would have been involved in the decision on accessing the loan. Nothing has happened since then that I am aware of but I will check for the Deputy.

Deputy Mattie McGrath: Dr. Jimmy Sheehan, Dr. Finn Breathnach and Dr. Róisín Healy came in here in 2017 and they told the Government about the pitfalls of this disastrous site.

They have requested again, through us, to appear before the Joint Committee on Health. I received a letter today refusing that request. There are none so blind as those who cannot see. The Government will not listen to people who have a track record in building hospitals. Will the Minister now reject this site? He can make it into a car park or whatever or he can do something else with it. Will the Minister move to a greenfield site on which a perfect hospital with three helipads, if necessary, can be built in 14 months? There is no helipad on this site. Will he please listen to reasonable people who know what they are talking about?

Deputy Simon Harris: I absolutely will not change the decision that the Government made and that successive Governments have endorsed on moving ahead with this. I have listened to so many politicians in different parties who have been involved in debates over the years about the location of the site. At some point, a decision has to be made and we have to get on with delivering a hospital. It was first mentioned in this House in 1962 that we should build-----

Deputy Mattie McGrath: The Government will be building it forever.

Deputy Simon Harris: -----a national children's hospital. We are building it on a site adjacent to St. James's Hospital. We are doing that for good clinical reasons endorsed by many paediatricians today. That work is under way. We have invested €235 million in the development of this project-----

Deputy Mattie McGrath: The Government has not.

Deputy Simon Harris: I believe we have. To do anything other than that would be scandalous.

Deputy Mattie McGrath: The Minister is misleading the House.

An Leas-Cheann Comhairle: I ask Deputy Mattie McGrath to be more careful than to accuse the Minister of misleading the House. The Deputy suggested last week that I was protecting the Minister for Finance. The Deputy will not get in. The Deputies in the Rural Independent Group are all very good and I am intrigued that if they do not get enough time, I am blamed, but nobody ever accuses me of giving too much time so I am moving on to the Social Democrats and the Green Party.

Deputy Róisín Shortall: I am sharing time with Deputy Eamon Ryan. It is quite clear that what we have here is a most shocking failure of governance and an inability to protect the public purse on the part of the Departments of Health and Public Expenditure and Reform, under their respective Ministers. It is simply not credible that the Minister for Health did not tell his colleagues for over two months that there was this looming problem of a significant overspend with the hospital. He knew at that stage that it was almost €400 million.

Deputy Simon Harris: No, I did not.

Deputy Róisín Shortall: It is not credible that he did not tell his colleagues and if he did not, he certainly should have. The Minister has not answered that. Everybody is coming out with this mantra that the Minister did the right thing, but he did not do the right thing and that is quite clear.

Let us go to 9 November. On 9 November, the Minister talked about the Government taking a decision based on three options. Can he present the basis on which that decision was taken, including the costings involved in each of those options? There is a fourth option, however.

This should have been looked at and still needs to be looked at, namely the option of halting this project and starting again elsewhere. Has the Minister costed that option? He talks about clinical importance. The clinical importance is in ensuring that this project is brought in, along with the long promised maternity hospital on that site. Has the Minister costed what is entailed in providing a maternity hospital on that site? I understand that it will involve great expense with the difficult site, but it will also entail knocking some of the existing buildings in the general hospital. Has the Minister considered that and has he done the costings on what it would mean to halt the project at this stage and build the children's hospital and a maternity hospital in an alternative location? Is he aware of the fact that in Hamburg, in the past year, a children's hospital with almost 150 beds was built for €70 million? In Helsinki, a 140-bed hospital was built for €170 million. That would bring our hospital in at approximately €400 million. That is a long way from what the Minister is talking about at the moment. Has he done the costings on each of the options that were before him and has he costed the possibility of moving to another site?

Deputy Simon Harris: There are a number of questions there and I will answer them as quickly as I can so as not to take the Deputy's time. I did not know about an overrun of potentially €400 million. We will not debate that point, other than to say that it is quite clear that some of that was a claim from a contractor, which was not accepted by the board and which, through very robust negotiation and action, as opposed to the inaction people like to suggest, was reduced-----

Deputy Róisín Shortall: It was out of control and that was clear.

Deputy Simon Harris: I will not interrupt the Deputy's time but the €200 million was reduced to €60 million so it shows how coming in here and putting partial information on the record of the House or putting partial information to the Minister for Finance does not lead to better decision-making. The Deputy asked what the three options were and I published the document that outlined them last Thursday.

Deputy Róisín Shortall: I know what the three options are. I asked the Minister if he costed them.

Deputy Simon Harris: The Deputy asked me what the three options were-----

Deputy Róisín Shortall: I did not.

Deputy Simon Harris: I believe she did but if she did not, that is okay. The three options and the reference to the impact they would have on delaying the project and on additional costs to the project are outlined on page 2 of a memorandum dated 9 November, which I published last Thursday to provide Members with full transparency. The Deputy asked if I knew about Hamburg and I am not familiar with that specific project but I will make myself specifically aware of it. We did provide the AECOM cost benchmarking report to the Joint Committee on Health, however, and it is a publicly available document now. In that document we looked at international comparisons in terms of the cost of this hospital versus other comparable hospitals. If one looks at it, this hospital will come in at €6,500 per sq. m, according to AECOM, compared to €9,000 per sq. m to build an equivalent children's hospital.

Deputy Róisín Shortall: One of the most expensive in the world.

Deputy Simon Harris: The Deputy, as a former Minister of State in my Department who

did good work there on primary care, knows that it is not all about beds. It is an awful lot more than beds so beds is not a fair comparison. When one looks at sq. m-----

Deputy Róisín Shortall: Did the Minister factor in the cost of the maternity hospital?

Deputy Simon Harris: What I certainly have not done is cost moving this to another site at this stage because we made that decision. In fact, the previous Fine Gael and Labour Government made the decision on the site. I believe it was the right decision and we have invested €235 million of taxpayer's money in delivering it.

On the maternity hospital, I do not have the costings here but I will certainly be happy to provide them to the Deputy.

Deputy Róisín Shortall: I can take from what the Minister is saying that he did not factor in the cost of the maternity hospital.

Deputy Simon Harris: It is a separate development.

Deputy Róisín Shortall: I want to ask about the head of the Office of Government Procurement, OGP, briefly. Can it be clarified that he would have been in a position to inform his Minister of the cost overrun and that he was not a company director?

Deputy Paschal Donohoe: I am unaware of what his status is from a company law point of view-----

Deputy Róisín Shortall: The Minister is unaware of his status.

Deputy Paschal Donohoe: -----because, as far as I know, he was subject to the standards he would be as a civil servant and the different circulars which, for example, were raised by Deputy Kelly. He questioned me on them. What he had to do-----

Deputy Róisín Shortall: As far as the Minister knows-----

Acting Chairman (Deputy Bernard J. Durkan): The Deputy should not interrupt.

Deputy Paschal Donohoe: I will answer the question to the best of my ability. According to the circular that the head of the OGP was subject to, it was his role to ensure that the parent Department responsible for the project was being informed of what was happening and that was happening. At the appropriate point, the Minister for Health became aware of it. He briefed me on it and we took action from there.

Deputy Eamon Ryan: I hope I will not repeat some earlier questions. I asked the Taoiseach a couple of questions yesterday but I did not get answers. First, under this two-phase approach did the Minister for Health not realise it in February 2017? That was when there was €950 million for the hospital, €100 million for IT and €100 million for equipment. Anybody I have spoken to who has expertise in this area has said that alarm bells should have been ringing. It should not have waited until August 2018 for the Minister to realise he had a problem. That is when the problem became clear. Why is it that he did not become aware of it at that time? That was a fatal mistake in the two-phase process. The €100 million for IT and €100 million for technology were clearly just figures plucked from the air. Why did the process not stop then to start getting it right?

Deputy Simon Harris: The Deputy does not want me to repeat previous answers but I have

outlined the rationale behind why the two-phase project was decided. I will not put it on the record of the House again. The Government signed off on the figure of €983 million in April 2017. The Deputy makes a fair point regarding what happened with the elasticity in respect of phase B. How could the Government of the day have been informed, with significant expert advice, that the expectation was that when further detailed work was done on phase B, the price range would be €983 million? That is something the Government was extremely disappointed with. It is something I have flagged as a cause of great concern, not just to me but also to taxpayers. I want PwC to get to the bottom of it.

Of course, there were advantages with proceeding with phase A in terms of getting it done at 2016 prices and bringing it in on budget as well. However, I do not dispute the fact that the Deputy outlines righteous disappointment on behalf of taxpayers that there was such a big disparity between what we expected phase B to come in at and what it did come in at.

Deputy Eamon Ryan: I will ask the same question I asked the Taoiseach yesterday. I am not certain on this so I am asking the question for information. Is it true that the professional services companies such as the architects and others were on a fixed percentage contract and, therefore, when the cost ballooned their percentage went up as well? If so, what might that have cost?

Deputy Simon Harris: I do not have that information. I will ask the NPHDB to provide it to me, as I am sure the Taoiseach probably has since the Deputy raised it yesterday. I will refer back to him directly.

Deputy Eamon Ryan: I would appreciate it if I could get that tomorrow.

Deputy Simon Harris: I will do that.

Deputy Eamon Ryan: My final question is for the Minister for Public Expenditure and Reform. I was wondering if we had built a hospital like this in the past and Tallaght hospital came to mind. That hospital was opened in 1998. It has 560 beds and 12 theatres so it is not very different. I believe the cost was €140 million.

Deputy Barry Cowen: Tullamore hospital.

Deputy Eamon Ryan: Tullamore hospital might have been similar but I am familiar with Tallaght hospital. Where was the institutional memory in the Department of Public Expenditure and Reform? There were capital overruns of IR£2.5 million for Tallaght hospital and there was uproar. Deloitte was asked to report on it. Where was the institutional expertise and memory in the Department that it did not look back to 1998 and what was done with Tallaght hospital? How come that expertise in the Department seems to have disappeared?

Deputy Paschal Donohoe: These are completely different projects. The hospital in Tallaght and some of the other hospital projects that have been mentioned this evening are completely different in complexity, scale and process from the national children's hospital. It is like comparing the experience in building a road to the experience of building a metro. They might be in the same policy area but they are very different projects in scale.

Regarding the institutional learning that exists in my Department and in the Department of Health, it has been successful in delivering many other important projects I have mentioned. We are acknowledging very clearly in respect of this project that there are clear lessons for

projects of this scale. We acknowledged all of that yesterday, as well as what we are going to do to address it.

Deputy Eamon Ryan: One of the cost overruns I have heard about is for cabling. I refuse to accept that cabling for a children's operating theatre versus a general operating theatre could not have been managed from previous experience. I do not believe the big cost overruns are necessary because of some high technology medical difference between a children's hospital and a general hospital. The Minister just got the process wrong.

Deputy Paschal Donohoe: In terms of the number of theatres, the volume of technology and the scale and nature of the project, they are fundamentally different.

Acting Chairman (Deputy Bernard J. Durkan): The Minister has five minutes for a closing statement.

Deputy Paschal Donohoe: I acknowledge all the questions and points that have been put this evening. As the Government and I have acknowledged over the past number of days, we have made progress in how to deliver important capital projects well. We have made progress with Project Ireland 2040. In both the Department of Health and other Departments there are examples of how projects are delivered well and how they can deliver benefits to citizens and communities.

Let us consider the position in 2019. In healthcare alone, important developments will be delivered in Cork University Hospital, important projects will be delivered in Letterkenny General Hospital and improved services will be delivered in Kerry and Portlaoise.

Deputy Róisín Shortall: There is no accountability.

Deputy Paschal Donohoe: These are capital projects that communities and the country want and which the Government is delivering. With regard to accountability, the Minister for Health, Deputy Harris, and I have answered the questions Deputies have put to us and we have participated in committee meetings on this. Both Departments have made available all the information they have on the matter and we are subject to the full rigours of accountability here in the House.

When we launched Project Ireland 2040, Deputy after Deputy denied that the projects would ever happen. Now we see the Deputies saying today that the projects are going to happen, but they wonder if they will be delayed. This Government has significantly increased investment in public capital for this year. It is more than €7 billion and we are planning to find ways to increase it further. We have acknowledged what could have been done differently on this project, the lessons we have and how we will learn from projects of this scale in the future. We have acknowledged how taxpayers and citizens feel about this project and the concern of families and children who will depend on the delivery of this project in the future. That is why we published yesterday what we will do differently for projects of this scale in the future, how we can change our processes and the further work that will happen to ensure that Departments and agencies are equipped to deliver projects of this scale.

However, in acknowledging that, I will continue to make the point that transport projects such as the M4, the Ardee bypass or the Ballyvourney to Macroom project, which the Deputies want, the additional 6,500 homes that are being delivered in Project Ireland 2040 and the projects under way in the Department of Education and Skills to build new schools and restore

and repair existing schools are being well delivered by the State and are sought by communities. With regard to this project, the Minister for Health and I have acknowledged that there are clearly key areas that we will learn from in the future.

Deputy Róisín Shortall: They are very expensive lessons.

Deputy Paschal Donohoe: This project will matter for children's health in the future. We have acknowledged repeatedly what must be done differently for projects such as this and the lessons we have from this. We will progress with two priorities - seeking to deliver projects the country needs and ensuring that the national children's hospital is delivered - and when we move on to other big projects of similar scale, the lessons that the Government and I are acutely aware of are learned and make a difference to such projects in the future.

Aircraft Noise (Dublin Airport) Regulation Bill 2018: Order for Report Stage

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I move: "That Report Stage be taken now."

Question put and agreed to.

Aircraft Noise (Dublin Airport) Regulation Bill 2018: Report Stage

Acting Chairman (Deputy Bernard J. Durkan): Members will be glad to know that there is a long list of amendments. Amendment No. 1 is in the name of-----

Deputy Clare Daly: I ask the Minister to clarify certain information given on Committee Stage. Members were told that clarity would be provided in regard to correspondence between his Department and other agencies put forward as potential competent authorities. Specific reference was made to the Environmental Protection Agency, EPA, on Committee Stage, but the same issue arose subsequently in respect of the Commission for Aviation Regulation, CAR. A local resident submitted a freedom of information, FOI, request and was told there was no correspondence between the EPA and the Department. However, the Minister said there was such correspondence. That issue was to be clarified. I received an email on the matter just before I entered the Chamber but it is important that it be dealt with publicly because of the uncertainty it raised in the minds of residents. It is important that it be addressed before amendments are dealt with.

