



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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## DÁIL ÉIREANN

*Dé Céadaoin, 20 Feabhra 2019*

*Wednesday, 20 February 2019*

Chuaigh an Ceann Comhairle i gceannas ar 10.30 a.m.

***Paidir.***

***Prayer.***

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### **Ceisteanna - Questions**

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

##### **Water Services**

20. **Deputy Darragh O'Brien** asked the Minister for Housing, Planning and Local Government when a referendum will be held regarding the State affording constitutional protection to the supply of water services; the status of preparations to hold a referendum in this regard; and if he will make a statement on the matter. [8531/19]

**Deputy Darragh O'Brien:** The Joint Oireachtas Committee on Future Funding of Domestic Water Services in April 2017 recommended that a referendum on public ownership of Irish Water should be held. That is a recommendation that I and my party support. I want to know when the Government intends to hold a referendum regarding the State affording constitutional protection to the supply of water services. I note that, in November last, the Cabinet gave the Minister approval to do so. I would be obliged if the Minister could provide an update.

**Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy):** The Government is firmly committed to public water services remaining in public ownership, as reflected in the Water Services Acts and in the Water Services Policy Statement 2018-2025. There is widespread support for this view, and the report of the Joint Committee on Future Funding of Domestic Water Services in April 2017 supported the concept of a referendum. The committee recommended that the wording be carefully scrutinised so as not to impact upon the status of group water schemes and individual domestic water supplies.

Provisions in respect of the holding of a referendum are contained in the Private Members' Bill initiated by Deputy Joan Collins currently on Committee Stage in the Dáil. Detailed examination of the wording of this Bill, which I have undertaken in consultation with the Attorney General, indicates that it would give rise to unacceptable risks. I have articulated these concerns in my engagement with the Joint Committee on Housing, Planning and Local Government. The Office of the Parliamentary Legal Advisor has separately and independently advised the committee on the Bill.

I have sought to bring forward amendments to the Bill and on 11 November last, I received Government approval for the priority drafting of proposed amendments to the Bill. These focus on retaining the entity charged with the provision of public water services in public ownership. I have written to the chairperson of the committee on this matter as recently as 21 January of this year and will continue to keep the committee updated on progress made on the drafting of the proposed amendments.

**Deputy Darragh O'Brien:** The Minister mentioned Deputy Joan Collins's Bill, which is on Committee Stage. I have discussed this with Deputy Joan Collins and indeed other colleagues from the Opposition side, including Deputy Ó Broin.

I refer to the proposed amendments which the Minister sought to have drafted on, as he mentioned, 11 November last. How many amendments is the Minister looking to make to that Bill? I have heard of 20 or 21 different potential changes to the Bill. I note the Minister mentioned that careful consideration needs to be given to group water schemes. We understand that these matters are not dealt with easily but what I am trying to get a handle on is timeframe. There was an expectation, more importantly, among the public that we would be able to hold a referendum this year in line with the local and European elections. I am certain that there is a desire for the people to retain the ownership of water as a resource in Ireland. Could the Minister give me a timeframe that he is aiming for on this and also the level of engagement he has had with the Attorney General? Does the Minister expect to be going back to the Attorney General's office in advance of bringing forward further amendments? I would like to get a handle on the timeframe.

**Deputy Eoghan Murphy:** The Government is committed to public water services remaining in public ownership. There is no doubt about that. I accept people might be frustrated with the time that this is taking but there are risks here, as the Deputy has identified. There are risks to private wells, risks to group water schemes and risks to the operation of Irish Water itself.

For a number of months, I have been trying to get agreement around a proposed wording. In March of last year, I met a number of Deputies and I spoke about and gave documentation on the 14 tests that any wording would have to pass so that those risks would be mitigated against and there would not be any unintended consequences. From March until November, no one else was able to come up with wording that would pass those 14 tests. In the end, the Department officials came up with wording and that is what I got agreement to bring to the Attorney General at the Cabinet meeting in November.

From memory, there are probably four sections that we are looking at in terms of amendments to address the unintended consequences that we think are in the Bill. It is not the fault of the Bill. It is a good attempt. Obviously, because of the unintended consequences and the risks, we had to make sure these risks were covered. I think we will be looking at four sections. I am in the hands of the Office of the Attorney General regarding getting the wording right and

having it ready for a future referendum. It was certainly not believed there was enough time to finalise the wording, have a proper and full debate on the issues and then hold a referendum in May. We want all sides in the House to agree the wording of the proposal and we want to have a good campaign so that the public understands the importance of what is being proposed. We do not want to do anything that might cause risk and that includes rushing the referendum.

**Deputy Darragh O'Brien:** I do not think that would be rushing it. I understand it is complex. All of us understand that. What I am trying to understand, however, is how complex this is. I am also trying to get a good handle on the proposed timeframe. When does the Minister envisage that the proposals will be finalised by the Attorney General? The Minister mentioned that he is in the hands of that office. This is important. The Office of the Attorney General has many important issues to deal with. I would have thought, however, that one absolute priority would be to ensure water resources in Ireland remain in public ownership and that question is put to the people.

Does the Minister believe we will be able to hold a referendum this year? I have met officials from unions, such as SIPTU, representing water services workers in local authorities. They are, understandably, watching closely in the context of the proposed transfer to Irish Water to ensure water remains in public ownership. I am trying to understand when that will happen. I have not got that answer so far this morning from the Minister. What is his best guesstimate, if that is the case? Has the Attorney General actually prioritised this matter?

If not, will the Minister seek, through Government and in conjunction with his Cabinet colleagues, that this issue be made an absolute priority within the Office of the Attorney General? All of us understand the pressures of Brexit, so we do not necessarily need the answers on that element. We have our omnibus legislation prepared and ready to go and the Opposition has ceded time on that. That is fine. When, however, can we give people an indication as to when this referendum will take place?

**Deputy Eoghan Murphy:** This is very important to the Government. Commitments were made and I intend to honour them. It is not, however, as urgent as other things because there is not currently a risk to the public ownership of our water supplies. We are committed to bringing forward a referendum to ensure our water services remain in public ownership. The difficulty has been in finding language that mitigates the risks identified regarding group water schemes, private wells and Irish Water. Many attempts have been made to find the appropriate draft language.

It took some months to do that, longer than I thought. I have also met with the unions on a number of occasions and shared those 14 tests, and I can share them with Deputy O'Brien as well. When I met in March with a number of people on this issue, I expected that other proposals and other ideas for language and wording that would have cross-party support in this House would come forward. They did not, however. Some very smart people are trying to work out a solution to this issue and we now have Government approval on proposed wording. I brought that proposed wording to the Office of the Attorney General in November and he is working on that.

**Deputy Darragh O'Brien:** Does the Minister have any idea when that will be done?

**Deputy Eoghan Murphy:** At the moment, I cannot-----

**Deputy Darragh O'Brien:** Is the Attorney General going to come back to the Minister?

**Deputy Eoghan Murphy:** This issue is, of course, important to me. My engagement with the Attorney General at the moment focuses on Brexit and rent legislation and the Attorney General is also dealing with a number of other issues. That is not to say this matter is not important. It has, however, taken some time for us to bring the wording to the Attorney General. His team is now working on that wording. As soon as that is ready, all of us will have wording we can campaign on to ensure the referendum is successful.

### **Social and Affordable Housing**

21. **Deputy Eoin Ó Broin** asked the Minister for Housing, Planning and Local Government when the new affordable housing scheme will be published; the income limits of the new scheme; the local authorities which will be using the scheme; when it will be available for applications; the targets for the number of affordable rental and affordable purchase homes to be delivered in 2019, 2020 and 2021; and the number of such homes to be delivered in the Ring-send SDZ and the various pathfinder sites across Dublin city and county. [8670/19]

22. **Deputy Darragh O'Brien** asked the Minister for Housing, Planning and Local Government when he will publish regulations for the affordable purchase scheme; and if he will make a statement on the matter. [8292/19]

**Deputy Eoin Ó Broin:** Will the Minister give the House an update on the affordable housing scheme that his Department officials have been working on? I ask, in particular, for as much detail as possible of income limits, eligibility, price, if such information is available, for renters or purchasers, and a timeline as to when the scheme will be introduced. There is a degree of frustration among councillors in Dublin City Council, for example, keen to progress a number of affordable housing projects. Those councillors are being advised by officials that the absence of a statutory scheme is slowing down progress. Any update the Minister can provide will be most welcome.

**Deputy Eoghan Murphy:** I propose to take Questions Nos. 21 and 22 together.

Part 5 of the Housing (Miscellaneous Provisions) Act 2009 provides a new statutory basis for the delivery of affordable housing for purchase. The Act itself contains significant detail on the new arrangements, reducing the extent to which regulations are required. Insofar as regulations are necessary, the most immediate requirement is for regulations dealing with the making of schemes of priority by local authorities. I will be signing regulations dealing with that issue shortly which will allow local authorities to finalise their schemes of priorities by June, as required. Further regulations and detailed guidance will issue to local authorities in the coming weeks.

The new affordable housing scheme is targeted towards low to middle income first-time buyer households, with incomes of up to €50,000, and €75,000 in the case of single and dual applicant households, respectively. The priority areas for the operation of the scheme will be influenced by the economic assessments local authorities were asked to carry out on affordability issues in their areas. The examination of assessments submitted will be finalised shortly. The new scheme will be set in the context of moderating growth in house prices and rental levels in the market and will complement other key Government affordability initiatives. These include the Rebuilding Ireland Home Loan, which has seen 575 loans to a total value of some €107 million drawn down to date, and the Help to Buy scheme, under which there have been nearly

10,000 applications, to a value of some €142 million, approved.

The affordable housing scheme will be open to applications as projects are delivered. In that regard, significant delivery is to be achieved through the €310 million serviced site fund, SSF, under which at least 6,200 affordable homes are to be supported over the next three years. An initial ten projects have been approved for €43 million of funding under the first call for proposals under the SSF. A second call will issue shortly and the first homes are expected to be delivered next year. In addition, some 2,350 affordable homes will be delivered on mainly publicly-owned lands being supported through the local infrastructure housing activation fund, LIHAF, while 5,600 further homes will benefit from a LIHAF-related cost reduction. The work of the Land Development Agency will also be of crucial importance in delivering more affordable housing. The initial portfolio of sites the agency has access to will have the potential, over the short to medium term, to deliver 3,000 affordable homes in line with the Government policy of achieving 30% affordable housing on State lands generally.

In parallel with this, the Dublin local authorities continue to progress a number of other significant housing projects on publicly-owned lands, including the redevelopment of O'Devaney Gardens and a site at Oscar Traynor Road in Dublin city, yielding some 250 affordable homes, and 380 cost rental homes to be delivered between projects at the former St. Michael's Estate in Inchicore and at Enniskerry Road in Dún Laoghaire-Rathdown. The timing of delivery under these projects is contingent on the completion of planning and procurement in the first instance, but the local authorities are working to achieve delivery as quickly as possible.

In relation to the Poolbeg West strategic development zone, SDZ, the planning scheme for the area included provision for approximately 550 affordable homes. Delivery of these homes was to be arranged by agreement between Dublin City Council and the landowner and I understand that discussions in this regard, although not yet complete, are at an advanced stage. As Deputies will be aware, there is currently an appeal to An Bord Pleanála in relation to the planning scheme for the SDZ. Progress on development of the site is therefore dependent on the timing of the board's decision.

**Deputy Eoin Ó Broin:** Last year, the ESRI, in conjunction with the Department of Housing, Planning and Local Government, published important research on housing affordability. While it was found that overall 32% of renters and mortgage holders were having affordability issues, in the bottom 25% of income earners, it was found that 75% of those households were struggling with rent and mortgages. That demonstrates the scale of the problem. The research also clearly identified that this was not a recent phenomenon but something in place since approximately 2002, the date to which the research dated. We need to hear as well when these units will be delivered. For example, could we start to have annual targets, as we already have with social housing, for cost rental and affordable purchase? Could that also be broken down by local authority?

We need to start knowing the prices as well. For instance, we are hearing the price for Enniskerry Road will be 80% of market rent. That is nowhere close to affordable for the income brackets outlined in the new affordable housing scheme. The Minister might also clarify another issue I am concerned about. I welcome the affordable housing scheme the Minister is going to publish. Will it, however, only deal with purchase and not cost rental? My understanding is that local authority managers would like some clarity on that matter as well. At this stage, we would like to know when the units will be ready, what local authority areas will they be in and what will the price be to rent and buy.



**Deputy Eoghan Murphy:** On the first part of Deputy Ó Broin's question, if we examine the different schemes in place now, we are talking about delivering about 29,000 affordable homes. That is growing and work is happening in the Department to build that pipeline out. I refer to a pipeline similar to what is in place for social housing targets under the Rebuilding Ireland programme. We are going to do that. We are going to have targets for local authorities for the delivery of affordable homes to purchase and to rent. It will draw in the schemes currently in operation. That is happening now and it is going to be more ambitious than the 29,000 affordable homes currently in the system.

I turn now to cost reduction for renters. On cost rental we are talking about 15% to 25%, depending on how the scheme has been funded, what land was used, the interest rate at which the finance was secured and other factors that also play a part. That will be over the lifetime of a person's tenancy, whether that is five, ten, 15 or 20 years. In our models, the cost reduction with respect to the market rent grows to about 40% over time because the market rent continues to increase at market rates while the cost-rental rent does not. It may be linked to the consumer price index, CPI, or perhaps another much lower metric. We are trying to provide rent certainty over that period.

**Deputy Darragh O'Brien:** I thank the Minister. I am glad we are discussing this again. I have raised this issue with the Minister on a number of occasions. As the Minister is aware, Fianna Fáil made the delivery of an affordable housing scheme an absolute priority in the budget negotiations and secured €310 million over the next three years to kick-start this scheme. I am pleased that Sinn Féin has belatedly come on board and recognised the need for affordable purchase because that party opposed this very thing in the Dáil last May and opposed the budget as well. That said, we are all in agreement that there is an urgent need for the delivery of affordable homes. House prices are 90% higher than they were in 2012 and home ownership rates have dropped to 67.6%, the lowest level since 1971, while rents are soaring. We need the option of affordable purchase and affordable rent. When will the Minister actually publish the regulations? He reintroduced Part V after last June. When will the regulations will be published and when will we proceed with building affordable homes on State-owned land?

**Deputy Eoghan Murphy:** I thank the Deputy for the follow-up questions. The affordability schemes were already there but I very much appreciate Fianna Fáil's support for additional funding for the existing affordability scheme and the recognition that it is a good scheme that will work to delivery affordable housing. Fianna Fáil's support for Rebuilding Ireland is very welcome in that regard. As for the provision of affordable housing-----

**Deputy Darragh O'Brien:** The Minister is being a bit disingenuous there.

**Deputy Eoghan Murphy:** -----several schemes already were functioning very well. The Rebuilding Ireland home loan is more successful than anyone anticipated.

**Deputy Darragh O'Brien:** It does not bring affordability.

**Deputy Eoghan Murphy:** Just under 10,000 people have been able to purchase their first home through the help-to-buy scheme, which is fantastic. Other things are also happening, as I referenced in my first reply.

On the regulations for priority of access to affordable homes or schemes, it is unfair to suggest the fact that the regulations have not been finalised is delaying anything because we already have awarded €43 million in funding for the first round of sites. We have finalised the

second round of sites and we are doing another call now. We have also received the economic assessments. I would like to give the Dáil the current proposed regulations in respect of the order of priority. I seek input from Members as to whether it is the appropriate order of priority for such a regulatory scheme.

I am not sure how the time works when two priority questions are grouped together.

**Deputy Darragh O'Brien:** I do not know either.

**Deputy Eoghan Murphy:** Do people have time to contribute again?

**An Leas-Cheann Comhairle:** Both Members may ask a supplementary question.

**Deputy Darragh O'Brien:** The Minister is being deliberately disingenuous in part of his response there. The Fianna Fáil affordable housing scheme is the one we have actually pushed for.