Acting Chairman (Deputy Bernard J. Durkan): If the Minister wishes to reply, he may so do, otherwise we will proceed to amendment No. 1.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I am happy to assist the Deputy on this issue if I can. The Department of Transport, Tourism and Sport has records of engagement with the EPA, which are being considered as part of a recent FOI request to my Department. In 2017, officials of my Department attended a meeting hosted by the Department of Housing, Planning and Local Government. Officials of the Department of Communications,

Climate Change and Environment and its agency, the EPA, participated in the noise regulation aspect of the meeting. There was further correspondence and engagement between my Department and the Department of Communications, Climate Action and Environment throughout the development of the Bill in 2018, including further consideration of the EPA as the competent authority.

Acting Chairman (Deputy Bernard J. Durkan): Amendment No. 1 arises out of committee proceedings. Amendments Nos. 1, 5, 6, 46 and 85 are related and may be discussed together.

Deputy Ruth Coppinger: I move amendment No. 1:

In page 6, between lines 8 and 9, to insert the following:

“ “Balanced Approach” means both the International Civil Aviation Organisation’s (ICAO) agreed hierarchy of measures designated to reduce the adverse impact of aircraft noise on those living in the vicinity of an airport and the recommendations for aircraft noise published in the World Health Organisation’s report Night Noise Guidelines for Europe 2018;”.

This amendment and the wider grouping relate to the level of noise that constitutes noise pollution. I welcome residents of Dublin Fingal to the Public Gallery. As the Minister can see, this is a significant issue for people who live near Dublin Airport. Some of the points addressed by the amendments were originally made on Second and Committee Stages. Residents had hoped that the Minister would incorporate some of our requests in the Bill. Many will find it strange to discover that he is not concerned with using the most up-to-date standards.

The amendments seek a balanced approach incorporating the World Health Organization, WHO, guidelines on noise pollution. It has emphasised the impact of noise pollution, particularly night flights, on the health of local residents. Although most residents want the airport to expand and be developed, they are unable to open their windows at night or in the early morning because of the increased usage of flight paths over their houses.

Noise pollution is the second most dangerous environmental hazard to people’s health. This is not likely to be taken for granted. The health effects can put an intolerable strain on health-care systems and lead to loss of productivity among workers whose sleep is disturbed and health affected. The amendment simply requests that a balanced approach taking account of the WHO guidelines be incorporated into the legislation.

I suspect that the Minister is putting the interests of commerce and businesses above people’s health. The noise mapping carried out indicates that areas of my constituency of Dublin West such as Tyrrelstown, Hollystown, Hollywoodrath, Mulhuddart and The Ward are significantly impacted by this problem, as are parts of Dublin Fingal. The residents are asking the Minister to accept that their health is as important as the ability of planes to traverse the skies. I do not know why he is being so stubborn on this issue. One would think that he would want people’s health to be taken into consideration but it seems that airline profits are to be put above the health of residents. Nobody is asking for flights to end but, rather, that the WHO guidelines be taken into account. One of the noise maps indicates that readings more than 10 dB above what WHO recommended levels are a regular feature for residents of Tyrrellstown and Hollywoodrath. Many Deputies pointed out on Committee Stage that it is not in the interests of travellers to have flights at all hours of the day and night. This issue can be managed. I ask the Minister to take on board the points I have made.

Acting Chairman (Deputy Bernard J. Durkan): If no other Deputies are offering, I call the Minister.

Deputy Clare Daly: I would like to hear what the Minister has to say before I address the amendments.

Deputy Shane Ross: I wish to acknowledge the contributions aimed at improving the Bill made by Opposition Deputies, including Deputy Coppinger and others present, on and since Committee Stage. We did not agree on everything but we agreed on quite a lot. I am sure that will become clear on this Stage. It is a better Bill as a result of the robust debate and amendments made on Committee Stage. I hope that the amendments I have tabled on Report Stage, most of which are in direct response to issues raised by Deputies, will improve it further.

I wish to extend a welcome to the residents of Fingal who are in the Public Gallery. I very much enjoyed the many enlightening meetings I had with them, which gave me a full understanding of the difficulties in which they find themselves. I hope that, when enacted, the Bill will address many of their worries, problems and stresses. I hope that it will pass through the Dáil this evening or as soon as possible. I acknowledge that aircraft noise is an important issue for them, their families and their community. It has a direct impact on their daily lives and they are rightly here tonight seeking that the Dáil provides, through the Bill, for a fair and open system for regulating noise at Dublin Airport.

I hope that, as a result of the debate and the process in which we will engage tonight, Members will see that what is proposed in this Bill provides them with a robust, transparent and accessible regulatory system that will for the first time impose significant regulatory discipline on noise management at Dublin Airport.

As I outlined on Committee Stage, the purpose of the Bill is to make provision for the implementation of EU Regulation No. 598/2014. As Deputy Clare Daly pointed out in her amendment, and as Deputy Coppinger also pointed out, the EU Commission has outlined after Annexe II of EU Regulation No. 598/2014 that, based on the work the WHO is currently undertaking regarding the methodology to assess the health implications of the noise impact, the Commission intends to review Annexe III to the 2002 directive. EU Regulation No. 598/2014 requires the competent authority to carry out any noise assessment in line with the noise directive of 2002. Therefore, any such update to that directive to take into account WHO guidelines will directly impact the need for the competent authority to have regard to such updated requirements. It is at EU level that this change must be made to ensure a consistent approach to mitigating noise across member states. It would be inappropriate for Ireland to second-guess this work and pre-empt any decision at European level.

The approach to aircraft noise mitigation set out in EU Regulation No. 598/2014 is based entirely around the so-called balanced approach developed by the United Nations International Civil Aviation Organization. These amendments have the effect of amending this approach, and it is not permissible to try to redefine the balanced approach or, indeed, include new criteria to which the competent authority should have regard. This would constitute the setting out of new targets outside what EU Regulation No. 598/2014 dictates. For that reason, these amendments are not workable and, regrettably, I cannot accept them. I have, however, listened to the concerns of all the Deputies who made proposals on this matter and who have rightly brought attention to the importance of taking into account the impact of noise on people's health. As stated on Committee Stage, we are all in agreement on this point. I understand that my Depart-

ment followed up after Committee Stage to explain how and the extent to which health issues are embedded in EU Regulation No. 598/2014 and its associated EU directives and regulations. While I cannot accept the amendments, which are unworkable, I will later move on an amendment to ensure the importance of assessing health in the context of noise is more clearly reflected in the Bill.

Deputy Robert Troy: We have put forward an amendment and we did so following extensive debate on Committee Stage and, subsequently, in consultation with the officials. The Minister made a commitment to my colleague Deputy Darragh O'Brien and to Deputy Clare Daly on Committee Stage that he would make explicit reference to the new guidelines of the WHO. Based on that, we were happy to withdraw our amendments on Committee Stage but we indicated we would be resubmitting them on Report Stage, which we have done. Having listened to the Minister's reply to Deputy Coppinger, however, I am none the wiser about how he intends, in his amendment, to deal with the concerns raised over the reference to the WHO's new guidelines. I am conscious that these guidelines were issued subsequent to the EU directive. Had they been out in advance, I have no doubt they would have been explicitly outlined. They are outlined in the statement of the Commission on the revision of Directive No. 2002/249/EC. Based on the work the WHO is currently undertaking regarding the methodology to assess the health implications of the noise impact, the Commission intends to revise Annexe III to Directive No. 2002/249/EC. The Minister gave an indication that he would make a clear and explicit reference to the guidelines in the legislation. I hope he will honour his commitment.

Deputy Clare Daly: This group of amendments is incredibly important. We have to restate what we are talking about, that is, the devastating impact of noise on human health. This is a serious problem around the globe. It is recognised by the European Union as one estimated to cause between 30,000 and 50,000 premature deaths every year across the Union. To deal with this and its chronic health implications, the key measure is the environmental noise directive.

In response to our raising the need to have the WHO guidelines in the legislation, the Minister's answer is that we should not worry about them because they are already covered. This is based on the view that because of the anchoring in the directive, updating will occur as the regulation is updated and we do not need to specify the guidelines. Indeed, points were made to the effect that there is a technical reason one cannot make a specification and that the directive has to be copied down. I do not buy that. We need to be more specific in respect of this matter. We had briefings subsequent to Committee Stage that a number of us attended. Not everybody attended so some people might not be fully up to speed. I thank the Department officials for organising the briefings. With regard to the point that we should not worry about this matter and that the health impact is already covered, the first reason given as to why we should be reassured was that it is covered in recital 11 of EU Regulation No. 598/2014. Recitals, however, do not have the same legal effect as the body of the regulation and the directive itself. Therefore, relying on a recital does not give any legal comfort at all.

Deputy Troy is correct that there was a general agreement on Committee Stage that some formula of words would be taken into account that would give effect to the WHO guidelines. In fairness, scientists, those with our understanding and anybody dealing with this area knows this is the direction in which we need to be going. Why would we adapt something that is outdated?

An issue was raised by residents. I am not sure whether the point is accurate but the Minister might want to address it also. Clarity needs to be reached. There is a belief that needs to be explained, that is, that the Minister's amendments, which include a reference to SI 549, are

an attempt to water down or delay the application of any updating of the environmental noise directive of 2002. That point has been made and the Minister needs to address it. The fact that we are relying on the Minister's word that the WHO criteria is there is not really good enough.

The Minister might also explain the excuse to the effect that when we are transcribing a directive, we have to go about it in two ways. It has to be done a certain way if the directive refers to a member state and we have a certain leeway if it refers to the competent authority. We had the debate on Committee Stage as to whether things can be included or excluded or whether the regulations have to be covered by the letter of the law. The Minister needs to deal with that because I believe that Ireland, as a member state, is absolutely entitled to specify the criteria that the competent authority will be operating. I have two amendments in this group, the second of which, No. 85, requires that the competent authority would be directed to ensure that average exposure is reduced below 45 decibels and night exposure is below 40 decibels, such levels to be revised in accordance with the guidelines of the WHO. I want the Minister to deal with this. According to my reading of the briefing we got from the Minister's officials, my insertion of this amendment at that part of the Bill is not in contradiction with anything we are entitled to do. The fact that it has not been ruled out of order verifies that is the case. We are all saying the WHO guidelines are the criteria and we should put them in the legislation. We can put them in. Why would we expect our citizens to endure anything less than best practice? Best practice is adhering to those levels.

It is interesting to note that it is not just us saying this. Correspondence between some senior planners in Fingal County Council from three years ago has been released. As part of the county council's deliberations of the inner and outer noise zones at Dublin Airport as far back as 2016, the correspondence refers to discussions that were ongoing at that time with the WHO which were expected to be published soon. That was three years ago. The correspondence refers to lots of evidence about how there can be adverse health impacts and, as such, the WHO should be considered and taken into account in the Bill when published. We just want to ensure that happens. Everybody wants to ensure that and, if it is definitely covered, why can we not specify it?

The technical drafting objections which were used on Committee Stage as to why we could not insert it in the area I then inserted it are overcome by where I am now inserting it with amendment No. 85. I deliberately specified that point. It is absolutely critical.

Is it not criminal that we are here in 2019 when we know that the noise directives at European level were revised and amended by the WHO in 2009? It talked about these levels ten years ago. There are people who have to go home tonight and who are being offered paltry buy-outs and inadequate insulation to endure levels way beyond those in the directive. It is not good enough. We need the WHO guidelines specified in the Bill. There is no contradiction and if the Minister is saying that it is already covered, then there is no harm in specifying it.

Deputy Brendan Ryan: There was unanimity on Committee Stage that it is essential that the latest body of work that is carried out in the area of airport noise is captured in some way in this legislation that we are now passing in 2019. It would be scandalous if this legislation passed without incorporating that body of knowledge from the WHO in some way. We all talked about it on Committee Stage, not necessarily in the context of the balanced approach, but there needs to be reference in some way within the legislation to the competent authority taking on-board noise issues at the airport.

The Minister indicated that he will have an amendment later on that is somehow going to deal with health issues. Can he indicate the amendment to which he was referring?

Deputy Dessie Ellis: The WHO has made it clear that the second most significant environmental cause of ill health is noise levels. It also says that there are 10,000 cases of premature deaths in Europe as a result and almost 20 million adults are affected. It also says that 8 million people suffer sleep disturbance. That, in itself, tells us the seriousness of the problem in dealing with noise.

I am not sure what the Minister is saying he will introduce to address this. It is important that he spells out clearly to us what he intends to do because there are many things that residents are affected by. I pass by the protest in St. Margaret's and I go through Swords a couple of times a week. The residents in those areas are badly affected and we have to spell out to them what we are going to do to lessen the noise. We have to show them how we are going to deal with it.

The Minister stated that he will not accept any of these amendments but he should clearly spell out what he is going to do. He should not just say that he is going to do something. It is not clear to us and it is important that he spells out what he is going to do.

Deputy Shane Ross: I fully understand the Deputies' anxiety about references to health. There is no disagreement about this at all. The Deputies are right that we did state that we would make a reference to health in the Bill. There may be some misunderstanding here. I am providing specific reference to health later in the Bill. Deputy Brendan Ryan asked which amendments that is in and it is amendments Nos. 59, 78 and 79. They refer specifically to health, as promised.

On the specific amendments under discussion now, I have a strong legal opinion on this and I have to regard to it. This Bill has to work properly. This is a legal point and there is absolutely no sound legal basis for specifically referencing the WHO guidelines. That is why I cannot accept the amendments but the Deputies will be aware of those other amendments we will come to later in the Bill, or if they are not, I refer them to those now.

Deputy Robert Troy: Can the Minister repeat the numbers of the amendments to which he is referring?

Deputy Shane Ross: They are amendments Nos. 59, 78 and 79.

Deputy Ruth Coppinger: It is extremely frustrating for residents that the Minister does not even seem to bother offering a good reason as to why he will not include this in the legislation. He has not even tried to formulate a reason, he has just said that he will incorporate it later.

A number of the residents who are in the Public Gallery have done a lot of research on the topic because they have to. Their lives are extremely impacted upon by the airport. One of the residents monitored early morning flights, and these amendments are really getting at night and early morning flights and the impact on health. There were 71 departures from Dublin Airport between 4.45 a.m. and 6.50 a.m. on Monday. That is a time when people are trying to sleep, and need to sleep. That number will only increase if a new runway is introduced. That is the point and that is why people want health to be a consideration in the enhancement and development of the airport and this legislation.

The impact on business travellers if too many restrictions are applied is one of the matters

that have been mentioned. However, it has been ascertained that most of these flights are for ordinary holiday travel and not business. Accordingly, it is an erroneous reason.

All of the statistics about the WHO have been given. The Minister, however, does not seem to be in any way interested. He is putting the unrestricted profit-making of airlines above the interests of residents. Nobody has said flights should stop. However, residents want the basic health impact to be recognised as a key component in legislation. The Dublin Airport Authority, DAA, has made it clear that it will increase these early morning and night flights. Residents just want a simple recognition that health has to be a factor in this legislation. The arrogant way the Minister does not even bother coming up with answers is incredible.

Acting Chairman (Deputy Bernard J. Durkan): There is space for any Member who wishes to make a two-minute intervention at this stage. The Minister will have one opportunity to reply and then Deputy Coppinger will have an option for a two-minute response.

Deputy Robert Troy: Can we hear the Minister respond before making a further intervention?

Acting Chairman (Deputy Bernard J. Durkan): I allowed a facility for Deputy Clare Daly to raise a question at the beginning. It is up to the Members.

Deputy Clare Daly: I had asked a specific question and it would have been helpful if the Minister had answered it.

Acting Chairman (Deputy Bernard J. Durkan): The Minister can note the question and reply to it.

Deputy Clare Daly: I have asked it. If I ask it again, then we are eating up time.

Acting Chairman (Deputy Bernard J. Durkan): There is no problem. Those are the rules and I cannot change them. If we break that, then we go off on another tangent, that will be out of order. I am not going to encourage that.

Deputy Clare Daly: We have to be honest and balanced. I do not believe any Member here does not care about health. This regulation is built on a framework designed to protect human health. I agree with that. I accept that the supporting background to this directive is based on noise protective measures which have a benefit for health.

If that is correct, why are we not specifying that in a tighter format? That is all that is being asked for in these amendments. The Minister has said this has to be seen in tandem with EU Regulation No. 598/2014, the 2002 environmental noise directive and the European noise regulations implementing that directive, including the updated reference. If they are in place and the latter makes reference to the WHO findings, what is wrong with putting that in the legislation? I have not heard a reason for this.

The Minister did not answer the question I asked earlier. There is a belief among residents that his alternative to referencing health and the amendments he quoted to Deputy Troy are a tactic to delay the implementation of any updating of the environmental noise directive. By referencing SI 549/2018, the Minister is allowing a delay in the implementation of the updating of the directive, which would take account of the WHO findings. Will the Minister clarify this? Will he explain the legal impediments to our amendments? If there were, we would have heard the Attorney General has ruled them out of order, which he has not.

Deputy Catherine Murphy: I concur with the Deputy on this. The impression before he became Minister was that he would go through brick walls to resolve issues, be tough taking on the Department and be on the side of the residents in getting the optimum resolution. His responses to these amendments, however, seem wimpy. It seems the Department told him he could not accept them and that was it. Will he give us chapter and verse as to why he cannot accept these amendments? What is the impediment to accepting them?

It is not a question of insulating people's houses against aircraft noise. People have back gardens and other recreational spaces. I live besides Weston Airport and in the summer we have small aircraft zooming over our heads every two minutes. Large aircraft taking off and landing late at night and early in the morning at Dublin Airport will make it pretty much impossible for people to enjoy their homes, gardens and so forth. The optimum protection should apply in this case.

Why is there is such resistance to it? I would appreciate if the Minister could explain what efforts he has made and fights he has had, if any, to see if these amendments can be accepted. It is not obvious that this is a good way to go with this legislation.

Acting Chairman (Deputy Bernard J. Durkan): When the Minister replies, no other Member can come in expect Deputy Coppinger who moved the amendment. As Deputy Clare Daly will move the next amendment, she will have the right to speak three times to it as Deputy Coppinger has to the first amendment.

Deputy Robert Troy: We have to acknowledge that EU Regulation No 598/2014 states "sustainable development of air transport requires the introduction of measures aimed at reducing the noise impact from aircraft at Union airports". It also states: "The importance of health aspects needs to be recognised in relation to noise problems, and it is therefore important that those aspects be taken into consideration in a consistent manner at all airports when a decision is taken on noise abatement objectives". We acknowledge this is a critical part of the EU regulation.

We want to ensure that we do not compromise the Bill, ensure it is robust and not subject to legal challenge. I would appreciate if the Minister would clearly outline why he cannot accept these amendments. The regulation itself states: "Based on work the WHO is currently undertaking regarding the methodology to assess health implications of the noise impact, the Commission intends to revise Annex III to Directive 2002/49/ EC." The only reason in my mind that it is not clearly outlined in these regulations is because the work has not been completed.

We have been more than co-operative in terms of scheduling and working with the Minister on Committee Stage to bring forward amendments which will improve this legislation. While I accept the Minister has taken on board amendments and referred to environmental noise regulations, will he clarify that this is not a delaying measure? Will he accept these amendments will give effect to what Members across the political divide are seeking to achieve?

Deputy Shane Ross: I am not sure if I did not get this through the first time. I cannot introduce this amendment because on legal advice it is impossible and it would negate the Bill. This is introducing an EU regulation which cannot be changed in this way. Were I to do this, the Bill just would not work.

I have tried to meet - which I think we have done - what Deputies Troy, Pottinger and Clare Daly referred to-----

Deputy Ruth Coppinger: Coppinger.

Deputy Shane Ross: -----the need to protect the health-----

Deputy Ruth Coppinger: My name is Coppinger.

Deputy Shane Ross: I am sorry; I have said that before. I apologise.

Deputy Ruth Coppinger: It has taken the Minister a while.

Deputy Shane Ross: I apologise.

I am trying to meet the health needs of the residents as far as I can. The Deputies should not ask me to introduce something that takes away the meaning or text of EU Regulation 598/2014, because if I do not implement the directive in full and as it stands, I would not be fulfilling the requirements of our obligations to the EU. That has to happen; that is the way it has to be.

I have moved as far as I possibly can within the legal context in which I am allowed to have wriggle room to meet the requirements of the residents and indeed of the Opposition. That is done in good faith. As the Deputies know, there has been considerable toing and froing to accommodate people. We cannot accommodate them by actually breaking the regulation and we will not do that, but we have gone as far as we can in amendments Nos. 59, 78 and 79, I think, to meet those requirements.

I do not accept somehow I have taken the commercial role rather than the role of the residents; that is not the case at all. I have gone a long way - Deputy Coppinger should acknowledge this - in meeting the residents to understand what they have to say and to accommodate them. Every residents' association - perhaps bar one, but I am not sure if that is true - that has requested a meeting has been given a hearing by me. Their views have been conveyed to the DAA and anybody else involved specifically because I value their lifestyle. I value their right to have as little noise as possible and I respect what they stand for, their feelings and the stress this causes them.

We must also, however, implement the EU directive. There must not be an assumption that just because we are implementing an EU directive on noise we are somehow trying to be on one side or the other. We are trying to introduce a balanced regime and take a balanced approach. That includes the requirements of health.

Acting Chairman (Deputy Bernard J. Durkan): I now-----

Deputy Clare Daly: On a point of order, the Minister has talked about illegality. That is patent nonsense. If our amendments were illegal, they would have been ruled out of order.

Acting Chairman (Deputy Bernard J. Durkan): Hold on-----

Deputy Clare Daly: We are entitled to table these amendments.

Acting Chairman (Deputy Bernard J. Durkan): Okay.

Deputy Clare Daly: The Minister, himself, is amending the directive. To say it is not lawful for us to amend it is patently wrong and should not be allowed to stand.

Acting Chairman (Deputy Bernard J. Durkan): I allowed a certain latitude for both the

questions and the response-----

Deputy Clare Daly: The Minister did not answer the questions which would have helped.

Acting Chairman (Deputy Bernard J. Durkan): -----because of the sensitivity of the issue. The only person who may speak a third time is the Member who moved the amendment, Deputy Coppinger, in reply to the debate.

Deputy Ruth Coppinger: If we look at this practically, it seems that every party has indicated it will support this group of amendments. I will be calling a vote on my amendment and I am sure others may do so on theirs. That is the best way to sort out this because we will not change the Minister's mind. Hopefully, if Fianna Fáil mobilises its forces, along with other parties, we will win the vote.

Amendment put:

<i>The Dáil divided: Tá, 33; Níl, 44; Staon, 10.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Barry, Mick.</i>	<i>Bailey, Maria.</i>	<i>Brassil, John.</i>
<i>Brady, John.</i>	<i>Brophy, Colm.</i>	<i>Cassells, Shane.</i>
<i>Broughan, Thomas P.</i>	<i>Bruton, Richard.</i>	<i>Chambers, Lisa.</i>
<i>Buckley, Pat.</i>	<i>Burke, Peter.</i>	<i>Fleming, Sean.</i>
<i>Collins, Joan.</i>	<i>Byrne, Catherine.</i>	<i>Martin, Micheál.</i>
<i>Collins, Michael.</i>	<i>Canney, Seán.</i>	<i>McGrath, Michael.</i>
<i>Connolly, Catherine.</i>	<i>Carey, Joe.</i>	<i>Moynihan, Aindrias.</i>
<i>Coppinger, Ruth.</i>	<i>Corcoran Kennedy, Marcella.</i>	<i>Moynihan, Michael.</i>
<i>Cullinane, David.</i>	<i>Coveney, Simon.</i>	<i>Rabbitte, Anne.</i>
<i>Daly, Clare.</i>	<i>D'Arcy, Michael.</i>	<i>Troy, Robert.</i>
<i>Doherty, Pearse.</i>	<i>Daly, Jim.</i>	
<i>Ellis, Dessie.</i>	<i>Deering, Pat.</i>	
<i>Ferris, Martin.</i>	<i>Doherty, Regina.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Donohoe, Paschal.</i>	
<i>Funchion, Kathleen.</i>	<i>Durkan, Bernard J.</i>	
<i>Howlin, Brendan.</i>	<i>English, Damien.</i>	
<i>Kelly, Alan.</i>	<i>Farrell, Alan.</i>	
<i>Kenny, Martin.</i>	<i>Fitzgerald, Frances.</i>	
<i>Mitchell, Denise.</i>	<i>Griffin, Brendan.</i>	
<i>Murphy, Catherine.</i>	<i>Halligan, John.</i>	
<i>O'Reilly, Louise.</i>	<i>Harris, Simon.</i>	
<i>O'Sullivan, Jan.</i>	<i>Heydon, Martin.</i>	
<i>O'Sullivan, Maureen.</i>	<i>Humphreys, Heather.</i>	
<i>Ó Broin, Eoin.</i>	<i>Kehoe, Paul.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Kyne, Seán.</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>Madigan, Josepha.</i>	
<i>Penrose, Willie.</i>	<i>McEntee, Helen.</i>	

<i>Pringle, Thomas.</i>	<i>McGrath, Finian.</i>	
<i>Quinlivan, Maurice.</i>	<i>McHugh, Joe.</i>	
<i>Ryan, Brendan.</i>	<i>McLoughlin, Tony.</i>	
<i>Sherlock, Sean.</i>	<i>Mitchell O'Connor, Mary.</i>	
<i>Stanley, Brian.</i>	<i>Moran, Kevin Boxer.</i>	
<i>Wallace, Mick.</i>	<i>Murphy, Eoghan.</i>	
	<i>Naughten, Denis.</i>	
	<i>Naughton, Hildegard.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>O'Connell, Kate.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Ring, Michael.</i>	
	<i>Rock, Noel.</i>	
	<i>Ross, Shane.</i>	
	<i>Stanton, David.</i>	
	<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Ruth Coppinger and Thomas P. Broughan; Níl, Deputies Seán Kyne and Tony McLoughlin.

Amendment declared lost.

Acting Chairman Deputy Bernard J. Durkan: Amendments Nos. 2 to 4, inclusive, Nos. 7 to 40, inclusive, and Nos. 49, 50 and 100 are related and will be discussed together, by agreement of the House.

Deputy Clare Daly: I move amendment No. 2:

In page 6, between lines 9 and 10, to insert the following:

“ “CAR” means the Commission for Aviation Regulation;”.

This is the heart of the debate for many people. This is the section that deals with the organisation that will assume the task of competent authority to regulate aircraft noise and all of the impacts of it and so it is critically important. The Government has decided to award that task to Fingal County Council, a decision which has been universally objected to by every residents' group impacted by aircraft noise and was not campaigned for by Fingal County Council. The DAA, on paper at least, has said that it does not care who does the job as long as somebody does it.

The most obvious point made by so many citizens is that Fingal County Council could not undertake this task. The fact that it is being given this task flies in the face of what has been done by other EU jurisdictions in this regard. Let us recap: eight member states do not need a regulator; eight others have designated the Irish Aviation Authority, IAA, equivalent as their regulator; five have designated a government Department; two have designated multiple bodies; two have not yet made a decision; and three, according to the Minister, Deputy Ross, have designated one or more local, regional or federal authority as the competent authority. Ireland is lumped in with Germany and the UK, but the devil is in the detail because no member state,

including the UK and Germany, has designated to one local authority. Ireland as the only country to do so is an outlier.