**Deputy Eoghan Murphy:** The Fianna Fáil affordable housing scheme?

**Deputy Darragh O'Brien:** That is the scheme the Minister has not yet delivered. We had to drag €310 million out of a kicking and screaming Fine Gael. People are interested in knowing when they can apply and buy affordable homes. While the Rebuilding Ireland affordable home loan is a welcome product, I have said that publicly before, it does not deliver affordability in itself. It is an affordable product but it does not do anything *vis-à-vis* house prices, as the Minister is aware. It is not an affordability measure as such but helps people make affordable repayments. We are talking about affordable homes and a shared ownership arrangement with an equity stake held by the State, particularly on State-owned land. That is what we have been driving for.

I understand that nine local authorities have responded to the initial call. How advanced are those specific landbanks? I would welcome the Minister publishing the draft regulations in order that we can debate them here in the Dáil with input from all parties. This is a major part of the housing crisis. People are consigned and condemned to a rip-off rental market with no hope whatsoever of ever owning their own home. That is the situation for a whole generation of people. We will work with anyone to deliver a scheme that works, including schemes that have worked in the past but can be improved upon. I seek a timeframe. As I said, I will work with the Minister to deliver it and to get this scheme launched this year.

**An Leas-Cheann Comhairle:** Is Deputy Ó Broin's question similar?

**Deputy Eoin Ó Broin:** Perhaps. It is on the same subject.

**An Leas-Cheann Comhairle:** The Minister can answer the two questions.

**Deputy Eoin Ó Broin:** I have two supplementary questions. First, can the Minister clarify whether the regulations he has been speaking about will cover the cost-rental model, as well as affordable purchase? I have a genuine concern with the way he is structuring the financing of cost-rental projects. Because the model involves paying down the loans over 25 or 30 years, the starting rents are simply too high. Unless people's salaries increase substantially over the first five to ten years of their tenancies, they will not be able to benefit from what the Minister is calling a market price reduction. It would be much more sensible to extend the use of the capital advance leasing facility, CALF, to approved housing bodies as a soft loan from the Gov-



ernment to supplement the European Investment Bank, EIB, loans. That would allow the loans to be paid down over a period of 40 or 50 years, which would allow starting rents that would have no relationship with the market but could be genuinely affordable for families with modest incomes according to the Minister's own criteria. I refer to starting rents somewhere between €700 and €800 per month, instead of what we are going to see; in Dún Laoghaire, 80% of market rates would mean rents of €1,500 or €1,600, which is not affordable. There is a facility there already, namely, CALF. It just needs to be extended to the cost-rental model. I would strongly welcome annual local authority targets for all the schemes. Can the Minister give an indication of when he intends to publish those?

**Deputy Eoghan Murphy:** I thank both Deputies for their follow-up questions. Again, I thank Deputy Darragh O'Brien for his support for Rebuilding Ireland and the Rebuilding Ireland home loan. It is really welcome to hear that.

**Deputy Darragh O'Brien:** The Rebuilding Ireland home loan is a decent product.

**Deputy Eoghan Murphy:** I also thank him for supporting the serviced sites fund for affordable housing, which was in existence before the budget. The idea of using local authority land was not Fianna Fáil's idea, because it was not Fianna Fáil's practice in the past.

**Deputy Darragh O'Brien:** The Government has not done it.

**Deputy Eoghan Murphy:** It was our way of ensuring security for the provision of affordable housing. That is a fact on the record. I was in the meetings too.

**Deputy Darragh O'Brien:** The Government has not delivered a single affordable home.

**Deputy Eoghan Murphy:** Deputy Ó Broin's questions concerned the cost-rental model and financial modelling. A lot of work has been done with the EIB and the National Development Finance Agency, NDFA. Some of it is site specific and some of it is more general. This is absolutely not going to work if the rents are not affordable. We understand that. At the moment we are doing a lot of financial modelling around the Enniskerry Road site to see what starting rent we can lock in before it grows to a 40% cost reduction over time. The Deputy is aware of how important the cost-rental model is to me. It is something I want to see in this country so I am keeping a very close eye on the different schemes we have.

I have the order of priority for access to the scheme. In the first instance, this relates to affordable purchase. Once people apply, the first question will be whether the housing is suitable for their needs. If the applicant is a single person but the houses becoming available are three-bedroom homes, it will not be. The next criterion will be whether the person has been resident in the housing authority area for the 12 months immediately preceding application. The next question will be whether a household member is attending an educational facility within a certain distance of the homes concerned, then whether a household member is working within a certain distance of the home concerned. The next criterion is the date on which the application was made.

That is the current order of priority in the regulations. I ask people to consider those criteria and to come back very shortly on whether it is the right priority order. I believe it is, but I want to make sure people are happy with it.

**Deputy Darragh O'Brien:** The Minister for Finance, Deputy Donohoe, said in his budget

speech that he would review the income limit of €75,000 for a couple. Has that review happened? Is it happening as part of this?

**Deputy Eoghan Murphy:** The limit is €75,000 for a couple and €50,000 for an individual. That has not changed.

**Deputy Darragh O'Brien:** The Minister for Finance said he would review it.

## **Rental Sector**

23. **Deputy Mick Barry** asked the Minister for Housing, Planning and Local Government the steps he will take to counter price setting by institutional landlords (details supplied); and if he will make a statement on the matter. [8671/19]

**Deputy Mick Barry:** An interesting and in some ways extraordinary report from the economics division of the Department of Finance was published in *The Irish Times* last week. Its authors perceived a threat that corporate landlords would be in a position to set high rents in concentrated urban areas if they become a stronger force within society and the market. Will the Minister comment on that report?

**Deputy Eoghan Murphy:** The February 2019 report on institutional investment in the housing market prepared by the economics division of the Department of Finance examines the role of institutional investors and large-scale landlords in the Irish residential property market. The report finds that the combined purchasing activity of property funds, real estate firms and real estate investment trusts accounted for a net 1% of transacted units in 2017. Ownership of rental properties by large-scale landlords, that is, those who own more than 100 rental units, is also low, accounting for 4.6% of the wider market.

The report acknowledges that the purchasing and ownership activity of such firms can be more pronounced at a local level, particularly in the context of the apartment market. In the main, the report acknowledges the activity of such firms as a positive development and points to emerging evidence that they are a driving force behind a significant increase in the supply of new apartments in Dublin. As Minister, I welcome their much-needed delivery of high-quality, high-density and well-located rental units.

The report highlights that there may be a risk that such firms could scale up over time to develop monopolistic or oligopolistic pricing power. However, the report also notes that there is currently a diverse range of landlords and property types in the rental market. In 2017, approximately 310,000 private rented tenancies were registered with the Residential Tenancies Board, RTB, and 86% of landlords owned just one or two rental properties.

In fact, 70% owned just one property. Furthermore, the Department of Finance report focuses exclusively on apartments for analysis and comparators, whereas the market consists of both apartments and houses.

Part 3 of the Residential Tenancies Act prescribes the legal procedures for the setting and review of rents. Section 19 prohibits the setting of a rent above the market rent. Essentially, the amount of the rent payable is agreed between the landlord and tenant, cognisant of local rents for similar dwellings. These provisions are kept under ongoing review by my Department.

**Deputy Mick Barry:** The Minister stated 70% of landlords own one or two properties. We know all that but the report refers to a new trend, namely, corporate landlords in urban areas - city-centre areas - becoming a real force and having the power to set rents. The report does not pull its punches in stating what these corporate landlords do. They supply apartments to the premium end of the market, and these are unsuitable for people on average incomes. The report states there is a risk that, should buy-to-rent investment continue at current growth rates, market forces will, over the longer term, create socio-economic polarisation in some urban areas. Reference is also made to the possibility of monopolistic or oligopolistic power in price setting. Having been warned, what measures does the Minister intend to take?

**Deputy Eoghan Murphy:** I thank the Deputy for the follow-up question. He talked about a trend; it is not a trend. Some 1% of transactions in 2017 is not a trend. A proportion of 4.6% of the stock is not a trend. The Deputy said 70% of landlords own one or two properties and that everyone knows that. Everyone does not know that because the Deputy is wrong. Some 86% of landlords own one or two properties, while 70% own only one. When the Deputy attacks landlords, as he often does in this House, he should think about the people he is attacking, namely, 86% of our landlords who own only one or two properties, and the 70% who own only one. In most or many cases, they are accidental landlords who did not want or mean to become a landlord but who became one because of what happened in the financial crash or family circumstances. When the Deputy stands up here time and again attacking landlords, he is attacking people who find themselves in circumstances in which they do not want to be.

The Deputy spoke about the trend concerning institutional investors. We need more institutional investors because they increase the supply of apartments. We need tens of thousands of additional apartments, particularly in cities, if we are to meet the current housing challenge and also protect ourselves from other challenges, such as climate change, and also meet the need to promote proper spatial living and compact growth, as referred to in Project Ireland 2040.

**Deputy Mick Barry:** The Department of Finance has issued a warning, and it has done so in stark terms. It has raised the risk of the investors developing monopolistic or oligopolistic pricing power in rent setting. It refers to pricing people on both average and low incomes out of the market. I asked the Minister a simple question, concerning what he intends to do about this, and he gave me a lecture about statistics. What does he intend to do about it?

We are talking about Kennedy Wilson taking over Elysian Tower in Cork, vulture funds taking over Leaside Apartments in Cork, the increasing power of Irish Residential Properties REIT in the Dublin area and so on. Does the Minister intend to introduce more aggressive rent control measures? Does he intend to end the tax breaks for the big corporate landlords? Crucially, does he intend to put more money into social housing in the inner-city areas in addition to the suburbs and other areas around the country, which is what is needed?

**Deputy Eoghan Murphy:** I thank the Deputy. I did not give him a lecture about statistics; I pointed out where he was wrong and how that lack of knowledge or ignorance is, unfortunately, leading to the statements he is making against landlords in this country, the vast majority of whom-----

**Deputy Mick Barry:** Answer the question.

**Deputy Eoghan Murphy:** -----own only one property. It is not a case of big institutional landlords coming in and taking the approach the Deputy believes they are taking.

**Deputy Mick Barry:** What is he going to do about it?

**Deputy Eoghan Murphy:** He is completely mischaracterising our landlord sector. It is doing a lot of damage for renters or others who might invest in becoming a landlord, thus making a rental property available to a young couple, a young person or a person coming to live and work in this country.

The report refers to 1% of transactions in 2017 involving institutional landlords and the stock proportion being 4.6%. It states this is low. A rate of 4.6% is low in any market but, of course, I will keep this under review. We are trying to encourage the building of tens of thousands more homes, including apartments. We are trying to find a better balance in our landlord market so we will not be exposed to people leaving that market, as at present. Institutional investors coming in and making a long-term play in providing apartments over periods of ten, 15, 20 and 25 years is in our interest because those properties will remain as places to rent. That is what we need. We are losing landlords from the market. It is better to have a balance between institutional landlords and the small landlord, who features at present. We do not have that balance yet and are nowhere near it. I will keep this under review until we get closer to the balance we need to see in order to have a properly functioning, mature rental sector.

### **Local Authority Housing Data**

24. **Deputy Joan Collins** asked the Minister for Housing, Planning and Local Government the details of local authority houses built in 2018 in each local authority. [8368/19]

**Deputy Joan Collins:** I wish to know the details of local authority houses built in 2018 in each local authority area. I raise this area specifically because it is the only one in which we have security of tenure. The housing assistance payment does not give tenants security of tenure. House-building and acquisitions will, as will the cost-rental model, I hope.

Last year, the Minister announced that 7,000 homes had been built. At a meeting in Cork, it transpired the number was much lower, amounting to only 700 approximately. This year, the Minister is saying the number will be 8,400. I would like the details on this if the Minister can provide them.

**Deputy Eoghan Murphy:** I thank the Deputy for the question.

Details on the 2018 social housing output against target, broken down by local authority area, have just been published on the statistics page of my Department's website, honouring the commitment I made last year to publish annual targets and full delivery details. They should have been published this morning. I published the high-level targets last week. The reason for the delay was that we were waiting for the chairperson of a new task force we are establishing in Galway for housing delivery to confirm he or she would take on the role. The person confirmed only this morning. On confirmation, I was able to publish the detailed reports, in addition to the new measure we are taking in Galway city and county.

Overall, a very strong performance was achieved by comparison with the national target for the year. Regarding new-build activity in 2018, some 4,251 additional social homes were delivered across the 31 local authority areas. This included delivery under a range of schemes, either led directly by local authorities or in partnership with approved housing bodies. Of the

4,251 new homes provided, 2,022 were delivered by local authorities, 1,388 were delivered by approved housing bodies and 841 came through Part V agreements. Overall, the new-build social housing delivery last year, while marginally below target, was up 85% on 2017, and was more than eight times higher than in 2015, the year before Rebuilding Ireland was introduced.

My Department and I are committed to the accelerated delivery of all social housing projects and will continue to work with all local authorities and approved housing bodies to ensure that quality and value for money projects are delivered efficiently and effectively. This is evident from the significant increase in new-build social housing activity in 2018 and the further significant increase targeted for this year.

I apologise for the Deputy not having the table in front of her. It should be published now. It shows each local authority area and each of the delivery streams in each local authority. It shows performance against the targets I set in January of last year in terms of local authority build, approved housing authority build, Part V developments, leasing, acquisition, and HAP and RAS. People can see the exact breakdown in respect of the 27,000 new households that were supported last year by the taxpayer.

**Deputy Joan Collins:** I tabled the question because we had not seen those figures. The Minister is saying they were released this morning. The Minister's building target in Dublin city last year was 1,045 local authority houses. Has this number been built? The target for Galway city was 96 local authority houses. Considering that none was built the previous year, it would be interesting to know whether the target of 96 was reached.

I have a breakdown of all the local authority target build figures for 2018 so we will be able to compare these with the numbers actually built. I look forward to looking at and investigating the figures published today.

**Deputy Eoghan Murphy:** It is a rather large table so it is difficult to elaborate on it. The Deputy asked what Dublin City Council provided over the course of 2018. There were 264 new builds by the local authority. There were 282 new builds in partnership with the housing bodies. There were 104 delivered through Part V. Therefore, the total new build figure was 650 across the three streams. There were 200 done in voids. More voids were done than that but we decided to cap the voids at 560, as per the Rebuilding Ireland plan. Three times as many voids were done across the local authority area. That brings the total local authority build in Dublin city to 850. In addition, 265 homes were acquired by the city council and 280 by housing bodies in the area, bringing the acquisition total to 545. If I am reading the table correctly, 61 homes were leased. That brings the total supports provided in Dublin City Council, including housing assistance payment and the rental accommodation scheme, to a little less than 4,000. The council achieved 81% of its build target, or 83% if one includes acquisitions and leasing. This is the kind of breakdown I proposed delivering at the end of 2018 such that Members can examine the information and see what is working and what is not. It is available for every local authority area.

**Deputy Joan Collins:** We will drill down into those figures. The Minister stated there were 264 new builds by the local authority and 282 by housing bodies, in addition to Part V provision, giving a total of 650 new builds, with the remainder being acquisitions and leasing and so on. The target for last year was 1,045, indicating that less than 81% of the target was reached. Will those targets not being met impact on the overall figure for local authority builds up to 2021 to which the Government has committed?



**Deputy Eoghan Murphy:** According to my figures, the total build for Dublin City Council is 850 properties, while the target was 1,045. The council did not reach the target, achieving a little more than 80%. We must be fair to local authorities. For many years, the challenge they were facing was not trying to build housing but, rather, dealing with unfinished housing estates and land they bought that had significant debt on it because of the way the economy went after 2008 and 2009. They have been building their resources over several years and we are now seeing significant improvements. Dublin City Council did not hit its target but it made significant improvement on what it achieved in 2015 and 2017. Some local authorities are exceeding their targets, which is welcome.