There is good reason other member states have not done this but there is a particularly good reason in the Irish context, namely, the over-reliance of Fingal County Council on the rate base of the DAA, not to mention the fact that the council has no expertise in regard to noise. In saying that Fingal County Council is not appropriate, we are proposing an alternative. That alternative, supported by most of the Opposition - hopefully, all of the Opposition when it comes to a vote - is the Commission for Aviation Regulation, CAR. I put it to the Minister that his assessment in the briefings we got that the Commission for Aviation Regulation is not suitable because it does not have any expertise, capacity or an organisational framework, was not a correct assessment of the Commission for Aviation Regulation. It is an assessment in the present and does not take into account the decision made by Government in 2017 which will result in the break up of the IAA such that we will have one regulator in this State for the aviation sector, as we should. The CAR will become that regulator. It is utterly ridiculous that we would set up a regulatory body and not give over to that body one of the biggest functions of regulation. That is utter lunacy.

I agree there are serious problems with the IAA. It is true that it has a high level of expertise and employee engagement that would be suitable to this task but its current format in terms of its commercial and regulatory remit makes it unsuitable. Somebody said to me last week that it is like asking the Hutchins and Kinahans to take responsibility for Garda overtime. This is the oversight we have currently in terms of aviation.

I support the Minister's call to break up the IAA and to remove its regulatory function. Yesterday, in a reply to a question the Minister told me that work in regard to the IAA is well under way and that there is a high level team working on it. It is true that new legislation would be necessary to give the CAR a more enhanced basis but that would not delay this function moving to it. This function is an occupation of this piece of legislation. We can designate this regulatory function in advance to the CAR on the basis that, as the Minister told me yesterday, the high level group will have the assessment on the break up of the IAA and the transfer of its functions to the CAR done by the summer. The takes away from the argument being put forward by Fianna Fáil that Fingal County Council should be the fall-back position. A fall-back position is the position one takes when one loses one's main goal. I take it from that that Fianna Fáil will be supporting the CAR as the competent authority. If not, then Fingal County Council is not the fall-back position and it is putting forward the council with a caveat. To me, that is not what residents want.

The only excuse I have heard in terms of what I have proposed is that it would delay the process. I have heard no argument that validates that position. Why would it delay the process? The dogs in the street know that Fingal County Council does not have the expertise to carry out this function. Everybody knows that that expertise will have to be bought in in the short term regardless of what body is designated the competent authority. The idea that that expertise can be contained within Fingal County Council based on the salary scales and staff breakdown which the Minister's office gave us in committee is utterly ludicrous. This is not a format that will suit a regulatory function of this character given the substantial interests at stake.

I appeal to Fianna Fáil to stand with the rest of the Opposition and support the CAR as the best alternative because Fingal County Council does not wash with anybody in the area. I say that with no disrespect to anybody in Fingal County Council. A local authority is a different

type of body with a different set up. There is a reason no other country in Europe has done this. A local authority is not suitable. This is being done for political expediency. This is not good enough when it comes to legislation that will have to operate into the future. If there was a slight delay in terms of what I am proposing - I do not accept there would be - it would be a price worth paying given that the Department delayed and dragged its heels for years on this issue. This is completely unacceptable. I strongly recommend the CAR as the competent authority.

Deputy Thomas P. Broughan: I am very sympathetic to the viewpoint expressed by my colleague, Deputy Clare Daly, in regard to the designation of the CAR as the competent authority. When I first reviewed this Bill I felt that a truly independent regulator would be the Environmental Protection Agency, EPA. As the Minister knows, the EPA already has a very strong role in regard to noise regulation and powers in regard to the licensing of organisations in regard to noise.

I reminded the Minister on Second Stage that when he was in Seanad Éireann, and in opposition in this House, he fulminated against weak regulators, against regulators that had been captured by companies that they were supposed to regulate, and against regulators who could not be independent in their function. However, the Minister comes to us here again tonight with this Bill on Report Stage, and is going to follow a course of action that will produce exactly that same impact. I live in Fingal and represent constituents in that area. I have a high regard for officials in Fingal County Council but the reality is that the organisation would simply be too heavily compromised. There is a very intense conflict of interest here which has to be recognised. The Minister reminded me, again on Second Stage, that 8% of Fingal County Council's total income comes directly from the DAA.

We have put a figure to the Minister, where residents of St. Margaret's and north County Dublin generally, said that the companies and ancillary businesses, logistics companies, hotels and all of the other businesses in the airport region who are such a fundamental part of the area amount to at least 20% of the area's business. If Fingal was a country rather than a county, a huge portion of its GDP would be provided by the airport.

A fundamental principle is being violated here. It goes against what the Minister said throughout most of his own political career regarding regulation, particularly financial regulation. Regulators have to be vigorously independent and not be totally captured by the companies they regulate.

There was also concern that Fingal County Council would have to raise the funding. Residents and constituents brought this to our attention. At present the resources of Fingal County Council, as revealed by a freedom of information request, are such that only three staff are involved in noise regulation: a principal health officer and two environmental health officers. However, they would be given a massive additional task. The Minister will say that the Bill proposes a series of levies which Fingal County Council would impose on the DAA in order to provide this function. That makes the point once more that the county council is too dependent on this organisation. Given the intertwined and dependent relationship between Fingal County Council and the DAA, it is impossible that the Minister should be embarking on this course of action.

I also mentioned in my Second Stage speech that a reasonable case had been made for the Commission for Aviation Regulation. I will support that proposal with colleagues with regard

to the role of the CAR since the passing of the Aviation Regulation Act 2001. When one looks at Directive 598, it states that the competent authority responsible for adopting noise-related operating restrictions should be independent of any organisation involved in the airport's operation, air transport and air navigation services. There are a wide range of tasks that the CAR would have an interest in, and to which this responsibility would be added. I agree with colleagues in this regard.

When I first looked at this legislation I felt we needed a truly independent organisation. I felt that the Environmental Protection Agency, properly beefed up, would be able to fulfil that function. The key problem in this area is the fragmented nature of noise regulation. Deputy Clare Daly reminded us earlier of the 40 and 45 decibel levels which are in the World Health Organization guidelines, which I fully support and voted for with Deputy Coppinger. One of our problems is that we have this fragmentation of noise regulation. County councils like Fingal County Council, often with very small staff numbers, are asked to carry out a significant range of functions regarding noise, including noise from construction, commercial bodies, neighbourhood noise, barking dogs and so on. We have long-needed a consolidated Bill. In a previous Dáil, the former Deputy Cuffe of the Green Party brought forward such a Bill. The idea of such a Bill would ultimately have been to have a truly independent noise regulator. SI 178/1994 gave the EPA powers, linking it through the District Court process, in the whole area of noise. If one looks across other jurisdictions, like the United States or Sweden, it tends to be a broadly-based environmental agency that has this power.

I believe the Minister is on the wrong course in this regard. He is putting a duty on the county council which will leave it hopelessly compromised between discharging its duties to its own future financial and economic viability and its duties to the population, the 300,000 people of Fingal, especially the thousands who live on the flight paths, including in my own constituency in Dublin Bay North. The county council is being put into a hopelessly conflicted position. I urge the Minister to look again at this issue and to accept what most colleagues, and many of the airport's immediate neighbours, would like, namely, that the Commission for Aviation Regulation would be the regulator.

I wish to point out that amendment No. 100 concerns a three-year review of the Act. Other colleagues may have tabled amendments in that regard. We are used to three-year reviews. During discussion on the Health (Regulation of Termination of Pregnancy) Bill, we had a debate as to whether it would be five years or three years. On the Mental Health Act we had the same debate as to whether it was ten or five years. I urge the Minister that we could do this in order to do justice to the immediate neighbours of the airport and to us all. We could place the invigilation of Fingal County Council, if it gets through this process, under a review process after a maximum of three years.

Acting Chairman (Deputy Bernard J. Durkan): I call Deputies Ellis, Brendan Ryan and Catherine Murphy in that order.

Deputy Dessie Ellis: Gabhaim buíochas leis an gCathaoirleach Gníomhach. Amendment No. 12, tabled by Deputy Munster, is similar to the amendment tabled by Deputy Clare Daly and others. This is an amendment replacing Fingal County Council with the Commission for Aviation Regulation. Fingal County Council is not an appropriate authority to carry out this function. It was chosen in a hurry because the Minister left it too late to bring in a competent authority for noise regulation. The deadline was therefore missed when the Minister realised that the Irish Aviation Authority was not going to be permitted to carry out the function because

it failed the independence tests. It is a little surprising that Fingal County Council passed the independence tests, as it is paid rates by the airport. We should be moving away from the practice of having bodies regulate entities they rely upon for their income.

It is the same with the Irish Aviation Authority and safety regulation, although apparently legislation is due which will break up the IAA for that very reason. If it is not appropriate in the case of the IAA and civil aviation regulation, why should it be allowed in the case of Fingal County Council and the regulation of noise? Neither the CAR nor Fingal County Council have the relevant experience as of now. The CAR is going to be taking up an additional function in the regulation of civil aviation. It makes perfect sense that it would also regulate noise. It does not inspire confidence that Fingal County Council would be the regulator. It is not transparent or appropriate. It is clear that this was a rushed job because the Minister missed the deadline set by the EU. I am urging Fianna Fáil and Fine Gael members of the committee to reconsider this and to vote with myself and others who have submitted amendments calling for the CAR to be the competent authority. Local residents have expressed opposition to Fingal County Council becoming the regulator. These people's lives will be affected by the decisions taken. It is important that the regulator has the confidence of all stakeholders. Local residents feel that they have been left out of this entire process. We need to ensure that their very valid concerns are listened to.

There is also the matter of the conditions attached to planning permission for the new runway at the airport. Residents are concerned that Fingal County Council might remove current flight restrictions. Fingal County Council is paid by the airport and is the local authority also, which means that there are concerns around independence.

I urge the Minister, Fine Gael and Fianna Fáil to seriously consider changing the regulator. If we are to do this, we should do it properly.

Deputy Brendan Ryan: We are here late on a Wednesday evening and there are people in the Gallery who have made the journey in from St. Margaret's, Portmarnock, Swords and Malahide to listen to a debate on very important legislation. I have no problem whatsoever with Members coming in here to argue their point and make a serious argument in the direction in which they are intending to vote. However, what we have seen already tonight, and I hope we will not be wasting our time for the whole debate, is Members stand up and argue a particular position and then, at the vote, they sit on their hands. We might as well fold up our tents and go home if that is what we are going to witness for the rest of this debate tonight.

I have four amendments in this grouping, Nos. 2, 10, 14 and 49, which all propose to replace Fingal County Council with "CAR" - the Commission for Aviation Regulation. I am disappointed with the Minister. From parliamentary questions before the legislation was introduced, to Second Stage, to Committee Stage and on to Report Stage tonight, I had hoped the Minister would be listening. The Minister will say he is listening and he has listened to residents, but he has ignored residents and has ignored the views of Opposition Deputies, who are only making the points they are making because they genuinely feel he is doing the wrong thing.

Fingal County Council is not sufficiently independent. Apart from it being an economic partner of the DAA, apart from it receiving serious rates income from the DAA and apart from the conflict of interest that results from this, a further result of this legislation would be the need for Chinese walls so people do not talk to one another in Fingal County Council. It is absurd and it is unacceptable for residents.

Apart from the issues about finance and so on, there are two references we have dealt with before that I will deal with again tonight because it is important we lay it out. These are two references from EU Regulation No. 598/2014 and they demonstrate that the proposal to have Fingal County Council as the competent authority does not meet the independence test. Recital No. 13 of the regulation, which we are bringing into Irish law, states:

The competent authority responsible for adopting noise-related operating restrictions should be independent of any organisation involved in the airport's operation, air transport or air navigation service provision, or representing the interests thereof and of the residents living in the vicinity of the airport. This should not be understood as requiring Member States to modify their administrative structures...

Article 3.2 provides that:

The competent authorities shall be independent of any organisation which could be affected by noise-related action. That independence may be achieved through a functional separation.

It could not be clearer. I talked at length on Second Stage about functional separation, which is a piece of EU jargon. The best-known example is the ESB, which is true functional separation. EirGrid is only concerned with the grid, Electric Ireland with sales and the ESB with generation. None of these three functionally separate entities has mixed or overlapping functions. In the case of Fingal County Council, however, the CEO of the council is to be given certain functions, which he is to perform without direction from the council. At the same time, he is to remain as CEO of the council and that will continue to be his day job.

The legal advice we have received is that if this Bill is enacted as proposed, there is a real risk of it being challenged before the European Court of Justice. The alternative we are proposing is that there should be an alternative competent authority. The Minister has definitely got it wrong. Although Deputy Broughan suggested the EPA as a possibility, we are united in our belief that the CAR is the best way forward. Fianna Fáil should come on board. We can achieve independence if we operate together and can achieve what the residents are rightly demanding.

Deputy Catherine Murphy: No one is saying there should not be regulation, including the DAA, which accepts regulation. As has been said, there is an urgency in this regard. This is precisely a situation where we can get things badly wrong. We are appalling at building institutions that are coherent. We have fragmentation and conflicts of interest all over the place. The Minister knows coherent regulation is critical and he knows that separation and independence are critical for good regulation.

It is not a question of doing something just to get something done or to have it in place because there is a timeline issue. It is important to get this right. There is no doubt there is a conflict, and we can see that conflict before anything is even adjudicated upon. I have commented on the issue of these Chinese walls in other regulation formats. There is this idea that people do not go to coffee together and have a chat, or that things do not come up in conversation. We might have one part of a local authority dealing, for example, with a planning application and, on the other side, dealing with an area where a regulation has to be applied to the same broad range of issues. To be honest, for most of us the jaw dropped when we heard there would not be a problem in regard to the local authority being the one to deal with regulation in this area.

The Minister knows the importance of proper regulation and I cannot believe it would not

have jumped out that this was going to be a problem. We are united in our opposition. I hope there is a way of dealing with this and that the Minister will listen. This is not going to work and it is not good regulation. Votes will be called on this and I will support the amendments. The Minister might reflect on whether there is another way to do this and decide that the CAR is the optimum way to go. I do not believe the local authority is appropriate or even that it is in the interests of the local authority to be the regulator.