A task force is being brought in for Galway city and county because the councils there are not performing as we want them to. Difficulties may exist between county boundary areas, as was the case in Cork. It is hoped that the expertise which brought about a greater than targeted increase in delivery in Cork will now be of assistance in Galway. Across all local authority areas, 96% of the national target was hit. Some local authorities are exceeding their targets, others are coming in on target and others are not meeting targets. My responsibility as Minister is to help local authorities which are not reaching their targets and see what extra resources we can provide to get them performing as well as other local authorities. There has been an eight-fold increase in build since the year before Rebuilding Ireland. I congratulate local authorities on that significant achievement.

## **Ceisteanna Eile - Other Questions**

### **Approved Housing Bodies**

25. **Deputy Brian Stanley** asked the Minister for Housing, Planning and Local Government the terms of the payment and availability scheme for approved housing bodies; and the amount paid out to housing bodies under the scheme. [8289/19]

**Deputy Brian Stanley:** The payment and availability scheme for approved housing bodies is one of the schemes introduced by the Government to try to increase housing supply. Little is known about it, but it has been in operation for some time. It would be useful for the House to examine the scheme, how it is working and its terms.

**Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English):** Approved housing bodies, AHBs, are making an important contribution to the supply of new social housing homes under Rebuilding Ireland. Since 2009, homes built, purchased or leased by AHBs are made available for social housing support under a payment and availability agreement with the local authority. For each property or group of properties, the payment and availability agreement sets out the details of the properties, details in respect of nomination rights of the local authority, the payment that will be made to the AHB, how that payment will be periodically reviewed, how the tenant's rent will be charged in accordance with the relevant differential rent scheme, and the conditions in regard to the maintenance of the properties and the provision of services to tenants. The agreement also sets out that payments may be withheld if the terms are not complied with by the AHB or, if necessary,

the agreement can be terminated.

Payment and availability agreements are generally between ten and 30 years in length. The level of payment made by the local authority to the AHB varies depending on the type and source of the property, ranging from 80% to 95% of market rent. The level of 95% is paid in the case of apartments, with the level for other properties usually being 92% or less. At the end of 2018, a total of 6,034 social housing homes were secured from AHBs by local authorities using payment and availability agreements. In 2018, €63.7 million was provided by my Department to local authorities to meet the terms of these agreements with AHBs. They will deliver approximately one third of the targets for the remaining years of Rebuilding Ireland.

**Deputy Brian Stanley:** The Minister of State provided some detail on how the subvention to approved housing bodies from local authorities is working. Is it a contra item? In other words, is the local authority reimbursed by the Department for that figure? It accounts for a substantial chunk of local authority budgets. The Minister of State clarified that between 80% and 95% of market rent is paid to the approved housing body. In addition, the approved housing body receives the differential rent, or what the rent would be for a similar local authority house in the same county, which may account for another €140 a week. It is a very attractive and beneficial scheme for approved housing bodies. I ask the Minister of State to clarify whether it is a contra item.

He mentioned that 6,034 homes were delivered under the scheme. Over what period did that take place? The scheme is very beneficial. The approved housing bodies are doing very well from it and have a very good budget for repairs, maintenance and management of their stock. Why can the same deal not be offered to local authorities?

**Deputy Damien English:** I sense that the Deputy is a little unhappy with approved housing bodies, but the Government is very happy with their performance. They are doing very well and delivering many houses. The scheme is designed to achieve good value for the Exchequer and we have been doing so for many years. The average cost of a house through payment and availability agreements is approximately €878. Deputy Stanley may wish to ask Deputy Ó Broin, who is sitting alongside him, whether he supports approved housing bodies. The Government supports them and they deliver good value for the taxpayer through various accommodation schemes such as the capital advance leasing facility to assist with construction or acquisition, the mortgage to rent scheme, private leases, the recent national asset residential property services, NARPS, process, and the repair and leaseback scheme. There are various schemes available. The average cost of a property under a payment and availability agreement is €878. It offers quite good value and makes good use of our housing budget through the combination of approved housing bodies and local authorities. I sense that the Deputy may not agree with that. Local authorities - certainly all local authority members - understand the relationship and have strengthened it. Councillors should involve themselves more with the business of approved housing bodies on a regular basis because AHBs work in partnership with and are responsible to local authorities.

**Deputy Brian Stanley:** The problem is that local authorities have very little say in any of this, apart from passing the budget every year for the payment and availability scheme. That is the reality which the Minister of State must recognise. On value for money, I understand that the Government will bring in several schemes to try to deliver the maximum number of houses but the problem relates to the cost to the taxpayer. The Minister of State did not clarify whether the payment and availability scheme is a contra item, in other words, whether the local author-

ity is reimbursed by the Department from public funds. Of course, the Government is happy with the delivery by approved housing bodies, and the AHBs are very happy because they have a good cashflow to deliver, manage and maintain the housing stock. The problem is that local authorities do not have such cashflow.

As rents continue to escalate over the next year or two because we do not have rent controls, so will differential rents, meaning that the flow of cash out of public funds on a payment and availability will increase. Could we offer the same payment and availability deal to local authorities to allow them to build in the same way as AHBs and to buy and get those houses into use? The State would be the ultimate owner of the houses. The problem with the payment and availability scheme as currently operated is that the State will not own one brick of those houses after the agreements expire after 30 years.

**Deputy Damien English:** The Deputy made some misleading comments. Local authorities are very much involved in the delivery of housing through approved housing bodies. No approved housing body scheme can come through the system without the approval and involvement of the local authority. I would rather if the Deputy did not mislead the House or cause confusion for councillors.

**Deputy Brian Stanley:** Elected members have no say in the matter.

**Deputy Damien English:** Approved housing bodies must work through the local authorities, which sanction the schemes in combination with the Department. They are reimbursed for the costs of that - that is why the housing budget is there. I remind the Deputy that the housing budget this year is the largest ever, with a housing spend of approximately €2.5 billion. The combination of work with local authorities and housing bodies helps us to deliver the houses the Opposition keeps saying it wants us to deliver. We will deliver 10,000 houses this year. The Deputy should consider the Sinn Féin housing policy, which proposes the delivery of fewer houses using taxpayers' money than is the intention of the Government. I question that too. I sense a little frustration in the Deputy's voice, but the housing bodies are not for profit. This is a good use of money. They avail of private finance and the Housing Finance Agency; therefore, they use a combination of funding sources, which gives us a good result and helps us to increase activity. I agree with the Deputy that they are in a very strong position to manage their properties. Local authorities are also well funded to do the same and their voids programmes help to turn properties around.

*Questions Nos. 26, 38 and 58 replied to with Written Answers.*

### **Traveller Accommodation**

27. **Deputy Dessie Ellis** asked the Minister for Housing, Planning and Local Government the steps he will take in view of the findings of the European committee on social rights that Ireland remains in violation of the European social charter on five grounds for Travellers by failing to redress insufficient provision and inadequate quality of Traveller accommodation, in legislation and practice and in circumstances in which Travellers were threatened with evictions and without the necessary safeguards. [8481/19]

30. **Deputy Joan Collins** asked the Minister for Housing, Planning and Local Government the number of Traveller-specific accommodation units built in 2018; and the targets in place for

2019 and 2020. [8381/19]

43. **Deputy Eoin Ó Broin** asked the Minister for Housing, Planning and Local Government the rationale for the 44% underspend in the Traveller accommodation budget for 2018; and the efforts he is making to ensure there is a 100% draw-down of funding by local authorities in 2019. [8452/19]

**Deputy Joan Collins:** I raise this question because there seems to be an issue with the money being provided for local authorities. The data show that, of the €12 million earmarked for Traveller housing in 2018, just €1.7 million was drawn down. Money is being allocated for Traveller accommodation, but it is not being drawn down. An independent expert group was established to examine and make recommendations on the issues related to the provision of Traveller accommodation. At what stage is it? It was supposed to report early this year.

**Deputy Damien English:** I propose to take Questions Nos. 27, 30 and 43 together.

In accordance with the Housing (Traveller Accommodation) Act 1998, local authorities have statutory responsibility for the assessment of the accommodation needs of Travellers and the preparation, adoption and implementation of multi-annual Traveller accommodation programmes, TAPs, in their areas. My Department's role is to ensure there are adequate structures and supports in place to assist the local authorities in providing such accommodation, including a national framework of policy, legislation and funding. It is a matter for each local authority to set targets for the provision of Traveller accommodation, which they outline in their TAPs. The allocation and recoupment profiles for Traveller accommodation projects can vary across local authorities, given local priorities, circumstances and project timelines as set out in their programmes. The programmes provide a roadmap for local authority investment priorities over the period and form the basis for the allocation of funding from my Department for Traveller accommodation.

In 2018 local authorities delivered a total of 107 units of Traveller accommodation. They included 57 refurbishments or extensions, 48 emergency caravans, one group house and one first-time buyer's grant for the purchase of a caravan. Local authorities are preparing their fifth multi-annual TAPs which will run from 2019 to 2024. I believe the new councils will continue this process in June this year. The plans will outline details of the programmes to be undertaken to meet the existing and projected accommodation needs of Travellers in their areas. The TAPs will be prepared by the local authorities in consultation with local Traveller organisations, the local Traveller consultative committees, LTACCs, other relevant community groups and the public in general. They will come into effect from September this year.

In line with the commitment in Rebuilding Ireland, reflecting the disappointing level of overall funding drawn down in recent years, which I agree is unacceptable, and having regard to relevant findings in relation to the European social charter referred to, the Housing Agency commissioned a review of funding for Traveller-specific accommodation in 2017. The review had regard to the targets contained in local authority TAPs and the actual delivery, the status of accommodation funded and funding provided for accommodation maintenance and other supports.

Following its consideration of the review, the national Traveller accommodation consultative committee recommended that an independent expert group be established to examine and make recommendations on issues regarding Traveller accommodation policy, strategy and

implementation. The expert group was established in September 2018. It has been asked to review the effectiveness, implementation and operation of the Housing (Traveller Accommodation) Act 1998, with a view to examining whether it provides a robust legislative basis for meeting current and future accommodation needs of the Traveller community. It has also been asked to review other legislation that may impact on the provision and delivery of Traveller-specific accommodation, including transient accommodation, which will address a number of the issues raised by the European committee on social rights. I expect the group to provide my Department with a report in April this year. When we set it up in September or October, I met the group and asked its members to do this work as quickly as they possibly could. We wanted them to do it within three or four months, but they expressed a preference for a period of six months. We hope to have the report no later than April in order that we can act on it at that time. My Department will consider any recommendation made by the expert group that will have the potential to improve the delivery of Traveller accommodation nationally and help to ensure full use is made of the increasing level of funding available for investment in Traveller accommodation.

The Deputy asked about targets for next year. At housing summits and individual meetings with the housing delivery team as we travel around the country, we sit down with local authorities to go through the question of delivery. I will continue to do so in the next month or two, with the Minister, Deputy Eoghan Murphy. We will try to see if projects are on track and that there are proposals in the pipeline as we want the money to be spent.

**Deputy Joan Collins:** I welcome the points made by the Minister of State. Heretofore, there has not been any drilling down into how and where Traveller accommodation can be built. If Traveller groups are involved in the process, it can make a difference. I was hoping the report would be ready by now, as I am interested in the details of what it will contain. There has been a lack of will on the part of local authorities to provide the accommodation needed by the Traveller community, but I hope the process the Minister of State has put in place will deliver over a period of time and determine where we can build five, ten or 20 homes and provide the funding needed for them. That is the only way to deal with the issue.

**Deputy Damien English:** I agree with the Deputy. We genuinely want to make progress in this area. There has been under-achievement in meeting the TAP targets set for the past 20 years by up to 80%, although the position in some years was better than others. Not enough has been happening at local level to make projects succeed. The Deputy made reference to local authorities, but detailed analysis has been undertaken and it has been found that there is a combination of reasons for it, and that all stakeholders are involved. We need to find ways to make this happen and have the money spent. People are living in unsatisfactory conditions, something none of us wants. Therefore, we must address the issue which is a priority for us and the sooner we receive the report the better. Even without it, we are sitting down with the local authorities to work on projects to have them delivered. It comes down to planning, design and lay-out and individual families have different requests.

**Deputy Eoin Ó Broin:** I acknowledge the good work the Minister of State is doing on the issue, particularly in the establishment of the expert group. However, I am increasingly concerned by the underspend year on year. I received the reply to a parliamentary question last night which gave us the breakdown for last year by local authority. Not only was there a 48% underspend across the State, ten local authorities did not spend anything at all, 14 significantly underspent, while only six either spent their full allocation or overspent. That is not good enough. I hope the Minister of State is not suggesting he is waiting for the expert group to make



its findings to enable him to work out how to deal with the issue. This is the second year in a row in which just about half of the budget has not been spent. What did the Minister of State do last year with the local authorities to fix the underspend in the year before and last year? Whatever the expert group recommends in its report, to which we are looking forward, it will not have any impact until 2020. What is the Minister of State going to do differently this year to ensure we will not be here in 12 months' time discussing a significant underspend?

**Deputy Damien English:** We all share the Deputies' concerns that the money is not being spent on Traveller-specific accommodation, but even though there is an underspend, we will make sure the money is spent on other housing solutions that will benefit both Travellers and non-Travellers. Travellers do not just benefit from Traveller-specific accommodation. We meet many Traveller families who want a choice of accommodation. The money is not lost to the housing budget and the Department has proved that it can spend money wisely and get good results.

The only way we have to deal with local authorities is to use existing law. We can sit down with them and work through specific projects. I have visited some of the key sites in a couple of counties that are causing difficulty. Some of the sites in Galway and Cork were named in the European review. We have sat down with local authority members and council staff in the areas concerned to find ways to progress projects. I have also met many Traveller representative bodies to try to make a breakthrough because in some situations it is not as straightforward as it seems. It is not always the fault of one side and there are other issues at play. The best way to do it is to work through our delivery team to find ways to have the money spent. We are not waiting for the expert group to come back, but I hope the report will indicate a clear direction for how we can tackle this issue. We want to improve the position for Traveller families.

**Deputy Eoin Ó Broin:** My concern is that the situation is getting worse year on year. For example, the worst ever underspend since the Traveller accommodation programmes were introduced was in 2017 and now we discover that last year the situation was the same. It is the same local authorities. This is not about one or two sites, because the Minister of State is absolutely right that there can be two sides to any story, but there is clearly a structural problem here when we have 24 local authorities either not spending or significantly underspending a budget. That is a structural problem in the system. I do not accept it is a positive that this money is spent elsewhere. Traveller homelessness is higher than in any other section of the population. We are three years and a few months on from the tragic events in Carrickmines where families were living in wholly inappropriate and dangerous conditions. This budget is not just for new Traveller accommodation, it should also be for upgrades, improvements and fire safety works. The fact that so many local authorities are not spending or are underspending is a problem. I am waiting to hear something different that the Government will do this year to ensure the money is spent. I appreciate the primary problem here is at a local government level but the Department has to do more to ensure 2019 does not have the same level of underspend as the last two years.

**Deputy Damien English:** Again, part of the issue here is that, as we rightly increase the capital funding back up, the pipeline of projects are not there to be able to draw that allocation down. We originally make allocations based on projects that should be in the pipeline and have come through planning and then they get stuck in planning or design or have not been agreed locally with all the various stakeholders so there are reasons for that. Much of that difficulty is probably with new sites or new accommodation, however. From what I can see there are certainly plenty of projects that we could refurbish and spend this money on, so we have asked local authorities to look at all existing accommodation that is not up to a satisfactory condition

so that this money can be drawn down for those projects. I am more confident this year that this money will be spent than I would have been last year because we have put a lot more time and effort into doing this. There is also full engagement from all the stakeholders and we have to recognise that there are responsibilities and rights on all sides here to try to bring this forward. I do not single out one or two areas or stakeholders; I believe the system has not delivered. There are many involved in that system and it needs to be addressed. Hopefully, with the work we are doing this year prior to the report, we will get some progress in this space.