Deputy Ruth Coppinger: The key issues in regard to Fingal County Council not being the competent authority for noise pollution are that it has a conflict of interest in regard to its rates reliance, it does not have the skills and it is not democratic in that it is not the full local authority involved but its CEO. I want to go through some of those points again with the Minister in the hope that he and other Members of the Independent Alliance, who are sitting together tonight and who would have been the voice against corruption and the voice of reason, will see that people have been putting forward a very reasoned argument. The first is the rates issue. As has been said, the idea that one can receive a significant amount of one's income from one source and be completely honest about that entity does not wash with anybody anymore. To give one example, when Fingal County Council gave permission to Aer Rianta to open up the northern runway, it received €21 million in that development transaction alone. Nobody is saying there is anything wrong with this; it is just a fact that it was reliant on it.

The Minister believes Fingal County Council is competent and has the skills. I will give him a few recent examples of where it was very light touch in protecting residents from noise from the airport. In December it presented a noise action plan to a full council meeting. I wish to refer to a few points about how it responded. The future impact of the northern runway which the council is meant to address in the plans was not included. On the number of dwellings that would be increased in terms of exposure to night-time noise - it was due to be increased by 380% - the council noted it. It did not state anything about it. It did not designate quiet areas, which was another function of the plan. It would not accept a motion from the Green Party on the acceptance of WHO guidelines. That was the debate we just had and the Minister did not accept it either. The council is meant to be independent, but it would not accept a motion in that regard from the Green Party. They are some of the examples from those who have been monitoring the approach of the council in its role of protecting citizens where it has not fulfilled its responsibilities. The EPA would be an appropriate competent authority as it now does noise mapping, but I am willing to go along with the consensus and speak with one voice with the other Deputies.

I invite the Minister to comment on the fact that Fingal County Council has not yet adhered to basic noise guidelines. It just does not wash that the council is competent to be completely in charge of that issue. On who would be competent, the EPA is one possibility. On Committee Stage, skulduggery in dealing with the issue was raised. The Department gave the impression that the EPA had no interest in the issue and did not want to be considered as the competent authority, but in replies to freedom of information requests we found the position to be otherwise. How does it sit with the Independent Alliance to be given very strange information in that regard? I am happy to concede that the Commission for Aviation Regulation would have more knowledge of aviation and be able to fulfil the role.

I wish to finish by commenting on the position of Fianna Fáil which, as others have said, will not go unremarked on. The party speaks as if it is with everybody and the residents, but in the crucial votes, one of which was on the WHO guidelines and now on this amendment, it must decide on which side it is. The party did not support the amendment on Committee Stage and I

do not know if it has changed its opinion, but it was extremely sly in the previous vote when it did not indicate any opposition to the amendment but then mobilised some Deputies who then abstained in the vote. It is most disappointing if residents are going to face a grand coalition of Fianna Fáil and Fine Gael on this issue. It seems that Fianna Fáil will huff and puff, but it will not blow the house down when needed. The amendment is critical and the Minister must listen to the points that have been made about Fingal County Council's role to date and inability to be independent. I was on the council for 11 years and what I say is not a reflection on anyone working in it in any way, shape or form, but it is impossible for it to be independent as it is too connected, in addition to the fact that its rate base and development levies are intrinsically linked with the airport.

Deputy Robert Troy: Will I wait to hear the Minister's reply before I make my contribution?

Acting Chairman (Deputy Bernard J. Durkan): The Deputy can make his first contribution at any time, but he can only make two interventions. When the Minister speaks for the second time, the only person who can speak after him is the mover of the motion.

Deputy Robert Troy: I realise I can contribute twice, but will I be able to speak for seven minutes after the Minister?

Acting Chairman (Deputy Bernard J. Durkan): Yes.

Deputy Shane Ross: The debate has been very useful. I acknowledge that there is a great deal of sincerity and merit in what many speakers have said, but I think they miss the point that it is very difficult to make changes to the Bill and that it is very difficult to accept many of the amendments because we are implementing an EU directive which we cannot change. We are now dealing with the most contentious issue, the one in which we do have a choice and we have made a choice. It has been our decision to appoint Fingal County Council as the noise regulator. I know from the debate that it is not popular in some quarters and understand the historical background to the perception, but that does not mean that the decision we have made is not the right call. As I made clear on Committee Stage, the regulatory process will be robust, rigorous and immune from inappropriate outside influence. The choice of Fingal County Council has been rigorously tested, including on points of law, and has withstood those tests. That is why I am holding firm on the decision which was made by the Government last year. Fingal County Council is the right choice and the Bill provides for a robust system of checks and balances which will ensure an open and transparent process that will fully appealable to an independent body in the form of An Bord Pleanála. Something that has been noticeably missing from the debate is an acknowledgement that there is a right of appeal to An Bord Pleanála which has full step-in regulatory powers.

The Bill is of significant national importance. The only viable option is availing of the full structure, experience and accountability of Fingal County Council. I am confident that the council will be a robust regulator and that, once in place, it will carry out the functions of the competent authority in an open and transparent manner. The Bill supports Ireland's connectivity and economic progress and provides a strong and independent regime to regulate noise levels at Dublin Airport to ensure residents' rights will be protected. I believe in the effectiveness of local government by local authorities. I believe giving Fingal County Council additional legal powers to regulate noise levels at Dublin Airport makes perfect sense. It is joined-up public administration and empowering local government. Allowing a local authority to make local

decisions is in the best interests of providing a readily accessible, fully transparent and locally accountable process for managing and monitoring noise levels at Dublin Airport. For these reasons, I will not be accepting the amendments.

The points the Deputies are making have some merit. Conflict of interest is one issue they have all raised. I accept that Fingal County Council receives 8% of the revenue. The Deputies are correct, but that means that 92% of revenue comes from elsewhere. For people such as Deputy Broughan, to use such rhetoric in this House as the regulator must not be totally captured by companies it regulates-----

Deputy Thomas P. Broughan: That is not what I said.

Deputy Shane Ross: The Deputy did say it.

Deputy Thomas P. Broughan: This is the Chamber for rhetoric.

Deputy Shane Ross: That is not total capture. I accept that the council receives 8% of its revenue from one source, but it must be acknowledged that it obtains 92% of its revenue from elsewhere.

Deputy Ruth Coppinger: It is still a major source.

Deputy Shane Ross: Let us not hype it up to an extent which is pretty well unacceptable. I accept the merits of what has been said about the IAA and the CAR. Everybody knows that the IAA was the first choice, but what happened was that the Attorney General was of the view that there was too big of a conflict of interest. We accepted this. We went elsewhere, where there was not a conflict of interest. As I said in my statement, that was legally tested. The Office of the Attorney General has deemed this to be an acceptable choice. The IAA was not deemed to be an acceptable choice because of the conflict of interest difficulties.

Deputy Clare Daly: No one is arguing for the IAA.

Deputy Ruth Coppinger: It should be the CAR.

Deputy Shane Ross: I ask Deputies to accept that this is the best choice. It is the best fit. When we look at some of the arguments about the EPA and the merits of having environmental or noise expertise, Fingal County Council wins hands down on those criteria.

Deputy Robert Troy: I welcome the opportunity to contribute to this debate and I remind Deputy Brendan Ryan that this EU regulation was introduced in June 2014 when his party was in government. That Government had 18 months in which to implement this measure. It could have implemented it and appointed any authority it wished if it had acted in those 18 months. Since becoming Fianna Fáil spokesperson in 2016, I have continuously raised this issue. We were told for 18 solid months that the IAA would be appointed the competent authority. It was only at the end of 2017 that the Minister said it was no longer legally feasible to do so and he would appoint a different competent authority, namely, Fingal County Council.

The Minister says he is simply implementing the EU directive, which means he is restricted in what he can do. The one thing he can do is make a decision on which body should be the competent authority. I have serious reservations about appointing Fingal County Council as the competent authority and have said the proposal to do so is out of sync with what other European countries are doing. The Minister has failed to share any of the Attorney General's advice or

any of the legal advice he has received. I have worked in committee for several months with him and his officials to try to improve the Bill and ensure it would provide independence. That is why we put forward the amendment providing for a director of the competent authority on a par with the CEO. The Minister said that is not workable and if we pushed the proposal, the Bill would fall. I ask him to contradict me if I am wrong, but I believe the reason he cannot do that is that civil servants are looking after themselves. They do not want to change the *status quo* in local government. That is the only reason they are not willing to accept our amendment.

Let us be honest. There is an urgent need for this legislation. The directive was put in place in 2014 and it is now 2019. We need an authority in place to give certainty, not only to the residents but also to the DAA.

Some of the previous speakers argued that Fingal County Council would be compromised because the DAA pays rates to the council. If that was the case, every local authority would be compromised in every decision it ever made. Local authorities would grant planning permissions willy-nilly to benefit from development levies and commercial rates. We are not saying that, however. Deputy Coppinger used the example of Aer Rianta and then said there was nothing wrong with that decision. One would wonder why she would use an example and then say there was nothing wrong with that decision.

Deputy Ruth Coppinger: The reason is it that it shows again-----

Deputy Robert Troy: I want to know what concrete actions the Minister is taking in his proposal to ensure independence. The regulation states:

Member States should ensure that such information is reliable, that it is obtained in a transparent manner and that it is accessible to competent authorities and stakeholders. Competent authorities should put in place the necessary monitoring tools.

What measures will be introduced to ensure openness and transparency for all stakeholders? When we compare Fingal County Council with the EPA and CAR, the two alternatives suggested, the former is subject to an appeals process under An Bord Pleanála and to judicial review. If stakeholders are not happy with a decision, they can appeal to An Bord Pleanála. Fingal County Council has a much broader mandate than either CAR or the EPA. It currently has powers under the Environmental Noise Regulations 2006. Those powers are not being utilised fully, and I want to know what will be done to ensure they are fully utilised. What will be done to ensure Fingal County Council is adequately resourced and has the necessary competent staff to ensure the residents' concerns are taken on board and dealt with in an open and transparent manner?

When colleagues refer to CAR as if it a great body that will be able to do this, they fail to acknowledge that it only has 20 staff. Similar to Fingal County Council, it would have to recruit to beef up its competencies and capabilities to do this work.

Deputy Ruth Coppinger: We have acknowledged that.

Deputy Robert Troy: At the moment, CAR simply regulates what happens if somebody misses a flight or staff at an airline go on strike. If a customer is looking for reimbursement, CAR will look after that. It also sets the rates for the airport. I do not believe it has the necessary capabilities either. If CAR was appointed, it would have to be beefed up. What would be the relevant appeals body if the DAA or residents were not happy with a decision? It would probably be An Bord Pleanála.

Deputy Brendan Ryan: The same position would apply.

Deputy Robert Troy: If we were to go back to the drawing board, as some people are suggesting, we would prolong this for another 12 months. It has taken 12 months to reach this point and prolonging the process for another 12 months would result in any decision taken being adjudicated by An Bord Pleanála. To be fair, that body has been more than favourable to the area's residents in the past. Dublin Airport is key national infrastructure, which supports 117,000 jobs directly and indirectly. Nobody is talking about those jobs, the people who rely on the airport for their livelihoods, the country's reliance on the airport for connectivity or its role as an economic driver.

I have asked the Minister some very direct questions on how he will ensure openness, transparency and robustness. I have asked how he will ensure the staff have the competencies and capabilities necessary to deal with this in an open and transparent manner. I acknowledge that the stakeholders do not have confidence in this procedure at the moment, but hopefully we can build their confidence. I have also spoken to residents, some of whom told me they do not care which body is made the competent authority because they have grievances arising from their dealings with the DAA and the buyout. They would like to see an acceleration of that process to enable them to relocate and get away from the noise the airport inflicts on them.

Deputy Mattie McGrath: I might be a Teachta Dála from what used to be Thiobraid Árann and is now Tipperary, but people from my community use Dublin Airport sometimes. We sometimes use Shannon and Cork airports to fly in and out of the country. I must say I have always been treated very fairly by all the staff, including those at the boarding gates. However, there are serious issues. Dublin Airport is thriving and we could readily take some of its business. The airport in the Minister of State's constituency of Waterford is small, but certainly some of that business could go to the regions, for example, Shannon Airport and Cork Airport. That possibility is not being considered here. It is all about expansion and trying to foist a big development - I am all for development - on a place that is already busy.

This is a typical example of an tAire, Deputy Ross, who, when he was in opposition for 30 years, could do everything. He had silver gloves and gold-plated fingers. He knew it all. He could sort out everything. He proclaimed about everything. Of course, he had the co-operation of the press. He had his own column. He could send people to the moon, keep them there if he wanted to, and bring them back again. He knew everything. However, since he went into the Department, and I wished him well when he was appointed because the Department of Transport, Tourism and Sport was a wonderful portfolio to get, he has become an abject failure. He has made an unmitigated mess of everything he has touched. I say that for two reasons. The first is his lack of knowledge and disinterest and the second is that the power went to his head. It was like a drug. He listened to nobody. He would not take advice from anybody. He knew it all. He has his colleagues in the Independent Alliance. They are decent people but they will suffer at the polls because of the Minister's disastrous reign over the Department of Transport, Tourism and Sport, and it is a disaster.

To come back to this legislation, I listened to Deputy Troy, who might as well be in coalition with Fine Gael because there is a confidence and supply agreement but it is all supply and no confidence. We now have the saga of the children's hospital and Fianna Fáil still will not vote no confidence in the Minister for Health because it is frightened of an election. It is frightened of the people. It is now facing the headlights. It will tell us it opposed the Minister's road traffic legislation all the way but in fact it put down one amendment about cyclists. The people of

Ballyporeen, Hollyford and all parts of Tipperary and Waterford, the Déise, where the Minister of State, Deputy Halligan, comes from, have been affected. I have nothing against cyclists but one cannot keep 1.5 m-----

An Leas-Cheann Comhairle: We are dealing with the Aircraft Noise (Dublin Airport) Regulation Bill.

Deputy Mattie McGrath: I am dealing with the Bill. Some of us have to cycle to the airport or get there by taxi. We have to cycle to get a taxi. This Minister will not allow L plate drivers to drive. He has got an open cheque from Fianna Fáil. It might huff and puff, and to hear Deputy Troy one would think he was in opposition, but it is fake news. Come in Donald Trump. Fianna Fáil is the fake party, a party I was involved in all my life, and my father was a former member, but it is as fake now as one would find anywhere. Talk about fake and fraud. My God almighty. I am sorry for taking the Lord's name in vain.

An Leas-Cheann Comhairle: The Deputy has to be careful with the language he uses.

Deputy Mattie McGrath: Gabh mo leithscéal.

An Leas-Cheann Comhairle: Gabh mo leithscéal is not enough. The Deputy is here a long time and he has to be careful with the language he uses.

Deputy Mattie McGrath: Beidh mé cúramach. Gabh mo leithscéal, as I said. It is fake news, whatever way one wants to dress it up, and I should not invoke the Lord.

We talk about CAR. It has the expertise, we hope. I heard Deputy Troy say that An Bord Pleanála was fair. What was it expected to be if not fair? It is meant to be independent and honest in adjudicating on planning matters. I am surprised to hear him say it was fair. Does he want us to send it a medal to thank it? The people out in that area, the same as anywhere else in the country, are entitled to have their organisations. They are entitled to a night's sleep if they want a night's sleep, and there are conditions about the times of flights. That might inconvenience us if we are flying back from, say, the country where the Minister and the Minister of State, Deputy Halligan, were going to go one time to meet Kim Jong-un or wherever. At the time I said I hoped they would stay there. People may not be able to fly in at the time they want, but whatever.

The Minister will not consult and he will not listen, and there is none so blind as those who do not want to see. This is on his doorstep. He lives only 12 miles out the road. He should be able to get in here, get involved with all the stakeholders and try to progress and develop the airport but not bulldoze people also. He has advice from two Attorneys General, a former and the current one, and he will not publish that advice. He railed against that for decades. He asked if we could not get a second opinion and challenge the Attorney General's advice. He now has advice from two eminent Attorneys General and he is hiding behind it. There was no hiding place for anyone when the Minister had the pen. I was in his office on different days and he was writing. He cancelled everything to write that column. It had to be written. My God, he was powerful with that pen. There is nothing as poisonous as a pen. Words will not matter but the pen was mightier than the sword, and boy did the Minister use it, but it has all come back to haunt him.

This Minister, Deputy Ross, is the most inept Minister ever, although the Minister, Deputy Harris, is vying with him for a place. I do not know which of them will win the prize. His port-

folio in terms of transport and tourism affected the entire country. The bus strike was on and he did not know anything about it. The Luas was too big to cross O'Connell Bridge but he did not know anything about it. He was imithe - as láthair. He was not at the wheel.

I support Deputy Clare Daly on many of her amendments. She is from the constituency. She knows far more about that area than I would ever learn, but I know also that the Minister is not interested. He got the finest Department but he is not interested in it. He is interested in saving his soul, opening Stepside Garda station and throwing crumbs to the people out there, but they have copped on to him too. They are smart people. When *The Irish Times* starts ridiculing the Minister, he is in trouble out there. He was always envious of my coverage in *The Irish Times*. We sell only 40 copies in Tipperary but they sell plenty of them in south Dublin where the Minister is from and the people have copped on to him. He is a failure and a fraud.

An Leas-Cheann Comhairle: It is just as well the Deputy's time is up.

Deputy Mattie McGrath: This legislation is more bullying tactics.

An Leas-Cheann Comhairle: That is not relevant.

Minister of State at the Department of Business, Enterprise and Innovation (Deputy John Halligan): On a point of order, that should be withdrawn.

An Leas-Cheann Comhairle: What was the comment?

Deputy John Halligan: The word "fraud".

An Leas-Cheann Comhairle: I told him that earlier. He cannot use it.

Deputy John Halligan: He should withdraw that. He is passing derogatory remarks about other people. It is outrageous.

An Leas-Cheann Comhairle: I am asking Deputy McGrath to withdraw it.

Deputy Mattie McGrath: No. I am not withdrawing it. I am telling the truth.

An Leas-Cheann Comhairle: You might be wise to get advice.

Deputy Mattie McGrath: I have plenty of advice. Do not worry.

An Leas-Cheann Comhairle: No. You do not. You should take advice because you accused me last week of covering up for a Minister and you would not withdraw it. You cannot make outlandish statements in here.

Deputy Mattie McGrath: What?

An Leas-Cheann Comhairle: You cannot make statements like that in here.

Deputy Mattie McGrath: You said another word. It is not outrageous. It is a fact.

An Leas-Cheann Comhairle: No. You said that I covered up for a Minister.

Deputy Mattie McGrath: You would not let me speak. You were stopping me.

An Leas-Cheann Comhairle: That is not a good enough reason.

13 February 2019

Deputy Mattie McGrath: Sin an tseachtain seo caite. We are here now.

An Leas-Cheann Comhairle: It is not just last week. I have a long memory.

Deputy Mattie McGrath: On a point of order, is that a threat?

An Leas-Cheann Comhairle: It is not a threat.

Deputy Mattie McGrath: You have recourse to threaten me, report me or whatever.

An Leas-Cheann Comhairle: I remember what happened last week.

Deputy Mattie McGrath: So do I-----

An Leas-Cheann Comhairle: I have a memory, but you-----

Deputy Mattie McGrath: -----and you were wrong-----

An Leas-Cheann Comhairle: -----said that because it is last week it is not relevant.

Deputy Mattie McGrath: You stopped me and covered the Minister. I said that. You have recourse to challenge me-----

An Leas-Cheann Comhairle: You are being childish.

Deputy Mattie McGrath: -----and report me to the Committee on Procedure.

An Leas-Cheann Comhairle: Act as a parliamentarian. We have round two and the first to indicate was Deputy Dessie Ellis. The Deputy has two minutes.

Deputy Dessie Ellis: I come back to what the Minister said about the independence of Fingal County Council because he mentioned that it gets 8% of revenue. There is a lot going on at Dublin Airport. There is the new runway and more revenue will be coming in for Fingal County Council, so there is a vested interest for Fingal in terms of taking on board this job. People want to see independence. They want to see that there is someone neutral in place looking after their interests and not one that is benefiting from whatever new facilities or otherwise come into the airport. That is important, and the Minister should not dismiss it just on that basis.

The CAR has been mentioned. A number of people have said that is an appropriate group to do this. Fingal County Council would need extra staff, so if CAR needed extra staff, there is no reason it cannot get them to do such an important job.

I have been dealing with Fingal County Council over the years in terms of noise pollution from the M50 and Turnapin Lane where they put up barriers and so on. We are talking about a major task and the residents have a good case in saying that an independent group should do this.

Deputy Thomas P. Broughan: I ask about amendment No. 100, which was in the range of amendments. What is the Minister's view on that amendment? His amendment No. 38 states that on the seventh anniversary of the date of commencement of this section and every five years after that there will be a review of the performance by the competent authority. Fianna Fáil, his partners in government, said that the first review should take place on the fifth anniversary. I have proposed that we should go for the third anniversary because three years would be a reasonable time in which to review the situation, given the tradition in this House of reviewing

legislation. I mentioned some legislation on which we had a review. What is the Minister doing in that regard? I notice that the Minister has failed to address the central argument that we have all made about the CAR. He is ignoring the key issue and possibilities. He talks about a figure of 92% of income and so on, but clearly if a regulatory body was regulating a single company with a large chunk of its income coming from that particular area, it would place it in an invidious position. I am just saying that much for Fingal County Council.

The Minister also referred to An Bord Pleanála. A big section of the Bill deals with appeals, as the Minister rightly says. It is hard to envisage how it will work. If the CEO is the competent authority, he is also the planning officer; therefore, to whom does he talk? Does he talk to himself? Does he ask himself questions about whether a new large development at the airport should receive planning permission? Does he wait until he is finished dealing with the noise issue before he takes up that aspect? The Minister has not really gone into that matter or developed it.

I know that the tradition in the United Kingdom for a long time has been that it is the Civil Aviation Authority which regulates all airports. I know that people living around Heathrow Airport have had the debate about the third runway and been asking for a different kind of independent local authority, but there is no situation where the United Kingdom would have taken the local authority, whether it was the Kent or the greater London council, and given it that heavy responsibility. It went for a body which was one step back and that is what the Minister should do before he makes a bad mistake tonight.

Deputy Clare Daly: I have to say the Minister's response to the House is an utter insult and that his handling of the matter has been absolutely atrocious. He got up and answered the debate by saying it was an EU directive and that we could not change it. Does he even listen to himself or know what he is saying? When the dogs on the streets know that every single EU member state has had the right to choose its own competent authority, the Minister is going to choose a different one. How, in God's name, is that not our function today? The only justification he gave was that he of the view that it was the right choice. He said the previous Attorney General had a conflict of interest in the case of the IAA, for which nobody here is arguing, and now Fingal County Council does not have that conflict of interest. In saying that the Minister does not address the points made by other Deputies and me. Therefore, as far as I am concerned, the conflict of interest which we highlighted stands because the Minister has not said one single thing to contradict it. The conflict of interest does not arise with the CAR. Will the Minister please address some of the points made about why it was not chosen? We made some very good arguments as to why it should be the body chosen. The Minister has chosen a strategy of having one regulator. God forbid that it should regulate this area.

On Deputy Troy's contribution, I did not talk about jobs or connectivity because it was irrelevant for the purposes of this discussion. I did not talk about the appeals process or what would happen because it was irrelevant. The appeals process will be what it is for Fingal County Council. It will be to An Bord Pleanála if we choose the CAR because that is what is in front of us in the legislation. The word "urgency" was mentioned, but that boat sailed long ago and if this or the previous Government was keen on urgency, it would have addressed the issue before now.

This is not the only member state that has not yet enacted the regulation. A slight delay would not do any harm, but I have not heard anything that would lead me to believe such a delay is necessary or inevitable if the CAR is chosen because whatever organisation is chosen,

it needs the expertise. Therefore, that too is a red herring. We need to go with the CAR. If we are talking about having a one stop regulatory body, that is the body that should deal with the issue of noise.

Deputy Brendan Ryan: This is the third time I have played handball with the Minister. I have made points, but the Minister just bats them back and says I am wrong and that he is right. I have no interest in playing handball here all night in making the same points and getting the same responses. The Minister uses language in which he tells Members that they are missing the point. That means that he gets it and that the rest of us are missing the point. It is very difficult to change anything.

In terms of being robust, rigorous and immune, the Minister has said Fingal County Council has withstood all of the tests. How has it withstood all of them? The regulatory body has not yet been set up. The tests are yet to be made and Fingal County Council might well fail them. The argument being made in favour of it is that we have An Bord Pleanála. The argument is that this new legislation is being set up with many people not having trust in Fingal County Council to do the job, but the Minister is saying one can go to An Bord Pleanála. That will be the point of last resort on all of these issues because people will not trust the council to be the competent authority. They will continue to go to An Bord Pleanála if this continues and it is very busy, as things stands. It cannot keep pace with the work it has to do. Therefore, this is the wrong decision at so many levels.

The Minister has said there is some merit in our arguments, but he has asked us to accept that this is the best choice. In other words, he is right. This is the best fit and he is right, as he says. He asks us to accept that he is right and that all of us are wrong. However, we are not all wrong. There are some intelligent people here making intelligent arguments. I have no doubt that if the Minister was in opposition at this time - I was with him in the Seanad from 2007 - he would be arguing the same point we are arguing.

Deputy Mattie McGrath: Hear, hear.

Deputy Brendan Ryan: On Deputy Troy's contribution, I expected Fianna Fáil Members to come and sit on their hands on this issue because that is what I anticipated they would do, but I did not expect the Fianna Fáil spokesperson to come and argue the case for the Minister and against our amendments. That is shocking.

Deputy Catherine Murphy: The European Union's competence is not to determine who the regulator should be in this country. In fact, the concept of subsidiarity determines that we have a right to make these decisions for ourselves. That is just a statement of fact. It is not going to tell us that we have to select Fingal County Council to be the regulator. We have entire autonomy in doing so. That is the nonsensical stuff that was fed, for example, to people in the United Kingdom for decades and part of the reason we are in a situation where there is such misinformation on Brexit. We have the entire responsibility and autonomy in selecting who the regulator will be. Let us be clear about that.

Deputy Shane Ross: That is correct and there has never been any doubt about it.

Deputy Catherine Murphy: It is not that people always agree with a regulator, but the one thing they need to have is trust that it is independent. What is done to achieve this is avoiding conflicts. A regulator is not picked that will be put in harm's way in terms of conflicts, but that is what will happen here. Fingal County Council is one of the better local authorities in many

respects, but the Minister will create a situation where, on the one hand, it will make a decision in dealing with one set of issues and, on the other, he will pretty much ask it to regulate itself in dealing with some of the matters on which it will have to adjudicate. How can that possibly help to build trust? If people do not have trust, we will run into difficulty. Of all people the Minister understands this because he has talked for long enough about independence and regulation, not necessarily in the sense of this issue, but he understands the points and is defending the indefensible.

Deputy Michael Fitzmaurice: One thing that is missing from the debate on the different amendments and noise levels in Dublin is the fact that Dublin is under pressure. We see it in the fiasco with the national children's hospital, but we also see it at the airport where the volume of traffic is growing, which is good. Nobody disputes this, but there is a bridge that cannot be crossed. I know that the Minister is aware of plans and that the Department had been asked for a letter of support.

If one looks at other airports in different parts of the world, some of them might be 30 to 60 miles away from a city. I am aware that a proposal was put to the Minister regarding the midlands, and the Minister has said that he will make an application to Europe. I have in mind Knock airport and TEN-T. The Minister said he will apply in the next couple of months but it is nearly three years since the programme for Government stated that the Government would make an application to Europe in the first three months. I am not saying this is due to the Minister, but there is no willingness in the Department. It is the metro or something else rather than putting in the application.

As others have mentioned, areas of this country will be seriously affected by Brexit. Airports are strategically important, but we are putting more noise and problems in one area. The Government has plans to supposedly reduce carbon and get more people onto trains. There are railway lines in the midlands and in this new great world the Minister talks about they will be electrified, probably at a cost of €3 billion. A connection could be made to that. Many of us go to other parts of the world where airlines such as Ryanair fly to airports 30 to 50 miles outside an area and there is a quick system of getting into the area, rather than putting everything in that area and congesting it. The Minister will bring regional development in that way. It is a way forward for other regions as well, such as Cork and Shannon. Knock has been left on its own. It is not seeking a miracle, just a status in respect of applying for TEN-T and airports in peripheral areas. There is no point in somebody driving in a car from Mayo to Dublin if there is an airport nearby. It is putting pressure for more aeroplanes to come into Dublin.