### **Social and Affordable Housing**

28. **Deputy Richard Boyd Barrett** asked the Minister for Housing, Planning and Local Government the reports he is considering changing the rules in relation to offers of accommodation to social housing applicants which may result in an applicant being suspended from the list if they refuse two offers of accommodation; and if he will make a statement on the matter. [8178/19]

62. **Deputy Jan O’Sullivan** asked the Minister for Housing, Planning and Local Government if the plans to change the policy on offers of social housing to require a five year wait for a further offer if two are refused will be clarified; his views on whether some flexibility is required in circumstances in which there are valid reasons for offers being refused; and if he will make a statement on the matter. [8243/19]

**Deputy Richard Boyd Barrett:** One of the most unpalatable aspects of the shameful housing and homelessness crisis is the attempt by officials and by Government to blame the people who are the victims of the housing crisis. We saw an instance of that with Mr. Owen Keegan’s comments at the weekend when he said that homeless accommodation was somehow “attractive” to people. Another aspect of this is the suggestion that has been mooted that people will be suspended from the housing list if, for overwhelmingly legitimate reasons, they refuse particular offers. Is this true and if so, how can the Minister justify it?

**Deputy Eoghan Murphy:** I propose to take Questions Nos. 28 and 62 together.

The current position in relation to the refusal by households of offers of social housing dwellings is set down in regulation 12 of the social housing allocation regulations 2011, which were made under section 22 of the Housing (Miscellaneous Provisions) Act 2009.

Under regulation 12, a household that refuses two reasonable offers of social housing tenancies in any 12 month period, other than an offer made under the choice based letting procedure, will not receive any further offers from any local authority for a period of one year from the date of the second refusal. An offer is deemed to be reasonable where the dwelling concerned would, in the opinion of the authority, meet the housing needs of the household and, except in an emergency, is located in an area of choice specified by the household. From my engagement with the local authority sector, it has become apparent that the current 12-month sanction is not operating in a manner that counters sufficiently the potential for households on the waiting list to turn down reasonable housing offers. The refusal of offers can have a serious impact on the efforts by local authorities to manage their social housing letting process effectively and efficiently, lengthening the period ultimately required to complete lettings or relettings and resulting in a loss of essential differential rent revenue for extended periods.

For these reasons, I will soon be proposing to amend the regulations to provide that a household that refuses two reasonable offers in any 12 month period, other than an offer made under the choice based letting procedure, will not receive any further offers from any local authority for a period of five years.

**Deputy Joan Collins:** Disgraceful.

**Deputy Eoghan Murphy:** The latter period will not be reckonable subsequently for the purposes of determining the household's relative priority for another social housing tenancy. Having regard to the overall level of demand for social housing, I am satisfied that the change proposed is a measured step, it is ultimately fair to all households on local authority social housing waiting lists and it will be supportive of the work of local authorities to improve the level of efficiency in the use of their social housing stock.

**Deputy Richard Boyd Barrett:** That is an absolute disgrace but it is typical of a Government trying to divert attention away from its failure to provide public and affordable housing and to essentially blame the victims. I will take one of the administrative areas the Minister is talking about. My administrative area stretches from Little Bray to Sandycove. Let us imagine someone has been on the housing list for 15 years, their kids go to school in Shankill and they get offered somewhere in Sandycove. All their family network, such as their granny who looks after the kids, is in Shankill, and the schools the kids are in are in Shankill. They are told they are getting an offer of a house in Stepaside or Sandycove. They say they are desperate for a place but they cannot take that offer because they would have to uproot all their kids, they would not have the family network, they do not have a car and there are no transport links. This happens all the time. In many cases, houses are substandard, they are too small and there are real problems but out of desperation local authorities will offer them to people even though they are not suitable for particular families. The Government will then punish people by taking them off the list for five years. It is absolutely outrageous.

**Deputy Eoghan Murphy:** The first thing to say is that this is part of a suite of measures that we are working on to help people who are in emergency accommodation to get out of emergency accommodation and to help local authorities manage the social housing stock efficiently. There are more than 70,000 people waiting for their home. These homes are being built now and we want to make sure there are no unnecessary or unreasonable delays for those families to get into their homes. What we are talking about here are not refusals for legitimate reasons, as the Deputy said. That is not what we are talking about. There is great flexibility with the local authorities in terms of working with families and individuals to help them into their social housing homes and in terms of determining what is the best type of home for them. It is not for legitimate reasons. It is for reasons that are not seen to be acceptable by the authority which is responsible for helping families into homes and managing that stock of social housing. We are talking about three areas of choice where people can choose to have their home, and I can provide a detailed map of the geographic size of those areas for the Deputy. We are talking about a second refusal. The local authority has offered one house which it deems to be a perfectly good house for that person to move into but that has been refused. The local authority has then offered a second house which it deems to be perfectly good for that household to move into but that has been refused. In that instance, based on the feedback I have received from local authorities, they believe that rather than just a 12-month suspension, a five-year suspension would be more suitable. We are not talking about a large number of cases so I do not know why the Deputy is getting so frustrated and concerned about this. The local authorities deem it necessary to ensure they can more efficiently use their housing stock in the interests of those people

who have been waiting too long to get into their homes.

**Deputy Jan O'Sullivan:** The Minister is not living in the real world of people who are looking for housing in local authority areas. I have a similar situation to Deputy Boyd Barrett where three areas of choice can be ticked on a form and in some cases they are very broad areas. They stretch for kilometres. By and large, we are talking about families in situations where they do not have their own car and I am not sure about Dublin but in Limerick there certainly are no connecting busses. They have to get their children to school and there may not be a direct bus. While I have the greatest of respect for local authority officials, what they might deem to be a fair and legitimate offer may not be practical for the family concerned and it is too inflexible to put people back for five years. One year can be difficult enough for a family that is in a desperate situation but I genuinely do not believe that people are refusing offers for flimsy reasons. Maybe there is a very small number who do but certainly when it comes to the people I deal with, generally speaking, if they are refusing an offer of a local authority house, having been on a waiting list for a number of years, they have really genuine reasons for doing so. If there are people abusing the system, it can be dealt with even with the current regulations but it is very harsh to extend it to five years.

**Deputy Eoghan Murphy:** The local authority is the entity which best understands what the needs of the people on the housing list are and what type of home they need to move into. They have great flexibility. They have flexibility within the current policy and flexibility within the changes to be able to work with those families to get the best home. We are talking about those people who are refusing accommodation for spurious reasons - that is who we are trying to target here.

**Deputy Joan Collins:** How many are there? Is it ten, 20 or 50?

**Deputy Eoghan Murphy:** The current policy is two refusals and the person is suspended for a year. What we are talking about is extending the period of time to act as a deterrent to people who are not accepting houses for reasons that are not seen to be valid. We are not talking about the challenges some families face that require a very specific type of accommodation, with the local authority working with them on a first offer, second offer and third offer. They have the flexibility to continue beyond two offers - of course they do. This is where the local authority deems that the second refusal was not on legitimate grounds. Under the current policy, people are then suspended for 12 months but, under the new proposals, which will be coming in with a range of other proposals, it will be for five years. I think that is acceptable based on the feedback I have from those local authority areas. However, the flexibility remains. This is not about families who have a legitimate challenge in trying to find a home to meet their needs in their area of choice.

**Deputy Richard Boyd Barrett:** If the number is small, where the hell did this come from? I will tell the Minister where it came from. It came from a rotten prejudice that was expressed by Owen Keegan at the weekend in his disgraceful interview with *The Sunday Business Post*.

**An Leas-Cheann Comhairle:** The Deputy should refrain from naming people.

**Deputy Richard Boyd Barrett:** He said it publicly.

**An Leas-Cheann Comhairle:** He may well have but we have to abide by the rules here.

**Deputy Richard Boyd Barrett:** He said homeless accommodation was attractive to people

and was a magnet, an absolutely outrageous statement he made in public, an insult to people who are stuck in homelessness. This betrays a rotten attitude. If it is a small number, where did it come from? It is to divert attention away from the real problem. One year is enough punishment. I have met people who are faced with that one year, who are crying and coming into my office to say they do not want to refuse, that they have been waiting for a house for years but that they cannot accept the house because it is completely impossible for them, yet they are under pressure to do so. I understand why officials are putting people under pressure because they are desperate to just tick the boxes. The people who have been waiting years on housing lists, who have real human family circumstances, should not be put under that pressure and should not be punished in this way. It is outrageous.

**An Leas-Cheann Comhairle:** I call Deputy Jan O’Sullivan. All Members should refrain from mentioning names.

**Deputy Jan O’Sullivan:** What we are trying to do is to get the Minister to change his mind. I ask the Minister to define what he means by “flexibility”. As I read this, there is no flexibility and once a person refuses a second home, they go back five years. I cannot see any flexibility in that. The Minister needs to go back and redefine what he is talking about if it is the case that people who refuse two offers then have to wait five years. We are talking about people who are desperate and who only refuse because they know that if they accept the third offer, they are stuck in this unsuitable place for the rest of their lives and it is not going to work for them. They are not going to refuse for spurious reasons. I urge the Minister to find a way of dealing with this whereby, after two refusals, the local authority must bring the people in and discuss with them why they have not been able to accept the two offers. Given the pressure local authority officials are under, I do not think they are going to show flexibility. Instead, they are going to say, “You have refused and that is it. We have a load of other people to deal with.” That is not fair on people and their individual situations.

**Deputy Eoin Ó Broin:** I urge the Minister not to proceed with this draconian measure. I urge him to come before the housing committee and have a reasoned discussion with us about this because he is not being given the full information. There are many examples, which we can all cite from our constituencies, where people turn down offers of accommodation, for example, because they have been offered accommodation outside the catchment area for children who are in schools with special needs, and the local authorities have deemed that to be acceptable. We have had cases in some local authorities where families with children have been offered one-bedroom accommodation and the local authorities deemed that to be acceptable. We have had occasions where people have been offered accommodation not only far away from where they currently live but away from public transport networks and vital supports, which is a particular problem for working single mothers who need access to family accommodation.

The Minister has this wrong. I have no difficulty if somebody for frivolous reasons rejects two offers and receives a punishment - that is not a problem. However, there is more to this than the Minister is being told. I urge him to hold back and to come to committee. The crucial point is that choice-based letting fixes this problem for the overwhelming majority of offers, yet only 16 local authorities are using that system and many of them are not using it properly. Rather than punishing families, many of whom in our experience have legitimate reasons for rejecting offers the local authority feels are appropriate, we need to see a different approach. The Minister should come and talk to us, sit down and engage, and listen before he proceeds. Five years is draconian and the information the Minister is being given by the managers is not the complete picture.



Local authority elected members have to approve the scheme of lettings. Will this override decisions of local authority officers or elected members or is there a recommendation to that effect?

**An Leas-Cheann Comhairle:** The Minister has one minute to reply.

**Deputy Eoghan Murphy:** As Deputies got extra time, I would like some extra time as well because it is an important issue. I have no problem with coming before the Oireachtas joint committee, as I do regularly, and I will come in on this issue as well. We have an engagement coming up which will facilitate that. This does not affect choice-based letting, which is working very well where it is working, and we want it to work in more areas. I am glad Deputy Ó Broin accepts that people are refusing accommodation for spurious reasons, and, in that case, that there should be some sort of deterrent and some sort of consequence. When people reject a social housing home for spurious reasons, the more than 70,000 people Deputy Boyd Barrett is talking about, who have been waiting for so long, have to wait even longer.

Deputy Ó Broin said I do not know the full facts. With respect, many Deputies come to me with cases which seem to be genuine hardship cases, and they bring them to me for genuine reasons, but when we actually dig into them, there is more to them than meets the eye. We have to try to find a balanced approach. The current policy is two refusals and a suspension for 12 months. This is about lengthening the suspension period to make it act as a proper deterrent for those who are doing this for spurious reasons, not those who have legitimate difficulties in finding accommodation that will meet their needs. That is what we are talking about here. The flexibility already exists in the local authority area. The local authorities have come to me saying they need more of a deterrent for those people who are refusing accommodation for spurious reasons. If the Deputies do not think we should be rejecting people for using spurious reasons, and if they have an idea how we can better deal with the situation-----

**Deputy Richard Boyd Barrett:** Choice-based letting.

**Deputy Eoghan Murphy:** That is what we are rolling out. There are more than 70,000 people waiting for a social housing home. Some of those people are being kept from moving into their homes because people ahead of them in the queue are saying “No” for reasons that are not legitimate. That is what we are trying to deal with. This is happening with a suite of other reforms that will be announced next month.

## **Housing Data**

29. **Deputy Eoin Ó Broin** asked the Minister for Housing, Planning and Local Government his views on the Central Statistics Office, CSO, house build completion data for 2018; and the steps he is taking to ensure house building targets for 2019 are reached in view of the fact the 2018 figures show that they were 40% below target for 2018. [8454/19]

**Deputy Eoin Ó Broin:** The CSO released the house completion figures the week before last. They are a good set of figures, which I welcome, and I also welcome any increase in private and public sector house building. My concern is that the figure of 18,000 units reported is substantially behind the targets set out in Rebuilding Ireland. What is going to happen to ensure that this year, next year and in 2021 the catch-up in both public and private sector delivery is achieved to meet that crucial target in Rebuilding Ireland?

**Deputy Eoghan Murphy:** Housing is, and will remain, a top priority for the Government. The latest statistics from the Central Statistics Office, released earlier this month, show that very significant progress is being made. Specifically, the CSO reports there were 18,072 new dwelling completions in Ireland last year, up 25% on 2017. When account is taken of the 794 homes completed in unfinished housing developments and the 2,592 homes that were vacant for at least two years and have been returned to use, the overall number of new homes becoming available for use in 2018 was 21,458, without counting the new student bed spaces that were also brought in during that time.

More new homes were built in 2018 than in any other year this decade. Much of this can be attributed to the Government's overall management of the economy, as well as to specific actions under Rebuilding Ireland, including streamlined and updated planning arrangements and investments in infrastructure. While the Deputy's question suggests that overall housing delivery last year was 40% below the target for the year, this is not the case. The target in Rebuilding Ireland is for housing supply to increase to 25,000 in 2020, and I am confident, on the basis of progress made to date and the range of indicators of housing construction activity, that this target will be achieved. There is, however, no room for complacency and I will be continuing to maintain very focused attention on increasing overall housing supply in co-operation with local authorities, the construction sector and other stakeholders.

**Deputy Eoin Ó Broin:** I want to correct one thing the Minister said. The target in Rebuilding Ireland is not to reach 25,000 units by 2020 and 2021. The target in the plan is to "ensure that an average of 25,000 homes are produced every year in the period to 2021". That is what Rebuilding Ireland says. Nobody expected 25,000 units in 2016, 2017 or 2018 so what the target suggests is that, as it ramps up, about midway through the plan, the 25,000 is passed and is then exceeded in the years thereafter. On the basis of that target - it is a direct quote - the Government is 43% behind halfway through the plan. Somebody changed the wording of my question and it does not reflect the original wording. In order to meet that key Rebuilding Ireland target, the Government must increase output annually to somewhere close to 35,000 units. Either the Minister has changed the Rebuilding Ireland target and not told anybody, or else he must explain to the House how, if the Government is to reach that crucial target, it will get to 35,000 units per year between now and 2021, which is what would be required to meet the target set in the plan.

**Deputy Eoghan Murphy:** Somebody also originally changed my gender in the question; therefore, we apologise if something was lost in translation.

The Deputy might be misreading the Rebuilding Ireland plan with the selective quote mentioned. What we have always spoken about in Rebuilding Ireland is ramping up to a point where we will be producing at least 25,000 units per year and continuing that delivery for a number of years. Beyond the end of Rebuilding Ireland is Project Ireland 2040, the national planning framework and development plan which has the goal of increasing the number to 35,000 homes per year and driving delivery out to 2027. The capital plan for housing agreed as part of Project Ireland 2040 is the next phase of Rebuilding Ireland, but it is clearly at a high level to get us to an output of 35,000 units per year to 2027. Within it, we will maintain our commitment to one in four and one in five homes built every year being social housing homes, reflecting the great progress being made under Rebuilding Ireland to increase the stock of social housing and ensuring Rebuilding Ireland will complete by the end of 2021 the ambition of delivering social housing in tandem with housing more generally in the economy. That will continue with the national planning framework and Project Ireland 2040. The increase in the number of new places

to live was significant in 2018. The number of builds of over 18,000 was the highest compared to any other year this decade and it will be higher again this year. Construction is moving very quickly in the right direction. We must continue to drive that delivery to get to 35,000 homes per year, which is what we anticipate will happen under Project Ireland 2040 at the conclusion of Rebuilding Ireland.