It will be three years in May since the commitment was given that this would be done within three months for that area with regard to TEN-T. Rosslare port and other ports were mentioned as well. This is for the different parts of Ireland, especially with Brexit coming, and to cater for places such as Donegal. We have talked about the port in Killybegs being deepened. The Minister must make sure he gives a chance to different areas. If he keeps trying to put runways and more aeroplanes in one area there will be more problems. There is no doubt about that. People who bought a house that was far enough away from the city at one time are now finding it more difficult to live in that area. Solutions have to be found. Air travel is increasing in this country, which is great. One can see the number of passengers flying into and out of the country. However, if we keep trying to pour the concrete in one spot we will leave out other areas. Many people who travel to other countries have no problem with sitting in a bus or a train that will shuttle them quite quickly to the capital city of that country, if that is where they wish to go, or there might be options to go to other places.

The Department must consider where it is going in all of this if private operators want to get a letter of support. The investment comes where there are institutes of technology and different agencies and colleges. One can ensure that there is regional development and a focus on other areas rather compounding the problems for the people around Dublin.

An Leas-Cheann Comhairle: Does the Minister wish to speak now?

Deputy Shane Ross: Do I have two more opportunities?

An Leas-Cheann Comhairle: No, just one. The only person who has three opportunities is the Member who moved the amendment, Deputy Clare Daly. There are no other Members offering so I call on the Minister.

Deputy Shane Ross: It is appropriate to make it absolutely clear that there was no suggestion that anybody outside of the Government made a decision on the choice of the competent authority. That is our responsibility, and we are standing over Fingal County Council. On other amendments I said we could not interfere with the EU directive. It is not part of the directive to direct us who to choose. We chose Fingal County Council and we stand behind it. For Deputies Clare Daly and Catherine Murphy to say that I was suggesting that it was dictated by Europe is wrong. It was not. We chose Fingal County Council and we are happy with that.

The conflict of interest issue has probably been played out at this stage.

This has been a good, high level debate. After such a debate with people making sincere comments, it is difficult to listen to people intervening in ways that are totally irrelevant and speaking about things that have nothing to do with this debate. It debases the value of what is happening. Deputy Mattie McGrath is not here, unfortunately. He might be a great judge of public opinion but it was notable that in the campaign to repeal the eighth amendment he led from an extraordinary situation where he could not even deliver his own village. Newcastle voted for repeal.

An Leas-Cheann Comhairle: That is not relevant to this.

Deputy Shane Ross: It is relevant because-----

An Leas-Cheann Comhairle: It is not relevant.

Deputy Shane Ross: -----people were allowed to say extraordinary things.

An Leas-Cheann Comhairle: The Minister has waited a long time. He does not have to follow that lead.

Deputy Shane Ross: How far did everybody in this House go towards engaging-----

An Leas-Cheann Comhairle: Deputy Clare Daly has two minutes.

Deputy Shane Ross: No, I want to talk about engaging-----

An Leas-Cheann Comhairle: No, you had two minutes and you did not take advantage of it. You strayed off. You have criticised me at other times if I allowed Members to stray. You are not in a privileged position.

Deputy Shane Ross: I am not suggesting that.

An Leas-Cheann Comhairle: Every Member is the same here. Deputy Clare Daly has two minutes.

Deputy Shane Ross: Okay.

Deputy Clare Daly: The sad reality-----

An Leas-Cheann Comhairle: Hold on, Deputy Daly. Deputy Troy has two minutes. I will call Deputy Clare Daly last.

Deputy Robert Troy: It is unfortunate that the Minister followed suit with Deputy Mattie McGrath because I asked him some direct questions about Fingal County Council and ensuring the independence, transparency and robustness of this Bill. I expected answers.

Deputy Shane Ross: I will answer them on the next amendments.

Deputy Robert Troy: I would appreciate that. I proposed an amendment that was not supported by the Opposition parties. I respect their right to make their decisions on what they perceive to be right, just as I am entitled to make my decision on behalf of the party. I have not hidden that at any stage. I am also entitled to argue why I made that decision. My biggest problem with Fingal County Council from the outset was whether it had the competencies and staff required to deal with this. At present it does not, nor does CAR. We can get them into Fingal County Council but I wanted to know from the Minister when that can happen. This regulation states clearly that it must be dealt with in an open and transparent manner that is accessible to all stakeholders, ensuring that the concerns of the residents will be addressed. That is what I want to ensure.

I put forward my amendment because I am conscious that the Minister is pursuing this. I wish he was not, and if I was in the Government I would do something different. When Deputy Brendan Ryan's party had 18 months in government to do something about this it could have done something different. The amendment I submitted was to ensure that a periodic review would be undertaken by an independent competent authority. I ask the Minister to accept my amendment rather than his proposal of a review after seven years.

Deputy Ruth Coppinger: I cited examples of Fingal County Council seeming not to have done what it ought in regard to aircraft noise. In spite of that, the Minister is happy to proceed. The Minister and Fianna Fáil are of the view that if Fingal County Council is the regulator, there is, at least, the possibility of appeal to An Bord Pleanála. Can anybody explain how residents who think that too many aeroplanes are flying over their house and making too much noise will get any satisfaction from An Bord Pleanála? It is a suitable forum for objecting to a new development at the airport. There should be, however, an independent regulator to hold the Dublin Airport Authority to task when required. It is not viable for residents to have to go to An Bord Pleanála to deal with aircraft noise.

On Second Stage, it seemed that Fianna Fáil would support the residents who are objecting to Fingal County Council being the independent regulator, but its position seemed to change subsequently. It may have changed based on events on Committee Stage. This is the most important decision in regard to the Bill. It must decide what it wants to do.

Deputy Clare Daly: The response of the Minister on this issue was shocking. It was he who, in response to this debate, raised the issue of the EU directive and stated that it could not

be changed. He went down a cul-de-sac in his reply because he felt that he had been attacked. He shirked his ministerial responsibility to deal with the issues at the heart of this debate which mean so much to people living in the affected area. He stated that conflict of interest issues have been dealt with, but they have not. Those issues have been comprehensively put forward by Members across all Opposition groups on this side of the House but the Minister has not rebutted any of their reasoned objections. I am shocked by his behaviour.

We have a chance to do something good tonight. The Government made a strategic decision in 2017 to set up a single aviation regulator which would be responsible for economic, safety and security regulation. That process is under way. The strategic group charged with delivering it is due to report before the summer. I refer to the new CAR which has not been evaluated. No conflict of interest in regard to the CAR has been perceived or articulated at any stage of the process. The only objection to its being appointed regulator is that it does not have sufficient staff to carry out that duty. As Deputy Troy pointed out, neither does Fingal County Council. If Fingal County Council can recruit the required staff and garner sufficient expertise, the CAR could do likewise. Legislation would be required to allow it to assume a revamped role, but we are discussing regulation to give effect to this regulatory function. The CAR is the best fit as regulator and its appointment as such would be in keeping with decisions made by several of our EU partners. It would also avoid the point made by Deputy Brendan Ryan that by proceeding with Fingal County Council as regulator, the Government is leaving itself open to legal challenges.

Amendment put:

<i>The Dáil divided: Tá, 30; Níl, 45; Staon, 9.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Brady, John.</i>	<i>Bailey, Maria.</i>	<i>Breathnach, Declan.</i>
<i>Broughan, Thomas P.</i>	<i>Breen, Pat.</i>	<i>Butler, Mary.</i>
<i>Buckley, Pat.</i>	<i>Brophy, Colm.</i>	<i>Calleary, Dara.</i>
<i>Collins, Joan.</i>	<i>Bruton, Richard.</i>	<i>Lahart, John.</i>
<i>Collins, Michael.</i>	<i>Burke, Peter.</i>	<i>Moynihan, Aindrias.</i>
<i>Connolly, Catherine.</i>	<i>Byrne, Catherine.</i>	<i>Moynihan, Michael.</i>
<i>Coppinger, Ruth.</i>	<i>Canney, Seán.</i>	<i>Ó Cuív, Éamon.</i>
<i>Cullinane, David.</i>	<i>Carey, Joe.</i>	<i>Rabbitte, Anne.</i>
<i>Daly, Clare.</i>	<i>Corcoran Kennedy, Marcella.</i>	<i>Troy, Robert.</i>
<i>Doherty, Pearse.</i>	<i>Coveney, Simon.</i>	
<i>Ellis, Dessie.</i>	<i>Creed, Michael.</i>	
<i>Ferris, Martin.</i>	<i>D'Arcy, Michael.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Daly, Jim.</i>	
<i>Funchion, Kathleen.</i>	<i>Doherty, Regina.</i>	
<i>Howlin, Brendan.</i>	<i>Donohoe, Paschal.</i>	
<i>Kenny, Martin.</i>	<i>Durkan, Bernard J.</i>	
<i>McGrath, Mattie.</i>	<i>English, Damien.</i>	
<i>Mitchell, Denise.</i>	<i>Farrell, Alan.</i>	
<i>Murphy, Catherine.</i>	<i>Fitzgerald, Frances.</i>	

<i>O'Reilly, Louise.</i>	<i>Flanagan, Charles.</i>	
<i>O'Sullivan, Jan.</i>	<i>Grealish, Noel.</i>	
<i>Ó Broin, Eoin.</i>	<i>Griffin, Brendan.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Halligan, John.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Heydon, Martin.</i>	
<i>Pringle, Thomas.</i>	<i>Humphreys, Heather.</i>	
<i>Quinlivan, Maurice.</i>	<i>Kehoe, Paul.</i>	
<i>Ryan, Brendan.</i>	<i>Kyne, Seán.</i>	
<i>Sherlock, Sean.</i>	<i>Madigan, Josepha.</i>	
<i>Stanley, Brian.</i>	<i>McEntee, Helen.</i>	
<i>Wallace, Mick.</i>	<i>McGrath, Finian.</i>	
	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moran, Kevin Boxer.</i>	
	<i>Murphy, Eoghan.</i>	
	<i>Naughten, Denis.</i>	
	<i>Naughton, Hildegard.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>O'Connell, Kate.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Ring, Michael.</i>	
	<i>Ross, Shane.</i>	
	<i>Stanton, David.</i>	
	<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Clare Daly and Brendan Ryan; Níl, Deputies Seán Kyne and Tony McLoughlin.

Amendment declared lost.

Amendments Nos. 3 to 5, inclusive, not moved.

Deputy Clare Daly: I move amendment No. 6:

In page 6, line 19, after “Council” to insert the following:

“and recognizing that the Commission has stated that based on the work the WHO has undertaken regarding the assessment of the health impact of noise that the Commission will be revising Annex III of Directive 2002/49/EC to take account of this health impact”.

Amendment put:

<i>The Dáil divided: Tá, 39; Níl, 45; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>

<i>Brady, John.</i>	<i>Bailey, Maria.</i>	
<i>Breathnach, Declan.</i>	<i>Breen, Pat.</i>	
<i>Broughan, Thomas P.</i>	<i>Brophy, Colm.</i>	
<i>Buckley, Pat.</i>	<i>Bruton, Richard.</i>	
<i>Butler, Mary.</i>	<i>Burke, Peter.</i>	
<i>Calleary, Dara.</i>	<i>Byrne, Catherine.</i>	
<i>Collins, Joan.</i>	<i>Canney, Seán.</i>	
<i>Collins, Michael.</i>	<i>Carey, Joe.</i>	
<i>Connolly, Catherine.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Coppinger, Ruth.</i>	<i>Coveney, Simon.</i>	
<i>Cullinane, David.</i>	<i>Creed, Michael.</i>	
<i>Daly, Clare.</i>	<i>D'Arcy, Michael.</i>	
<i>Doherty, Pearse.</i>	<i>Daly, Jim.</i>	
<i>Ellis, Dessie.</i>	<i>Doherty, Regina.</i>	
<i>Ferris, Martin.</i>	<i>Donohoe, Paschal.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Durkan, Bernard J.</i>	
<i>Funchion, Kathleen.</i>	<i>English, Damien.</i>	
<i>Howlin, Brendan.</i>	<i>Farrell, Alan.</i>	
<i>Kenny, Martin.</i>	<i>Fitzgerald, Frances.</i>	
<i>Lahart, John.</i>	<i>Flanagan, Charles.</i>	
<i>McGrath, Mattie.</i>	<i>Grealish, Noel.</i>	
<i>Mitchell, Denise.</i>	<i>Griffin, Brendan.</i>	
<i>Moynihan, Aindrias.</i>	<i>Halligan, John.</i>	
<i>Moynihan, Michael.</i>	<i>Heydon, Martin.</i>	
<i>Murphy, Catherine.</i>	<i>Humphreys, Heather.</i>	
<i>O'Reilly, Louise.</i>	<i>Kehoe, Paul.</i>	
<i>O'Sullivan, Jan.</i>	<i>Kyne, Seán.</i>	
<i>Ó Broin, Eoin.</i>	<i>Madigan, Josepha.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>McEntee, Helen.</i>	
<i>Ó Cuív, Éamon.</i>	<i>McGrath, Finian.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>McHugh, Joe.</i>	
<i>Pringle, Thomas.</i>	<i>McLoughlin, Tony.</i>	
<i>Quinlivan, Maurice.</i>	<i>Mitchell O'Connor, Mary.</i>	
<i>Rabbitte, Anne.</i>	<i>Moran, Kevin Boxer.</i>	
<i>Ryan, Brendan.</i>	<i>Murphy, Eoghan.</i>	
<i>Sherlock, Sean.</i>	<i>Naughten, Denis.</i>	
<i>Stanley, Brian.</i>	<i>Naughton, Hildegard.</i>	
<i>Troy, Robert.</i>	<i>Neville, Tom.</i>	
<i>Wallace, Mick.</i>	<i>Noonan, Michael.</i>	
	<i>O'Connell, Kate.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Ring, Michael.</i>	

	<i>Ross, Shane.</i>	
	<i>Stanton, David.</i>	
	<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Clare Daly and Robert Troy; Níl, Deputies Seán Kyne and Tony McLoughlin.