**Deputy Eoin Ó Broin:** Rebuilding Ireland is crystal clear and the direct quote comes from both the plan and the Rebuilding Ireland website. It states, “to ensure that an average of 25,000 homes are produced every year in the period to 2021”. I am not disputing that the figure of 18,000 is an improvement on 14,000 in the year before and 9,000 in the year before that. I welcome every new home that is available, public or private. However, at the centre of the Minister’s plan there is a key commitment and it seems that he does not understand it; rather than what the document promises - an average of 25,000 homes in each year of the plan - he is now saying we will only reach 25,000 at the end. As clearly there is confusion on the Minister’s side, I ask him again how he will reach that key target, given that he is now 43% behind and that meeting it will require 35,000 units to be built each year.

**Deputy Eoghan Murphy:** I thank the Deputy for the question. He is misrepresenting the targets set in Rebuilding Ireland. The confusion is not on my side.

**Deputy Eoin Ó Broin:** I am quoting the plan.

**Deputy Eoghan Murphy:** The Deputy is quoting out of context. I cannot see what else is around the sentence. Nobody suggested we would build 25,000 homes in 2016 or 2017.

**Deputy Eoin Ó Broin:** Absolutely.

**Deputy Eoghan Murphy:** It was always about ramping up to 25,000 units per year and maintaining that number.

**Deputy Eoin Ó Broin:** That is not what the plan states.

**Deputy Eoghan Murphy:** A new ambition was to bring it to 35,000 homes per year under Project Ireland 2040. I thank the Deputy for welcoming the increase in housing numbers happening under Rebuilding Ireland and recognising, because of the policies in Rebuilding Ireland, the increase in housing numbers that is happening.

**Deputy Eoin Ó Broin:** The plan is 43% behind target. Is the Minister accepting that the Government will not meet its own target?

**Deputy Eoghan Murphy:** No. The Deputy is using statistics to misrepresent the position. That is not what is happening. We have seen a dramatic increase in home building under Rebuilding Ireland.

**Deputy Eoin Ó Broin:** Is the Minister accepting that the Government will not reach its target?

**Deputy Eoghan Murphy:** I am just glad that the Deputy is accepting that Rebuilding Ireland is working. It is the plan and driving house delivery.

**Deputy Eoin Ó Broin:** As it is 43% behind target, it is not working.

**Deputy Eoghan Murphy:** We still have to hear what Sinn Féin’s plan would be to replace

Rebuilding Ireland as it takes every opportunity to state we should throw it out. That is despite the fact that it is working to increase dramatically the supply of homes.

**Deputy Eoin Ó Broin:** It is 43% behind target.

*Question No. 30 answered with Question No. 27.*

### **Traveller Accommodation**

31. **Deputy Gerry Adams** asked the Minister for Housing, Planning and Local Government his plans to rectify, as a matter of urgency, fire safety for Travellers in circumstances in which fire safety regulation exemptions on temporary emergency sites exist and there is no time limit on such sites remaining as temporary in view of the Carrickmines fire inquest. [8394/19]

76. **Deputy Jan O'Sullivan** asked the Minister for Housing, Planning and Local Government his plans to address fire safety for Travellers in circumstances in which fire safety regulation exemptions on temporary emergency sites exist and there is no time limit on such sites remaining as temporary; and if he will make a statement on the matter. [8244/19]

**Deputy Jan O'Sullivan:** This question relates to plans to address fire safety for Travellers in circumstances in which fire safety regulation exemptions on temporary emergency sites exist and there is no time limit on such sites remaining as temporary. That is the context of the Carrickmines disaster.

**Deputy Damien English:** I propose to take Questions Nos. 31 and 76 together.

In accordance with the Housing (Traveller Accommodation) Act 1998, local authorities have statutory responsibility for the assessment of the accommodation needs of Travellers and the preparation, adoption and implementation of multi-annual Traveller accommodation programmes, TAPs, in their areas. My Department's role is to ensure there are adequate structures and supports in place to assist the local authorities in providing such accommodation, including a national framework of policy, legislation and funding.

Following the tragic loss of life in Carrickmines, County Dublin, on 10 October 2015, my Department's national directorate for fire and emergency management was tasked with developing and overseeing a programme to review and enhance fire safety in local authority-provided Traveller accommodation. This was undertaken in association with and supported by Travellers' representative groups. As part of the review process, a working draft of a Guide to Fire Safety in Existing Traveller Accommodation was developed. The guidance document included fire safety advice and guidance and standards applicable in various types of Traveller accommodation. Fire safety in domestic settings is a shared responsibility and the guide emphasises an approach to life safety through the prevention of fires, fire safety awareness and early detection and warning of fire through working smoke alarms. My Department published the report on the programme to review and enhance fire safety in local authority provided Traveller accommodation on 21 September 2016.

The inquest into the tragedy at Carrickmines concluded recently and recommended that the working draft Guide to Fire Safety in Existing Traveller Accommodation be adopted as best practice. The process of formal approval of the draft document for publication as national guidance is at an advanced stage and expected to be completed at the next scheduled meeting

of the management board of the national directorate for fire and emergency management on 28 February 2019. My Department will be writing to bring the updated document to the attention of all local authorities and advising on the use of the document as the basis for fire safety requirements in all Traveller accommodation, irrespective of whether the site is permanent or temporary.

**Deputy Jan O’Sullivan:** I thank the Minister of State for his response and providing clarity. Will he reiterate that it will apply to temporary sites, as we know a terrible tragedy occurred in Carrickmines? Will he indicate when he expects the work to conclude and the guidance to be given to local authorities? What will he do to ensure local authorities will abide by the guidance in the interests of protecting lives?

**Deputy Damien English:** While there is no specific time limit for the use of sites on a temporary basis under the Housing (Traveller Accommodation) Act 1998, local authorities are required to make adequate provision for transient and permanent sites in their programmes. The guidance is provided for temporary sites and local authorities will be encouraged to use it as best practice. It was set in conjunction with the local authorities and Traveller representative bodies. I hope it will formally become best practice at next week’s meeting and that we will not delay in issuing it as formal guidance. We will follow up with local authorities as everybody takes his or her responsibilities seriously. The guidance will probably help local authorities in dealing with temporary sites, but we are clear that it applies, whether the site is permanent or temporary.

**Deputy Jan O’Sullivan:** There was a previous question concerning the underspending of money for Traveller sites. Local authorities will not be able to use the excuse that they do not have the money required. Will the Minister of State clarify that he will ensure local authorities will spend the money required to guarantee safety?

**Deputy Damien English:** We will continue to increase capital funding for this purpose. There is no reason urgent fire safety works cannot be carried out. There is no excuse. I understand the difficulties in respect of new accommodation and sites because of the different stakeholders involved, but in the refurbishment of existing sites, there should be no delay in implementing the required changes.

**An Ceann Comhairle:** Does Deputy Ó Broin wish to ask the next question?

**Deputy Eoin Ó Broin:** As I would only have approximately 30 seconds to do so, I am happy to receive a written answer.

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

**Deputy Micheál Martin:** I have asked specific questions for some time about the Minister for Health’s decision last April to offer a free out-of-cycle smear test to every woman in the country who wanted one and about who advised him on the decision. I have been subject to obfuscation since I first began asking these questions in January. As a result of that decision, CervicalCheck has an enormous backlog of up to 80,000 people waiting up to 27 weeks to receive reports on their tests, while thousands of women have received letters to tell them to come



back in because the tests had expired and proved to be invalid. We have moved from a situation where tests were provided within four to six weeks to one in which they take between four and six months. The Minister's decision was the major contributing factor to this unacceptable situation. Last week, the Joint Committee on Health revealed that the new HPV test has been indefinitely delayed because of the backlog. We learned from the *The Lancet Oncology* journal today that the new HPV test, combined with an uptake in the vaccine, would have a dramatic impact on the reduction of cervical cancer in this country and beyond, but its introduction has been delayed because of the backlog caused primarily by the Minister's decision last April.

Susan Mitchell wrote in last Sunday's edition of *The Sunday Business Post* that it was her understanding that the CervicalCheck team communicated its opposition to the provision of an additional smear test directly to the Department at a high level in advance of the offer being made. We now know that Professor Gráinne Flannelly, former clinical adviser at CervicalCheck, warned publicly of the inadvisability of this particular move during an interview. I listened to the Minister's interview last Saturday morning with Brendan O'Connor. I was taken  
 12 o'clock aback when the Minister chose to launch an attack on the CervicalCheck team, stating that he had lost confidence in the people running CervicalCheck because of decisions on managing the audit, in response to a basic question of whether he had checked with CervicalCheck before making his decision. The Minister replied that he had not because he had lost confidence in the team over the audit and the communication of the audit.

We now know, however, that the audit decision was shared with the Department of Health. The CervicalCheck team did not make the decision on its own but rather in conjunction with the Department of Health officials and the chief medical officer. They were all part of the decision on how to communicate the audit. Irrespective of one's views on the terms of the decision on the audit, the CervicalCheck team did exceptional work over a decade in building up its programme and saving thousands of lives. The degree to which the Minister dumped on the team last Saturday morning and attempted to destroy its reputation is unacceptable and mean spirited. One cannot destroy the reputation and work of people who have committed to the programme for more than a decade. Many people in the medical world are dismayed at the cavalier dismissal of people who have worked in the field for a considerable time.

Did the CervicalCheck team communicate its opposition to the Minister's decision to someone at a senior level in the Department of Health? Does the Taoiseach now accept that the decision last May was a wrong decision without any clinical mandate? When can we expect the new HPV test to be introduced?

**The Taoiseach:** All of us in the House will acknowledge and know that cervical cancer is a terrible disease that causes the death of many women and results in life-changing surgery for many others. We also know that cervical screening works and that the number of women who have cervical cancer has fallen for many years as a result of a successful screening programme and the introduction of the HPV vaccine by the previous Government, of which I was a member. Our objective over the next couple of years is to make cervical cancer a rare disease and virtually eliminate it in the period ahead.

We will do so in three ways, namely, promoting the uptake of the HPV vaccine by girls; extending the HPV vaccine to boys, as we intend to do this year; and improving cervical screening by moving from the current test to the primary HPV test, which we will do as soon as possible, and we will be among the first countries to do it. I cannot provide a date for the Deputy and I acknowledge that he has asked the question previously. The dates I was given in the past by the

Department of Health and CervicalCheck were not deliverable and, therefore, I will not commit to a date until I have confidence again that it can be delivered.

The free out-of-cycle smear tests were offered because a large number of women were concerned that their smear tests were wrong. They sought reassurance from their GPs and the helpline, and a decision was made to offer a repeat smear test out of cycle to give tens of thousands of women who were concerned about the accuracy of their smear tests the reassurance they sought. It was called for by a number of Opposition Deputies, as the record shows. When it was decided upon, it was welcomed by some medical bodies, including the National Association of General Practitioners and the Irish Medical Organisation, although it is true that some opposed it and warned of consequences. I understand from the Minister for Health that the chief medical officer supported the decision to extend the offer. While it has caused some problems and there is a backlog of slides awaiting analysis, that is due not only to the free tests but also to an increase in attendance for screening, which has continued even though the free out-of-cycle smear tests are no longer on offer and have not been for nearly two months. While the increased uptake in screening by women is to be welcomed, those two factors have led to a backlog and the HSE is working hard to clear it to return to the previous turnaround time of between four and six weeks.

**Deputy Micheál Martin:** I asked the Taoiseach whether the CervicalCheck team communicated its opposition to someone at a senior level in the Department of Health in advance of the decision. Will he answer that question?

The reason the new HPV test is not deliverable is the backlog created by the Minister's decision. Is the Taoiseach comfortable with the Minister's comments in that radio interview? The Taoiseach has stated he understands that the Minister was supported by the chief medical officer. We can find no written advice from the chief medical officer, however, and none has been offered. I tabled a parliamentary question and consulted the Office of the Ceann Comhairle. There was a consultation with the Department of Health, which replied to me. Yesterday, I was told that the chief medical officer's advice was reflected in the press release issued by the Minister. What kind of gobbledegook is that? Did the chief medical officer recommend the decision or not? I do not believe that he did; I believe that tracks are being covered.

We need to learn from the issue. The spending of €10 million of taxpayers' money, which could be used elsewhere in the health service, on a decision that has damaged the CervicalCheck programme and delayed the introduction of a much-valued, new and better test is something from which we need to learn lessons and which needs to be revealed in its full truth. There should not be this studied obfuscation. Will the Taoiseach ask the Minister to retract the commentary he made last Saturday in which he attacked an entire team of people who did much good work for the country in saving the lives of many women?

**The Taoiseach:** I acknowledge that the people who built and ran CervicalCheck for a period did a good job. I remember the time before CervicalCheck, when women would present much later with a much more advanced disease than they currently do, and how different it was from the UK at the time. CervicalCheck is a good programme. Those who built it, managed it and worked there for a long time did a good job, saved many lives and made sure that many women had interventions much earlier than would otherwise have been the case. They also made many mistakes, which Deputy Micheál Martin did not say. Among the mistakes they made were a botched audit-----

**Deputy Micheál Martin:** The Department was part of it.

**The Taoiseach:** -----that had significant retrospection bias, and they did not share the information about the audit with the women who were affected.

**Deputy Micheál Martin:** The chief medical officer and the Department were involved too.

**The Taoiseach:** I regret that Deputy Martin did not acknowledge that in his comments because, while they did a good job, they did something very wrong in not disclosing that information to patients. I understand that there were different views about whether the out of cycle test should be offered. Some doctors thought it was a good idea. Others called for it. The Chief Medical Officer, who advises the Minister, supported it.

**Deputy Micheál Martin:** Did the CervicalCheck team communicate with the officials?

**The Taoiseach:** I understood they did after the event.

**Deputy Mary Lou McDonald:** This morning it was revealed, through the excellent work of “RTÉ Investigates”, that nearly 60 families in the west have been issued apologies by the HSE as a result of failings in audiology services provided or not provided to their children. This is not the first time this issue has arisen. Last year, the HSE issued apologies to 49 children in the same region as a result of failings related to paediatric audiology services. At that time, and now, some of the children affected were left with lifelong impairments as a result of the failings of our health service.

The Taoiseach may have heard the story on “Morning Ireland” this morning of 11 year old James from Mayo. His parents were entirely unaware of his hearing impairment until they received a letter from the HSE in recent weeks apologising for the lack of care. Six years ago, James was in junior infants and his parents were reassured that his hearing was fine. He is now in fifth class and in the intervening period, he has had no treatment for his hearing impairment. We can only begin to imagine the impact that that has had on the child, socially, developmentally and educationally. It is shocking. I understand that there is now a look-back review into paediatric audiology services. This is the second such look-back review. At this stage, the parents and families in question have received no indication of how long this process will take to complete and, in any event, they have lost faith in it. They now require an independent inquiry and investigation into this mess. Will the Taoiseach agree to that? It is clear that our health services are failing all of us and our children.

Figures provided to my colleague, Teachta Louise O'Reilly, show the disgraceful delays for children in accessing speech and language therapy and occupational therapy. These waiting lists not only impact on children's lives in the here and now, but they have future implications too. Some of the worst delays for occupational therapy are in Mayo, where there are 138 children under five who have been waiting for more than a year for basic treatment. In Cavan-Monaghan, 523 children are on a waiting list. In Cork, 679 kids over five face delays for care. The window of opportunity for these therapies is short and the significant delays cause additional problems for children in the future and as adults. Will the Taoiseach agree to the inquiry as called for by the parents of James and others? Who is accountable for these waiting lists and delays for our children? Who is answerable? Is anybody answerable for this?

**The Taoiseach:** The HSE finalised the report of a look-back paediatric audiology services review for the Mayo-Roscommon area for 2011 to 2012 in June last year. It was shared with

all 49 affected families in accordance with open disclosure principles. The report and accompanying documentation sent to families from the HSE included an apology for the failures identified and for the anxiety caused to families and those who may have been affected. All 49 children who needed a follow-up as a result of the look-back are either receiving or have already received appropriate necessary care. The HSE has been assisting parents in accessing the necessary health, educational and social protection services, and there has been significant cross-departmental co-operation in that regard.

In December last year, the HSE recalled a further 57 who were identified during the look-back process. The HSE has indicated that this group had an appropriate audiology assessment and the hearing loss was correctly diagnosed. However, they were discharged without appropriate follow-up treatment and a management plan. This group of 57 was not followed up at an earlier stage, as the preliminary risk assessment did not flag them as an area of concern. The group of 49 was seen as the at-risk group and was recalled as a priority. The HSE has advised the Department that of those in the additional group of 57, 35 are under 18 and 22 are over 18, and all 57 have been contacted. To date, 26 have taken up the offer of an appointment. Some 31 did not attend but are being followed up. The priority is open disclosure, which is taking place, and making sure that those who need medical care, educational and social protection supports receive them. We will give an independent inquiry consideration but the priority has to be making sure that affected patients are told and that they receive the medical care and any additional educational and social supports they need.

With regard to other community healthcare areas, only CHO 2 and CHO 5 have had clinical risks identified, requiring a formal look-back review into paediatric cases. The HSE is proceeding with a precautionary recall of children and young adults in CHO 5, the south east area, as part of the quality assurance process. The audits in CHOs 1, 3, 6, 7, 8 and 9 have been completed and were found acceptable. An audit of paediatric cases in the south west, in Cork and Kerry, is also planned.

**Deputy Mary Lou McDonald:** I could have added failures relating to autism services to the list that I presented. Cases have come before the courts because of the HSE's consistent failure to comply with the law. The Disability Act provides for children to be assessed within a tight timeframe so that tailored treatment can be identified and started but, yet again, there is delay after delay. Parents are now moved to go to the courts to seek some level of accountability. Open disclosure is very necessary and welcome but there has to be accountability too. Who is responsible for this mess?

Every day, it becomes more and more apparent that the health services are in a crisis and there is a lack of leadership and direction. Deputy Micheál Martin himself spoke this morning about obfuscation. He has raised questions over the truthfulness of accounts given by the Minister for Health on CervicalCheck and the additional smear. Fianna Fáil is nonetheless happy to allow a Minister and Government to evade accountability for the many failures in our services. I have raised specific services where children are being let down today and will be let down tomorrow. Their parents are being misled and fear that their children will be affected now and in the future. I asked the Taoiseach who is responsible for this and I want an answer. Who will be held accountable?

**The Taoiseach:** Who is responsible for it? Obviously it is the clinician who made the mistake, carried out the hearing tests and either failed to diagnose or ensure the children and people affected had the proper follow-up. It is not about Fianna Fáil or Fine Gael or Micheál Martin

or Simon Harris. I know that the Deputy tries to turn everything into a political attack, but, of course, accountability lies with the person who actually made the mistake - the clinician who did not do their job properly and did not carry out the test correctly-----

**Deputy Mary Lou McDonald:** Who employed them?

**Deputy Seán Crowe:** It is about the lack of services.

**The Taoiseach:** -----or, having diagnosed the hearing loss, did not ensure the patients affected had the appropriate follow-up. The problem was identified internally. The HSE assistant clinical lead for audiology services identified the problem and acted on it. I understand the people who made the mistakes are no longer working for the public health service.

**Deputy Mary Lou McDonald:** The Minister will be.

**The Taoiseach:** There are appropriate professional bodies that register people and that can sanction them by striking them off.

**Deputy Mary Lou McDonald:** The Minister employed them.

**Deputy Brendan Howlin:** Small businesses in towns throughout the country are preparing for the potential disaster of a sudden exit of the United Kingdom from the European Union. It is time for the Government to support small businesses to reinforce the viability of towns for shopping and services. In that context, it seems incredible that the Minister for Finance is sitting on his hands while a Revenue Commissioners' decision threatens the jobs and livelihoods of those involved in the health food store industry. Ireland has a range of value added tax, VAT, rates which include the zero rate applied to food. Historically, Revenue has applied the zero rate of VAT to food supplements, except those associated with sport, slimming and certain cosmetics. However, it has recently announced a new interpretation of the VAT rules applied to food supplements and that it intends to apply the 23% VAT rate to food supplements from 1 March. This will happen just four weeks before Brexit for an industry that is already very exposed to the UK market for imports and its supply chain. How does this represent helping business to prepare for Brexit? There are 3,600 jobs at stake in the industry.

The Minister for Finance has claimed that Revenue only ever allowed basic vitamins, minerals and fish oil products to be subject to the zero VAT rate, but his claim has been contradicted by the previous Minister for Finance, Deputy Noonan, who told the Dáil in June 2014: "A range of food supplements and vitamins that encourage the maintenance of health, through the sustenance derived from a normal, healthy diet, benefit from the zero rate." He then referred to Revenue eBrief 70/2011 which makes it clear that food supplements associated with sustenance are zero rated for VAT purposes but not those associated with increasing muscle mass or weight reduction. The Minister, Deputy Donohoe, has advanced a subtle but important change by referring to basic vitamins, minerals and fish oils. There is a fundamental question of policy. The Minister has insisted that he cannot interfere with an independent decision of Revenue, but that is not true. He is the policy maker. The job of Revenue under law is to implement, not to make, policy. It is certainly not to change it. The industry is asking the Government or the Minister to instruct Revenue to halt this interpretation of the new VAT change until a full review has been completed. That is a very reasonable request to make. There will be a budget in October and that is the time when we debate tax changes, understand their implications and have democratic oversight of them. Will the Government undertake to halt the impending change at a most vulnerable time for the industry until the Oireachtas has had a chance to review the matter?



**The Taoiseach:** The Deputy is aware that VAT is quite a complicated tax. It derives not just from the EU VAT directive but also from national legislation. There are different VAT rates for different foods, for example, fresh foods which are, of course, the healthiest to eat. There is also a zero VAT rate for oral medicines, but VAT is applied to injectable medicines because there is value added. VAT is also applied to processed foods. It is a Revenue interpretation in deciding the appropriate rate to be applied in different circumstances. It is not a political decision, or a decision of the Government or the Houses of the Oireachtas. It was not part of the Finance Act 2018 or the budget. It is a Revenue decision and it is for Revenue to interpret the rules and laws appropriately. The Minister for Finance has made contact with Revenue to see what can be done, but it would not be appropriate for him to direct the Revenue Commissioners on the rate they should apply to different products.

**Deputy Brendan Howlin:** Does the Taoiseach accept that this is a policy decision to be determined not by an interpreter of the law but by the makers of it - this House and the Government? We determine the VAT rate to be applied, in accordance with EU rules. This is a change of policy that remained unaltered since 1972 and there is great uncertainty, even in this interpretation. For example, according to the Minister, why are fish oils determined to be basic but not other oils? Fish oils are a source of Omega 3, a basic nutrient, but flax and other oils which are also a source of Omega 3 are not to be treated in the same way. They are the oils preferred by vegetarians. This is causing confusion and, in the teeth of Brexit - at least ten separate businesses have contacted me directly to state they will not survive this change - can we simply not postpone it until there is a proper review and we can make a determination that will be subject to democratic accountability in this House?

**The Taoiseach:** Given his experience in government, the Deputy will be well aware that very often there are arguments about which VAT rate should be applied to which product or service. The Deputy will recall the debate some years ago on whether a cake was a cake or a biscuit a biscuit, based on the different rates applied. There are often debates about these matters. There has not been a change in the law in this regard. It is an interpretation to be made by the Revenue Commissioners. The Minister is examining the matter and we will see what we can do, but I do not think it would be appropriate for the Minister to direct Revenue to do anything on a tax matter such as this.

**Deputy Bríd Smith:** It seems to be a day to express no confidence in the Government, given the motion to be debated later on the Minister for Health, but I have absolutely no confidence in the Government to do anything meaningful to deal with the biggest challenge facing humanity - climate change. Yesterday the Minister for Communications, Climate Action and Environment and the Chairman of the climate "inaction" committee yet again held hostage a Bill that was supported overwhelmingly in this House last February. The Petroleum and Other Minerals Development (Amendment) (Climate Emergency Measures) Bill 2018 sets out to ban the issuing of further fossil fuel exploration licences off our shores. It seeks to do so because science has long settled on the understanding that, as people who inhabit the planet, we should leave 80% of known, proven reserves of fossil fuels in the ground. There is a widespread movement screaming at governments globally to leave them in the ground. We have seen evidence of this, with young people outside the gates weekly baying at the Government to do something about climate change. We are to see a global strike of schoolchildren on 15 March. To cite one very inspiring school student from Sweden, Greta Thunberg: "I want you to panic." She wants governments to feel the fear young people feel every day of their lives when they wake up because we are stealing their futures, unless we challenge the fossil fuel industry. The Bill

would help to contribute to a global movement, not just in Ireland.

There is no fooling nature. It understands we are overheating the planet and that we are hurtling towards a global rise in temperature of 2°C. That is why the Bill proposes radical measures to deal with the issue and this House overwhelmingly supported its move to Second Stage. In an act of incredible hypocrisy there is procedural trickery taking place at the climate “inaction” committee. This trickery is allowing the Minister of State, Deputy Canney, and the Chairman to vote to hold onto that Bill as if it was their little baby, to keep it hostage, and to not allow it to move forward when they already voted for the motion I put yesterday to lay a report before this House and to allow the Bill to proceed to the select committee in order that everybody can come in and amend and change it. The Bill is about doing something meaningful, courageous and even trailblazing. When the Taoiseach himself has accused us of being laggards when it comes to climate change, why does he not now use his power and instruct his Minister and the Chairman to let the Bill go and to release it so that we can become a leader in climate action instead of a laggard?

**The Taoiseach:** I thank the Deputy. I believe our duty as a Government and as politicians is to make sure that we pass our planet on to our children and grandchildren in a better state than we found it and that means taking action on climate change and protecting the environment. We have taken a lot of action in recent years. For example, there is legislation working its way through the House at present to outlaw the use of microbeads and certain plastics. We passed legislation last year to prevent the Government and Government investment funds from investing in the hydrocarbon industry. We have taken measures to support renewable energy, to take coal off the grid by the end of the decade and to take peat off the grid. Other actions under way include the fact that from this summer, all new buses bought by Dublin Bus or Bus Éireann in our cities will be low-emission or no-emission vehicles. We are taking climate action both as an Oireachtas and as a Government.

On this particular issue, the Deputy has it wrong in terms of climate action, energy security and the economy. The truth is that we will need natural gas and oil as transition fuels for the foreseeable future, whether to fuel aircraft so that they can fly, to produce plastics necessary for medical devices or to power our towns, cities and industries when the wind is not blowing and the sun is not shining. Most people who are interested in climate science understand that natural gas is a transitional fuel and that we will need it as part of our energy mix for the foreseeable future if not for decades to come. The question is therefore, if we have our own natural gas, should we use it or should we import it? Of course, importing it as opposed to using our own is worse for the environment because the gas we might import from the United States is very often shale gas, which is much more damaging to the environment than our own natural gas from Corrib. Some of the gas we import from Russia or eastern Europe gets lost along the way, so it is actually worse for the environment to import gas from the US, Russia or Venezuela than to use our own gas. From a climate science point of view, the Deputy’s proposal is wrong-headed. Second, there is the issue of energy security. Do we want to use the gas we have or would we prefer to import it from Canada, the United States, Venezuela, Russia and the Middle East?

**Deputy Richard Boyd Barrett:** Excuses, excuses.

**The Taoiseach:** Perhaps the Deputy would like that, but it is my view that it is wrong-headed. If we have our own natural gas we should use it and should not be dependent on Russia, countries in the Middle East and Venezuela for our energy needs. Third is the issue of imports and exports. Surely it makes more sense to use our taxpayers’ money and our people’s money

on things like public services than on importing oil and gas from other countries.

**Deputy Bríd Smith:** I would dearly love to have this debate with the Taoiseach's party and with every other Deputy in this Dáil. That is why I want the Taoiseach to tell his Ministers to let go of the Bill and to let it go to the select committee where we can have precisely the type of debate the Taoiseach is trying to engage in with me here. The Taoiseach did not answer the question I asked. I am asking him why procedural trickery is being used by the Minister of State and the Chairman in order to hold the Bill in limbo when there is no justification for doing so under Standing Orders. There is no precedent in Dáil Éireann to carry out such administrative trickery in respect of a Bill which should proceed. I believe the reason the Taoiseach is doing this is that he is wed to fossil fuel industry. Last February, after this Bill passed Second Stage, the chief executive officer of Providence Resources, Tony O'Reilly Jnr., wrote to the then Minister saying he was deeply concerned and that he wanted the Government to deal urgently with the question of this Bill. The Taoiseach is wedded to the fossil fuel industry and he is dancing to its merry tune rather than to the tune of the young people who will go on strike on 15 March and who will be outside the gate of this House consistently to demand that something meaningful happen. Will the Taoiseach tell his Minister of State to get that Bill out of limbo, to stop breaking Standing Orders, to follow procedures correctly and legally, as they should be followed, and to allow the Bill go to the select committee where we can have the debate the Taoiseach wants to have here now?

**The Taoiseach:** I note the Deputy did not actually address any of my substantive arguments around climate science, around-----

**Deputy Bríd Smith:** I want to do that on Committee Stage.

**The Taoiseach:** I note the Deputy did not answer any of my substantive arguments around climate science, import substitution-----

**Deputy Richard Boyd Barrett:** The Taoiseach did not address the Deputy's arguments about holding the Bill hostage.

**The Taoiseach:** -----and energy security.

**Deputy Bríd Smith:** I am the one asking the questions of the Taoiseach. He did not answer my questions.

**The Taoiseach:** Her question was entirely a procedural question. As the Deputy should be well aware, the procedures of a committee-----

**Deputy Richard Boyd Barrett:** It is the Taoiseach's Minister of State and his Chairman.

**The Taoiseach:** -----are a matter for the committee. If the Deputy has a question for the Chairman of the committee-----

**Deputy Richard Boyd Barrett:** It has nothing to do with Members from the Taoiseach's party or with his Ministers. Will the Taoiseach give us a break?

**The Taoiseach:** -----that question should surely be addressed to the Chairman.

**Deputy Bríd Smith:** The Taoiseach's Government and his Ministers are holding this Bill hostage. The Taoiseach can admit it and do something about it or answer to the young people

of this country.

**An Ceann Comhairle:** Will the Deputy please desist from heckling?

**Deputy Bríd Smith:** I am not heckling. I am speaking in a loud voice because my microphone was turned off.

**The Taoiseach:** The Deputy should try to be constructive around the issue of climate change and climate action. I understand that she offended the Senators at the committee, which is one of the reasons she found it difficult to get support for her Bill. She does not really want it passed.

**Deputy Richard Boyd Barrett:** Those Senators were not even there for the debate.

**Deputy Bríd Smith:** The Senators did not even bother attending pre-legislative scrutiny to hear the debate.

**The Taoiseach:** As is always the case, the far left does not actually want to solve any problems. They want to politicise problems so that they can get airtime, attention, likes, retweets and all of the rest of it.

*(Interruptions).*

**The Taoiseach:** I advise the Deputy to work harder, to be respectful and polite to colleagues, to try to build support for her Bill, to try to build a coalition for it-----

**Deputy Bríd Smith:** I will not grovel to people who came in deliberately to stop the Bill proceeding. They are disgraceful.

**The Taoiseach:** -----and to work much harder at the Joint Committee on Climate Action on the issue of carbon tax. The truth is that the far left has no interest in climate change. It just wants to do this stuff.

**Deputy Bríd Smith:** The Taoiseach is using Senators and Deputy Lowry to play the tune of the fossil fuel industry. That is exactly what he is doing. It is disgraceful.