Amendment declared lost.

An Leas-Cheann Comhairle: Amendment No. 7 has already been discussed with amendment No. 2. Where stands amendment No. 7?

Deputy Thomas P. Broughan: I move amendment No. 7:

In page 6, between lines 19 and 20, to insert the following:

“ “EPA” means the Environmental Protection Agency;”.

Amendment put and declared lost.

An Leas-Cheann Comhairle: Amendment No. 8 has already been discussed with amendment No. 2.

Deputy Ruth Coppinger: I move amendment No. 8:

In page 6, to delete line 20.

Amendment put and declared lost.

Deputy Shane Ross: I move amendment No. 9:

In page 6, between lines 21 and 22, to insert the following:

“ “local financial year” means local financial year within the meaning of section 96 of the Act of 2001;”.

Amendment put and declared carried.

Amendments Nos. 10 and 11 not moved.

Deputy Dessie Ellis: I move amendment No. 12:

In page 7, line 8, to delete “FCC” and substitute “The Commission for Aviation Regulation”.

Amendment put:

<i>The Dáil divided: Tá, 29; Níl, 44; Staon, 9.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Brady, John.</i>	<i>Bailey, Maria.</i>	<i>Breathnach, Declan.</i>
<i>Broughan, Thomas P.</i>	<i>Breen, Pat.</i>	<i>Butler, Mary.</i>
<i>Buckley, Pat.</i>	<i>Brophy, Colm.</i>	<i>Calleary, Dara.</i>
<i>Collins, Joan.</i>	<i>Bruton, Richard.</i>	<i>Lahart, John.</i>

<i>Collins, Michael.</i>	<i>Burke, Peter.</i>	<i>Moynihan, Aindrias.</i>
<i>Connolly, Catherine.</i>	<i>Byrne, Catherine.</i>	<i>Moynihan, Michael.</i>
<i>Coppinger, Ruth.</i>	<i>Canney, Seán.</i>	<i>Ó Cuív, Éamon.</i>
<i>Cullinane, David.</i>	<i>Carey, Joe.</i>	<i>Rabbitte, Anne.</i>
<i>Daly, Clare.</i>	<i>Corcoran Kennedy, Marcella.</i>	<i>Troy, Robert.</i>
<i>Doherty, Pearse.</i>	<i>Coveney, Simon.</i>	
<i>Ellis, Dessie.</i>	<i>D'Arcy, Michael.</i>	
<i>Ferris, Martin.</i>	<i>Daly, Jim.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Doherty, Regina.</i>	
<i>Funchion, Kathleen.</i>	<i>Donohoe, Paschal.</i>	
<i>Howlin, Brendan.</i>	<i>Durkan, Bernard J.</i>	
<i>Kenny, Martin.</i>	<i>English, Damien.</i>	
<i>McGrath, Mattie.</i>	<i>Farrell, Alan.</i>	
<i>Mitchell, Denise.</i>	<i>Fitzgerald, Frances.</i>	
<i>O'Reilly, Louise.</i>	<i>Flanagan, Charles.</i>	
<i>O'Sullivan, Jan.</i>	<i>Grealish, Noel.</i>	
<i>Ó Broin, Eoin.</i>	<i>Griffin, Brendan.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Halligan, John.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Heydon, Martin.</i>	
<i>Pringle, Thomas.</i>	<i>Humphreys, Heather.</i>	
<i>Quinlivan, Maurice.</i>	<i>Kehoe, Paul.</i>	
<i>Ryan, Brendan.</i>	<i>Kyne, Seán.</i>	
<i>Sherlock, Sean.</i>	<i>Madigan, Josepha.</i>	
<i>Stanley, Brian.</i>	<i>McEntee, Helen.</i>	
<i>Wallace, Mick.</i>	<i>McGrath, Finian.</i>	
	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moran, Kevin Boxer.</i>	
	<i>Murphy, Eoghan.</i>	
	<i>Naughten, Denis.</i>	
	<i>Naughton, Hildegard.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>O'Connell, Kate.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Ring, Michael.</i>	
	<i>Ross, Shane.</i>	
	<i>Stanton, David.</i>	
	<i>Zappone, Katherine.</i>	

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

Amendment declared lost.

Amendment No. 13 not moved.

Deputy Ruth Coppinger: I move amendment No. 14:

In page 7, to delete lines 10 to 38, and in page 8, to delete lines 1 to 12.

Amendment put and declared lost.

Amendments Nos. 15 to 19, inclusive, not moved.

Deputy Shane Ross: I move amendment No. 20:

In page 7, lines 14 and 15, to delete “Section 148 of the Act of 2001 shall, with all necessary modifications, apply to the chief executive, this Act and the Act of 2000 as that section applies” and substitute the following:

“Sections 148 and 154 of the Act of 2001 shall, with all necessary modifications, apply to the chief executive, this Act and the Act of 2000 as those sections apply”.

Amendment put.

Deputies: Vótáil.

An Leas-Cheann Comhairle: Will the Deputies claiming a division please rise?

Deputies Thomas P. Broughan, Michael Collins, Catherine Connolly, Ruth Coppinger, Clare Daly, Michael Fitzmaurice, Mattie McGrath, Thomas Pringle and Mick Wallace rose.

An Leas-Cheann Comhairle: As fewer than ten Members have risen I declare the amendment carried. In accordance with Standing Order 72 the names of the Deputies dissenting will be recorded in the Journal of the Proceedings of the Dáil.

Amendment declared carried.

Amendments Nos. 21 to 37, inclusive, not moved.

Deputy Shane Ross: I move amendment No. 38:

In page 8, between lines 7 and 8, to insert the following:

“(9) (a) The Minister shall, not less than once before—

(i) the 7th anniversary of the date of commencement of this section, and

(ii) the expiration of each successive period of 5 years following that 7th anniversary,

by notice in writing appoint a person to carry out a review of the performance by the competent authority of its functions as the competent authority.

(b) A person appointed under *paragraph (a)* shall, as soon as is practicable after he or she has carried out the review referred to in that paragraph, prepare and submit to the Minister a report in writing on the results of the review.

(c) The competent authority shall, as soon as is practicable after the expiration of a local financial year of the competent authority (including, if applicable, the expiration of part of such year in the case of the first report prepared and published pursuant to this paragraph) but, in any case, not later than 3 months after such expiration, prepare, and publish on its website, a report—

(i) in relation to the performance of its functions during such year, and

(ii) setting out the competent authority's work programme for the performance of its functions in the competent authority's current local financial year.”.

Amendment put:

<i>The Dáil divided: Tá, 43; Níl, 32; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Bailey, Maria.</i>	<i>Brady, John.</i>	
<i>Breen, Pat.</i>	<i>Breathnach, Declan.</i>	
<i>Brophy, Colm.</i>	<i>Broughan, Thomas P.</i>	
<i>Bruton, Richard.</i>	<i>Buckley, Pat.</i>	
<i>Burke, Peter.</i>	<i>Calleary, Dara.</i>	
<i>Byrne, Catherine.</i>	<i>Collins, Michael.</i>	
<i>Canney, Seán.</i>	<i>Connolly, Catherine.</i>	
<i>Carey, Joe.</i>	<i>Coppinger, Ruth.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>Daly, Clare.</i>	
<i>Creed, Michael.</i>	<i>Doherty, Pearse.</i>	
<i>D'Arcy, Michael.</i>	<i>Ellis, Dessie.</i>	
<i>Daly, Jim.</i>	<i>Ferris, Martin.</i>	
<i>Doherty, Regina.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Donohoe, Paschal.</i>	<i>Funchion, Kathleen.</i>	
<i>Durkan, Bernard J.</i>	<i>Howlin, Brendan.</i>	
<i>English, Damien.</i>	<i>Kenny, Martin.</i>	
<i>Farrell, Alan.</i>	<i>McGrath, Mattie.</i>	
<i>Fitzgerald, Frances.</i>	<i>Mitchell, Denise.</i>	
<i>Flanagan, Charles.</i>	<i>Moynihan, Michael.</i>	
<i>Grealish, Noel.</i>	<i>O'Reilly, Louise.</i>	
<i>Griffin, Brendan.</i>	<i>Ó Broin, Eoin.</i>	
<i>Halligan, John.</i>	<i>Ó Caoláin, Caoimhghín.</i>	
<i>Heydon, Martin.</i>	<i>Ó Cuív, Éamon.</i>	
<i>Humphreys, Heather.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Kehoe, Paul.</i>	<i>Pringle, Thomas.</i>	
<i>Kyne, Seán.</i>	<i>Quinlivan, Maurice.</i>	

<i>Madigan, Josepha.</i>	<i>Rabbitte, Anne.</i>	
<i>McEntee, Helen.</i>	<i>Ryan, Brendan.</i>	
<i>McHugh, Joe.</i>	<i>Sherlock, Sean.</i>	
<i>McLoughlin, Tony.</i>	<i>Stanley, Brian.</i>	
<i>Mitchell O'Connor, Mary.</i>	<i>Troy, Robert.</i>	
<i>Moran, Kevin Boxer.</i>	<i>Wallace, Mick.</i>	
<i>Murphy, Eoghan.</i>		
<i>Naughten, Denis.</i>		
<i>Naughton, Hildegard.</i>		
<i>Neville, Tom.</i>		
<i>Noonan, Michael.</i>		
<i>O'Connell, Kate.</i>		
<i>Phelan, John Paul.</i>		
<i>Ring, Michael.</i>		
<i>Ross, Shane.</i>		
<i>Stanton, David.</i>		
<i>Zappone, Katherine.</i>		

Tellers: Tá, Deputies Seán Kyne and Tony McLoughlin; Níl, Deputies Robert Troy and Mattie McGrath.

Amendment declared carried.

11 o'clock

Deputy Robert Troy: I move amendment No. 39:

In page 8, between lines 7 and 8, to insert the following:

“(9) (a) The Minister shall, not less than once before—

(i) the 5th anniversary of the date of commencement of this section, and

(ii) the expiration of each successive period of 5 years following that 5th anniversary,

by notice in writing appoint a person to carry out a review of the performance by the competent authority of its functions as the competent authority.

(b) A person appointed under *paragraph (a)* shall, as soon as is practicable after it has carried out the examination referred to in that paragraph, prepare and submit to the Minister a report in writing on the results of the examination.

(c) The competent authority shall each year publish a report in relation to the performance of its functions in the previous year and its proposed work programme for the following year.”.

Amendment put:

<i>The Dáil divided: Tá, 32; Níl, 44; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Brady, John.</i>	<i>Bailey, Maria.</i>	
<i>Breathnach, Declan.</i>	<i>Breen, Pat.</i>	
<i>Broughan, Thomas P.</i>	<i>Brophy, Colm.</i>	
<i>Buckley, Pat.</i>	<i>Bruton, Richard.</i>	
<i>Calleary, Dara.</i>	<i>Burke, Peter.</i>	
<i>Collins, Michael.</i>	<i>Byrne, Catherine.</i>	
<i>Connolly, Catherine.</i>	<i>Canney, Seán.</i>	
<i>Coppinger, Ruth.</i>	<i>Carey, Joe.</i>	
<i>Daly, Clare.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Doherty, Pearse.</i>	<i>Coveney, Simon.</i>	
<i>Ellis, Dessie.</i>	<i>Creed, Michael.</i>	
<i>Ferris, Martin.</i>	<i>D'Arcy, Michael.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Daly, Jim.</i>	
<i>Funchion, Kathleen.</i>	<i>Doherty, Regina.</i>	
<i>Howlin, Brendan.</i>	<i>Donohoe, Paschal.</i>	
<i>Kenny, Martin.</i>	<i>Durkan, Bernard J.</i>	
<i>McGrath, Mattie.</i>	<i>English, Damien.</i>	
<i>Mitchell, Denise.</i>	<i>Farrell, Alan.</i>	
<i>Moynihan, Michael.</i>	<i>Fitzgerald, Frances.</i>	
<i>O'Reilly, Louise.</i>	<i>Flanagan, Charles.</i>	
<i>Ó Broin, Eoin.</i>	<i>Grealish, Noel.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Griffin, Brendan.</i>	
<i>Ó Cuív, Éamon.</i>	<i>Halligan, John.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Heydon, Martin.</i>	
<i>Pringle, Thomas.</i>	<i>Humphreys, Heather.</i>	
<i>Quinlivan, Maurice.</i>	<i>Kehoe, Paul.</i>	
<i>Rabbitte, Anne.</i>	<i>Kyne, Seán.</i>	
<i>Ryan, Brendan.</i>	<i>Madigan, Josepha.</i>	
<i>Sherlock, Sean.</i>	<i>McEntee, Helen.</i>	
<i>Stanley, Brian.</i>	<i>McHugh, Joe.</i>	
<i>Troy, Robert.</i>	<i>McLoughlin, Tony.</i>	
<i>Wallace, Mick.</i>	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moran, Kevin Boxer.</i>	
	<i>Murphy, Eoghan.</i>	
	<i>Naughten, Denis.</i>	
	<i>Naughton, Hildegard.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>O'Connell, Kate.</i>	
	<i>Phelan, John Paul.</i>	

	<i>Ring, Michael.</i>	
	<i>Ross, Shane.</i>	
	<i>Stanton, David.</i>	
	<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Robert Troy and Michael Moynihan; Níl, Deputies Seán Kyne and Tony McLoughlin.

Amendment declared lost.

Deputy Shane Ross: I move amendment No. 40:

In page 9, line 10, to delete “(within the meaning of section 96 of the Act of 2001)”.

Amendment put and declared carried.

Deputy Ruth Coppinger: I move amendment No. 41:

In page 9, to delete lines 18 to 20.

Amendment put and declared lost.

An Leas-Cheann Comhairle: Amendments Nos. 42 and 43 are related and may be discussed together by agreement.

Deputy Shane Ross: I move amendment No. 42:

In page 9, lines 27 and 28, to delete “*sections 9(9) and 10(16)*” and substitute “*section 9(9),*”.

Debate adjourned.

The Dáil adjourned at 11.15 p.m. until 10.30 a.m. on Thursday, 14 February 2019.