**The Taoiseach:** The Deputy does not care about the environment, she should stop pretending.

**Deputy Catherine Martin:** The Taoiseach certainly does not care about the environment.

### **Death of Former Member: Expressions of Sympathy**

**An Ceann Comhairle:** We now proceed to expressions of sympathy on the death of the former Fine Gael Member, Donal Creed, father of the Minister for Agriculture, Food and the Marine, Deputy Michael Creed. Before calling on Members to offer their tributes to our distinguished former colleague, I welcome his family to the Distinguished Visitors Gallery. I welcome Donal's wife, Madeleine; our good friend and colleague, Michael; Donal's daughters, Michelle, Madeleine, Suzanne and Louise; and his grandchildren and extended family members who are here. They are all very welcome to Leinster House this afternoon. We know that this is a poignant day for them, tinged with bittersweet memories, as they join us in the Dáil Chamber

where Donal spent so many years serving his country and the people of his beloved Cork. As we gather to reflect on Donal's life and political legacy, I hope that the memories shared here in the Chamber will serve to support his family in some small way. We also pause to remember Donal's daughter, Claire, who passed away a short time before his own death in late 2017.

I did not know Donal personally, but this proud son of Macroom had an electoral record which we experts in this Chamber can only admire. Serving from 1965 to 1989 was a fine achievement, particularly when constituency reconfigurations created the three-seat constituency of Cork North-West in 1981. As a Deputy from another competitive three-seater, I salute Donal's enviable achievement. He served with distinction at many different levels, including local, national and European, and in a number of Ministries of State, as well as in senior positions within the Fine Gael Party. It must have been a source of great pride for him to see his son, Michael, promoted to the key portfolio of agriculture. In his 24 years in this Chamber, Donal Creed assisted many people who were experiencing difficulties locally and nationally. As a hard-working Deputy, he reassured many people and made life better for many of them. He did this out of a strong sense of public duty. This public service was clearly supported by a loving family and an enviable political network in Cork North-West. Today in this Chamber, we salute his contribution to our national Parliament and his family should take comfort in the practical application of honourable patriotism shown by Donal Creed.

**The Taoiseach:** Táim buíoch as an deis seo chun ómós a thabhairt do cheann dár mBaill a thug seirbhís den chéad scoth sa Teach seo, le 24 bliain. Ba pholaiteoir iontach é an t-iarTheachta Donal Creed a d'oibrigh go dian ar son mhuintir Chorcaí agus na tíre, mar Theachta Dála, mar Aire Stáit, agus mar cheann de na chéad Fheisirí de Pharlaimint na hEorpa. Mar Aire Stáit, chuir sé go mór agus go suntasach le cúrsaí sláinte, cúrsaí oideachais agus cúrsaí chomhsaoil. Is cuid dá oidhreacht é an Crannchur Náisiúnta freisin. Tá a oidhreacht le feiceáil chomh maith sa feabhas mór atá tagtha ar áiseanna spóirt ar fud na tíre.

Sometimes, to get the true measure of a politician, we should read what their opponents say about them. If we read what Donal Creed's political opponents said about him, we will find a portrait of a talented, hard working, patriotic politician, who put aside party differences to effect real change for his constituents. For example, I was struck by something Tom Meaney of Fianna Fáil said about Donal Creed. Like Donal, Tom was first elected to the Dáil in 1965 for the Cork Mid constituency, and he paid a wonderful tribute to Donal, praising him for his "political brain, his great grasp of affairs" and for his ability to work with opponents to get the best outcome for his constituents.

In Cork, as we all know, the Creed name has a long and proud lineage. Family members signed the nomination papers for Terence MacSwiney in 1918. Donal's father, Mick, was a hard-working and respected councillor, and today his son, Michael, continues that proud history of public service as Minister for Agriculture, Food and the Marine. I remember at Donal's funeral something his daughter, Marcella, said, which has stayed with me ever since. She said that her father was very proud to have been the driving force behind the establishment of the national lottery, a body that has helped communities all across the country, and that he did do so despite stiff opposition at the time. He was much more proud of the fact that he had been continuously endorsed by the people of Cork in every election between 1965 and 1989, when he stepped down. He was proud that the people he cared about so deeply recognised his contribution and rewarded him with their trust and, above all, their votes.

Many in my party remember his kindness in taking new Deputies under his wing, and it was



always said that his concern was never for Donal Creed, but for Fine Gael and for Ireland. His generosity of spirit and party loyalty were always in evidence during an election, when he did everything possible to secure a second seat for Fine Gael in his constituency, first in Cork Mid and later in Cork North-West. I know his son wants to perfect that task as well. He also brought the same skills to bear as chair of the parliamentary party. As we approach European elections, we should recall that Donal was one of our first MEPs, serving with distinction between 1973 and 1977. He firmly believed that Ireland's future was at the heart of Europe, and that Europe allowed us to escape from the shackles of our past. As Minister of State in the Departments of Health, Environment and Local Government, and Education, he played a notable role in public life and the national lottery is a remarkable legacy.

Of course, Donal's first love and his true love was farming. I have heard that after retirement he could often be seen outside with a wheelbarrow and he took a special interest in the new season's potatoes, which he believed were the best anywhere. A loving family man, in later years he enjoyed spending time with his 25 grandchildren. I am told he could be found playing in the sandpit with them, or sliding down the bannister, and his wife, Madeleine, could be sometimes heard telling him, "Donal, you are worse than any child." That he was "one of nature's gentlemen" is a tribute that was paid on his retirement from public life. That he was one of Cork's great public figures is the tribute I would like to pay today. I offer my sympathies and condolences to his wife Madeleine, their children Marcella, Michelle, Madeleine, Suzanne, Louise and Michael, and their grandchildren and extended family. We also remember their two children who predeceased him, Nuala and Claire. Ar dheis Dé go raibh a anam dílis.

**Deputy Micheál Martin:** Ba mhaith liom, ar mo shon féin agus ar son Pháirtí Fhianna Fáil, comhbhrón a dhéanamh le clann Creed as ucht bás Donal agus ár mbuíochas a ghabháil leo as ucht an méid a rinne Donal ar son mhuintir na tíre seo le blianta beaga anuas. Níl aon amhras orainn ach gur polaiteoir den scoth a bhí i nDonal. Fear lách, cneasta ab ea é agus d'oibrigh sé go dian dícheallach ar son mhuintir a dhúiche lá i ndiaidh lae. Tírghráthóir a bhí ann agus bhí sé macánta agus láidir ina chuid tuairimí.

Donal Creed had a long, productive and distinguished life as a political representative. Without question, he made a very significant contribution to political life in Ireland, building on a strong legacy of public service that was instilled in the Creed family from the earliest days of the Irish State. In many respects, the Dáil was a home from home for Donal as he served in this House for 24 years. He contested eight general elections, four in the constituency of Mid Cork and four in Cork North-West. He was an electoral powerhouse and was successful every time. He had that capacity to transcend partisan party loyalties, which was evidenced by the wonderful tribute Tom Meaney paid to Donal.

As the Taoiseach said, he was also a pioneering member of Ireland's representation in the European Parliament at the very earliest stages from 1973 to 1977. He understood early on the centrality of belonging to the then EEC and the European Union to Ireland's future and, in particular, to the well-being of our agrifood industry and farming community. In many respects, he was a lone Deputy in the Mid Cork constituency but, as the Taoiseach said, when he moved to Cork North-West, Fine Gael was taking two out of three seats there. The arrival of Deputy Michael Moynihan on the scene changed that; I remember having a role in it at the time. It is a bit of a bellwether constituency, as we know, and I assure the Taoiseach that we will be keeping a close eye on it in the coming while.

Donal, of course, contested a by-election in 1965 and a general election soon followed that.

On a lighter note, I understand that his first parliamentary question was to ask the Minister for Posts and Telegraphs if he would have a letter box erected at Clondrohid creamery, County Cork. The reply told him that the provision of a letter box at the place in question was not warranted in view of its proximity to the local post office. Undeterred, Donal Creed came back shortly afterwards asking for two phone boxes. Having delivered two seats for Fine Gael in Cork North-West, he was made Minister of State in the Department of Health in June 1981. I remember that period well as I was a student then; it speaks to my commitment to stability in the House in these times. There were three elections in the space of 18 months. His stint in health came to an end because of that high degree of political volatility and instability. However, he did come back in late 1982 and was appointed as Minister of State in the Department of Education with responsibility for sport. Being a Cork man, that appointment was probably the most natural fit and the most appropriate appointment one could make, given Cork's prowess on the sporting fields.

**Deputy Charlie McConalogue:** They have great modesty, too.

**Deputy Micheál Martin:** I know that Donal took to it with great enthusiasm. I know from my own family background that he enjoyed having many engagements with sports people and was very generous in his time with former sports people as well. Of course, his key legacy was his work in laying the groundwork for the national lottery, which has had a huge impact in communities throughout the country, particularly sporting communities, in terms of improved facilities.

It is interesting, looking at the issues he raised early on in his political career, that some of them are as pertinent today as they were then. One of his final contributions in this House was to make the case for the pay and conditions of members of the Defence Forces. He said, "We pay tribute to them but it is important that the issue of pay and conditions is resolved."

Donal was an outstanding family man. He had more than two dozen grandchildren, and was clearly never happier than when playing and joining in games and exploits with them. I believe he was reprimanded for sliding down the bannister on occasion, as well as other exploits. He was a true public servant but he was a gentleman and a very warm person. While he was a dedicated Fine Gael man, he was popular across the House and was always very approachable and pragmatic. If he could do something for somebody he would do it. He helped anyone who approached him. He was particularly proud that his son, Michael, won the Dáil seat following his retirement, and was more proud again when Michael was appointed as Minister for Agriculture, Food and the Marine. Donal loved that area and worked so hard to improve it.

On behalf of our party, I wish to extend our sympathies to his wife, Madeleine, his daughters, Marcella, Michelle, Madeleine, Suzanne and Louise and, of course, to our colleague, Michael. We also remember his infant daughter, Nuala, and his eldest daughter, Claire, who predeceased him. Ar dheis Dé go raibh a anam dílis.

**Deputy Mary Lou McDonald:** Ar mo shon féin agus ar son Shinn Féin ba mhaith liom comhbhrón a dhéanamh le clann agus cairde an iar-Theachta Donal Creed a fuair bás i Mí na Samhna 2017. On my behalf and on behalf of Sinn Féin, I would like to extend sincere sympathies to the family and friends of former Teachta Donal Creed, who passed away in November 2017. I believe Deputy Micheál Martin made reference to 2,000 grandchildren, which caused a bit of alarm of these benches. Perhaps he meant two dozen. I salute not only Donal's political prowess but his wonderful tribe of a family from the rebel county.

Bhí gairm fada ag Donal in oifig phoiblí agus táim cinnte go bhfuil a mhuintir an-bhródúil as sin. Donal had a very distinguished career as a public representative, serving in this House from 1965 to 1989, representing the fine people of mid-Cork and Cork North-West. He was among the first Irish Members of the European Parliament, from 1973 to 1977, and served as a Minister of State in various Departments for a total of five years under the then Taoiseach, Garret FitzGerald.

I did not know Donal and I never met him, but the mother of one of our members of staff did. He wished for me, on his behalf and on behalf of his mother and family, to let it be known that they will forever be indebted to Donal for assistance that was given to them more than 30 years ago. That, more than anything, is the mark of not just a great public representative but a great person. He was accessible and humble, and was a true servant of the people.

I join with everybody in extending our sympathy and condolences to Madeleine, her family and friends, and of course to our colleague, Michael. I am absolutely certain that his father is immensely proud of his service as a member of Cabinet. I also extend sympathies to all of Donal's colleagues in Fine Gael. Ar dheis Dé go raibh a anam dílis.

**Deputy Brendan Howlin:** On my behalf and on behalf of the parliamentary Labour Party, I join with the Ceann Comhairle and other speakers in expressing our heartfelt condolences to the family of the late Donal Creed and acknowledge the remarkable contribution he made over such a long and distinguished parliamentary career. He was elected in 1965 and served until 1989. In fact, the latter part of his service overlapped with my entering this House; I arrived here in 1987, and I remember Donal well. I remember the election of his son even more clearly, as well as the contribution Michael has made subsequently.

Before being elected in 1965 Donal unsuccessfully contested a by-election caused some months earlier by the death of the Labour Deputy, Dan Desmond. In that by-election Eileen Desmond was elected who, remarkably, became only the second woman in modern times to become a Cabinet Minister. That did not happen all that long ago; remarkable changes have happened in the period since then.

Donal served as one of the nominated Members of the European Parliament in the early days, from 1973 to 1977, at a time when this House selected those who would go. It was the embryonic stage of a democratic assembly on a cross-European basis. It was exciting, because it was the antidote to a century of division and war, and is something we should reflect upon in the context of what is happening in Europe now.

Others have mentioned Donal's achievements in this House. A remarkable job was created for him; he was Minister of State for with responsibility for school buildings and sport between 1982 and 1986. That would be a great job to have. One can imagine going around the country opening schools and dealing with sport. I cannot imagine a greater and more serendipitous combination to have. As Deputy Micheál Martin would say, a Cork native would have revelled in that role.

To be selected as chair of one's parliamentary party is also a unique achievement. The skill set involved with that, dealing with various factions with various views, entails patience, wisdom, discernment and political judgment. It involves holding things together, defusing potential rows and making sure that people do not jump overboard. Delicate balancing is required and Donal's selection by his colleagues to that role bears great testament to that set of skills he

obviously had.

I pay tribute to his son, who picked up the baton and continues to serve with distinction in this House, and to say to Madeleine and the extended Creed family that they can all be very proud of the contribution Donal made to this country and to the constituencies he represented with in Cork. Ar dheis Dé go raibh a anam dílis.

**Deputy Michael Healy-Rae:** On behalf of the Rural Independent Group, I am very glad to remember the great Donal Creed, who passed away on 23 November 2017. It is fair to mention two Ps when talking about Donal, namely, potatoes and politics. I do not know which he would have put in the higher category but everybody who knew of him knew of his love for farming and for vegetables and the great pride he had in potatoes. He was competitive with other family members and other neighbours on both sides of the border when it came to producing what he classified as the best potatoes that any farmer could grow. It is important to remember that. It is always nice to see people who are grounded and down to earth in politics. Donal certainly was, because he had great interest in what came out of the earth.

*1 o'clock*

On a light-hearted note, every person who wins the lotto can always say, when banking the money, that if it was not for Donal Creed he or she might not have won the money at all. On a day when someone has received €175 million in the EuroMillions lottery, it should be remembered that there was a man here in Ireland who set up our own lottery. Charitable organisations have gained much from that. He was politically very astute and ahead of his time. It is nice to remember that.

On a local note, I would like to remember a very sad event for the people of Ireland, particularly those in Cork and Kerry.

The Whiddy Island disaster occurred when he was chairman of Cork County Council. It took a safe pair of political of hands to handle that sensitive situation and that awful tragedy and its aftermath. He was remarkably intelligent and astute in the way he carried out the role of chairman of the council. There were major demands on him at that time and he had to deal with that awful tragedy. He did so in the very experienced political way that only he could do. It is nice to remember things like that.

On behalf of the Rural Independent Group, I acknowledge his political legacy. He was a person who started out with nothing and progressed to being a good county councillor, Deputy, MEP and Minister of State. He was able to leave political office after giving such broad service. I would place as much significance on being a good county councillor as being a good Minister of State. His son has finished up as a senior Minister sitting at the Cabinet table. From where he is resting today, he can rest sure in the knowledge that he and his wife Madeleine and their family made an extraordinary contribution to Irish life and Irish politics. That contribution will never be forgotten and no one can ever take that from any of them. I think that is a nice thing. There are 25 grandchildren, and perhaps there will be many more in the years ahead. They will always remember their granddad and everything he did in a nice and fond way. That is nice to acknowledge, and everyone in the House will acknowledge it.

**Deputy Michael Moynihan:** I join previous speakers in acknowledging Donal Creed and paying tribute to his political career and his political achievements over a varied career at local, national and European levels as well as serving as a Minister of State. His lasting legacy politi-

cally is the national lottery.

When he was Minister of State at the Department of Education during the mid-1980s he was instrumental in advancing scholarships for people involved in sports. These scholarships operated in the US, in particular, and were for basketball, golf and other sports. He did pioneering work at the time and it has stood the test of time in the sense of people benefitting from it.

While on paper we were political foes, Donal encompassed and gave what was best about Irish politics. Donal Creed tried every day that he was in politics to advance the case of the people of Cork Mid or Cork North-West to ensure they were better off from his public representation.

While I never served with Donal Creed, I remember a meeting in May 1997 as I was embarking on a canvass of Ballydaly. I met Donal as we set off for Caherbarnagh. He said he would go the low road and suggested I go the higher road. That ended up in a different way for me because I married someone from the high road later on in life. I remember what he said to me at the foot of the Caherbarnagh Mountain that day. We were talking about politics and he gave me every encouragement. While Donal told me it was a difficult life and spoke of the drawbacks of it, he also said to me that there was great achievement in helping our fellow man. That was exactly the phrase Donal Creed used that day. I think that is what he wanted to achieve. He wanted to benefit mankind and to help people. Everyone who knew Donal Creed would have stories to tell in that light.

His political astuteness, which was rare, has not fallen far from the tree with the Minister for Agriculture, Food and the Marine, Deputy Michael Creed, and the way he conducts his business. Like his father, he does not rush to the limelight but he is still very effective in it.

I sympathise with Donal's wife Madeleine and his daughters Marcella, Michelle, Madeleine, Suzanne and Louise. I wish to remember Nuala and Claire, who died only a few weeks before Donal. I would like to take this opportunity to thank his son, Michael, for his friendship in this House and for his kind words to me last April.

**Deputy Aindrias Moynihan:** Ar an gcéad dul síos ba mhaith liom fáilte a chur roimh mhuintir Creed. Tá an-chuid ráite mar gheall ar an iar-Theachta Donal Creed agus cuirim go mór leis sin mar aithnimid go léir gur dianoibrí a bhí ann a bhí ag obair go dian dícheallach ar son mhuintir a dhúiche ar fad gach lá. Bhí ardmheas air i gcónaí sa cheantar agus lasmuigh agus bhí sé sin i gcónaí le feiceáil nuair a bhuail mé le daoine, bhí sé le feiceáil sna clinicí de réir dealraimh agus bhí sé le feiceáil sa vóta go bhfuair sé. Bhí sé i gcónaí ag obair go dian dícheallach sa chomhairle, sa Dáil, san Eoraip agus gan dabht mar Aire Stáit. Chuir sé go mór le muintir na háite agus leis an gceantar.

I acknowledge the significant role played by Donal Creed over many years in Cork Mid and Cork North-West. I pay tribute also to the significant role he played on Cork County Council over many years. Our families would have clashed at election time but would have worked throughout the same community over many years. While we would have appeared to have been political opponents, there would have always been the same push to make things happen locally. Donal really pushed the community forwards, and I always heard that when meeting his supporters or opponents. It would always be said that he was such a gentleman and a person to push things on for the wider Cork Mid and Cork North-West areas. It is something to be very proud of and something that will always be associated with him. This would have been in



evidence in the clinics as well, where there would have been such a range of colours presenting. He would never have distinguished one way or the other. He saw it as his duty to serve whoever came his way and to make every effort.

I would have only occasionally met Donal. Typically, it would have occurred on the campaigns. The first time I came across him was during one of my earlier council campaigns. Mickey Tom and myself were finishing up canvassing on a sunny evening. We had done what we set out to do in terms of canvassing. As we were going down a driveway Donal was ahead of us. There would have been a relaxed atmosphere given the sun and so we stopped for a quick chat. The quick chat extended into something longer. Mickey Tom and I knew that we were holding him up and he knew he was holding us up from canvassing. I am pretty sure he was getting better value from it because he was holding up the candidate and stopping the canvass for the evening.

He was a real gentleman responsible for major achievements. Today people woke up to hear about a big lotto win and it is fitting that the person who was so instrumental in making the lotto a reality would be acknowledged today.

Ba mhaith liom cur le gach rud atá ráite cheana féin mar gheall ar an iar-Theachta Donal Creed agus ar dheis Dé go raibh a anam dílis.

**Deputy Donnchadh Ó Laoghaire:** Ba mhaith liom comhbhrón a dhéanamh le teaghlach an iar-Theachta Donal Creed. Thar tréimhse fada bhain sé éacht amach ar son mhuintir Corcaigh Lár agus Corcaigh Thiar-Thuaidh sna rólanna éagsúla a bhí aige.

I express my sympathies to the family of Donal Creed. Cork, like any other part of the country, has many families who have a long history in politics and people who are known as major public figures. We have the Desmonds, the Barrys and the Covenys. One of the foremost names would be the Creeds. They have a history and lineage going back right to the foundation of the State. A large part of that was Donal's contribution. This was before my time but I would have often heard reference to the area surrounding Macroom as Creed country. I am sure that the Moynihans might dispute that but I am sure that Michael will attempt to reinforce that. Donal's track record over so many years enforced the strength and popularity he had on the ground with his service on Cork County Council and in the European Parliament. In the Dáil, his contribution to the national lottery and the various Departments has already been outlined. His enduring popularity was clear evidence of his decency, his ordinary common touch with people and his being a gentleman. I express my sympathies to Madeleine, to Michael - I am sure he was very proud of all his many achievements - to Marcella, Suzanne, Louise, Michelle, Madeleine, who I know from Cork County Council and an excellent public servant in her own right, and Claire and Nuala who predeceased Donal. Ar dheis Dé go raibh a anam dílis agus mo chomhbhrón leis an teaghlach uile.

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveny):** As a Tánaiste from Cork, I thought it was appropriate to say a few words and, of course, to offer my sympathy to Donal Creed's family, many of whom I know very well. I also wish to honour him today because that is what this is really about. Not many of us in this House can represent constituents for almost a quarter of a century. That is what Donal Creed did in two different constituencies. Very few people in this House will have fought eight general elections and won each of them. Very few of us in this House have the privilege of getting to the very top of local electoral politics, as he did when he was chair of Cork County Council, which believe me

one does not achieve unless one is respected across-party as well as within one's own party, as well as having served here for 24 years, and also have been in the European Parliament in what were really the formation years of that parliament. Not surprisingly, he served on the agriculture committee there. As ever, he made an insightful contribution to EU political thinking on agricultural, as well as representing Ireland's interests. He was a Minister of State, in fact, on three occasions, through a very volatile period, as Deputy Micheál Martin referred to. I can remember that period as a child, because my own father won a seat, lost a seat, and won a seat again, over the space of three years. I can remember what that was like in a political family, to deal with such wins and losses.

He was a Minister of State for school buildings and sport, which has been referred to, and at the end of that period managed to get the Government to agree to setting up the national lottery, which was also referred to by a lot of people because it was a significant achievement. It was not easily done at the time and it took typical Creed steeliness and determination to insist on winning that argument, which he did. Virtually every town and parish across the country have benefitted from hundreds of millions of euro as a result of this.

He was also Minister of State for housing for a short period of time, and Minister of State for health in 1981, briefly. These are two pretty tough briefs now, housing and health, but these were no problem at the time to Donal Creed. He remains a much loved figure across Cork, partly because of the fact that he represented two constituencies at different times, but still, when one canvasses rural parts of Cork, people will talk and tell stories about Donal Creed coming into the farmyard, whether they are Fianna Fáil, Fine Gael people or something else-----

*(Interruptions).*

**Deputy Simon Coveney:** Okay, Sinn Féin or Labour - given the day that is in it, I did not want to give the others too much recognition.

There are very few people in politics, particularly those in politics for 24 years, who leave politics with absolute respect and who still do not have anybody speaking badly about them. He was one of those unique figures. In many ways he was from the politics of a different time. He was rural, pragmatic but really ambitious for Cork and like all of the Creeds was insightful, really smart and really tough when he needed to be. That is a trait that we see now in his son, a colleague and friend of mine in Cabinet at a tough time for the country, when it comes to agriculture and leadership in that crucial sector for our rural economy and indeed for our economy as a whole. Donal would be extraordinarily proud of the contribution that Michael is making at a time of potentially great peril for the agricultural industry and family farming across the country, given the links, concerns and vulnerabilities to Brexit.

Like the Taoiseach, I would like to quote Marcella, who spoke about her father at a very sad funeral and at a very sad period for that family, given that seven weeks earlier Claire had passed away in a very untimely way. She said of her father, first of all that he had a life well-lived. That is true and is reinforced from all statements here today. She also said, which really summed him up from everything that I have heard about him, that her father was always at heart a farmer, who loved both the land and nature but also took enormous pride in being elected by the people of Cork North-West to represent them in the Dáil from 1965 to 1989. In some ways that sums up who he was, which was an incredibly modest man who loved the land, walking the land and cultivating the land, particularly in his retirement with his children and grandchildren. He was also somebody who, quietly at times but very firmly, made a huge impact on public life.

That is being recognised today.

I say to his family, to Madeleine, of course, but also to Marcella, Michelle, Madeleine, Suzanne and Louise, and of course, to Michael, that they have a lot to be proud of, as indeed does Fine Gael, in the contributions of the Creed family, but in particular of Donal.

There is an interesting political connection with my own family, in fact, because Michelle, Donal's daughter, nominated my father to stand for politics, and the late Claire nominated me at convention as well. The connections between the Creeds and the Covenys, politically, have been strong and have been personal and that is why I am so pleased to honour an extraordinary individual this morning.

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** I thank the House and all of the previous speakers for the very kind tributes they have paid to my late father. My father was quintessentially a quiet and shy man and I am sure he listened with great interest to all of the contributions and pinched himself on more than one occasion, on hearing the tributes that have been paid to him.

My father was hugely conscious of the honour that was bestowed upon him by the people, originally of Mid-Cork, and subsequently of Cork North-West. He never failed to understand the critical connection between being a public representative and the public. That is a message that he conveyed strongly to myself and one that is understood by all successful politicians in this House and elsewhere. It is inevitable that in the context of tributes in this House that they are invariably framed in the context of the public man, whether it was his time as a member of Cork County Council, which he hugely appreciated and enjoyed, as a Member of this House, as a Member of the European Parliament or, dare I say, even his membership of Fine Gael, which was a lifelong membership which he truly treasured. None of those aforementioned defined him in itself. He was, like all of us, multidimensional. However, it is invariably the case that when we are described in the context of our membership, the public's consumption of it is very much one dimensional.

Like all of us, who my father was very much defined by where he came from. In that context, Carrigaphooca and Codrum were very much who my father was. He has been described as a son of the soil and someone who was interested in farming and agricultural matters. That is very much who he was. He carried that love, affection, commitment, understanding and dedication regarding those issues into public life and, I think, made a not insignificant contribution.

For my mother and sisters and, to my father's huge enjoyment, his grandchildren, some of whom are here, the man we miss is the family man - the father, son, brother, uncle and grandfather. In particular, his role as a grandfather brought him tremendous joy and satisfaction in his declining years. I thank all of my colleagues for the very kind tributes they have paid to him.

**An Ceann Comhairle:** Ar dheis Dé go raibh a anam dílis.

*Members rose.*

## **Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation**

**Deputy Micheál Martin:** The programme for Government reads: “We support the expansion of Local Drug Taskforce projects”. Funding was cut in the years up to 2014 and has remained at the same level since. As the Taoiseach knows, the task forces are funded by the Department of Health and the HSE, the budgets of which have increased significantly in that period. However, the same has not applied to the core funding of the drug task forces. The drug and alcohol task forces are well overdue an increase in core funding to support their existing programmes and projects, as well as emerging needs. Deputy Curran recently questioned the Minister of State, Deputy Catherine Byrne. In her reply she stated: “Although we did not have a great deal of success in getting money via the budget, we have received more funding in the past couple of weeks. I intend to look into how to use that money in the next couple of weeks...” Deputy Curran who has responsibility for this area on our behalf and others in the field are anxious and clear that core funding must be increased. Therefore, the money mentioned should go towards meeting the core funding needs of the task forces involved.

**The Taoiseach:** That is a matter for the Minister of State, Deputy Catherine Byrne. There was an increase in funding for social inclusion and addiction services provided for in budget 2019. The increases are provided for in the budget and the Revised Estimates Volume. The Minister of State will examine the matter and make a determination on how best to spend the money.

**Deputy Mary Lou McDonald:** The programme for Government commits to introducing measures to ensure the more efficient and timely recruitment of nurses. However, the HSE continues to pay hundreds of millions of euro in employing temporary agency staff. Last year saw the largest increase in spending on agency staff since 2014, up €26 million to a staggering €318 million. Since 2011, when Fine Gael took office, the Government has spent almost €2 billion on temporary staff to fill gaps in staffing because it has continuously failed to address the recruitment and retention crisis. Agency staff were originally intended to plug temporary and short-term gaps in rostering, but the figures prove that, far from being temporary, there is now a reliance on agency staff in the health service. Some hospitals’ dependency on agency staff is significant. There is a figure of €9 million at Our Lady of Lourdes Hospital, Drogheda; €10 million at the Midland Regional Hospital, Portlaoise; and €11 million at University Hospital Limerick.

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

**Deputy Mary Lou McDonald:** The Minister cannot plead ignorance or shirk blame. What plan is in place to end this misuse of taxpayers’ money?

**The Taoiseach:** I do not agree that it is a misuse of taxpayers’ money. The amount spent last year by the public health service on agency staff was €300 million. It is a lot of money, but it represents 4% of payroll in the health service.

**Deputy Brendan Howlin:** What is another €300 million?

**The Taoiseach:** Agency staff are often used to cover for staff on sick leave and maternity leave and overtime. Often, it is our own staff who work in agencies who are working overtime. Notwithstanding the fact that there was an increase in staff numbers in the health service last year, with an extra 800 nurses and midwives being recruited, there was a 20% increase in the

spend on agency staff. Therefore, this idea that there is a connection between the number of staff we have and agency staff is incorrect.

**Deputy Brendan Howlin:** The Government has promised to advance the Judicial Council Bill 2017 to establish a new judicial council to promote high standards of conduct and investigate accusations of wrongdoing by judges. The Council of Europe has stated the lack of such a body is a major flaw in Ireland's judicial system and many judges have also called for one to be established. We now have a Bill, but it has been on the Seanad Order Paper for two years. The last time I raised this matter the Taoiseach stated it was because of delays in dealing with the Judicial Appointments Commission Bill, but it cannot be true that the 40 Bills in the Department of Justice and Equality cannot progress because one Bill is taking up a great deal of time. No Department could operate on that basis. Will the Minister for Justice and Equality clarify when we will see the Judicial Council Bill which is needed? Will he allow it to progress in parallel with other Bills? It is not unusual for more than one Bill from a Department to be before the Houses. The Minister could bring it to the Dáil if he does not want to bring it to the Seanad. It is important legislation and we are subject to international criticism for not having such a body.

**Minister for Justice and Equality (Deputy Charles Flanagan):** The Deputy mentioned earlier that he was a long-standing Member of the House. I am sure he knows the practice and procedure not only of this House but also of the Upper House. I cannot allow legislation to be passed or processed. I am subject to the rules of the Houses. I am also subject to the Business Committee.

**Deputy Brendan Howlin:** Bring the Bill here.

**Deputy Joan Burton:** Start it.

**Deputy Charles Flanagan:** I share with Deputy Howlin a keenness and anxiety to progress the Judicial Council Bill. I spent more than two hours in the Seanad last evening discussing the judicial appointments Bill.

**Deputy Joan Burton:** The Minister is now an honorary Senator.

**Deputy Charles Flanagan:** I am due to be in the Seanad again at 3 p.m. to debate the same Bill.

**Deputy Dara Calleary:** Give the Minister a medal.

**Deputy Charles Flanagan:** I spend a significant amount of my time in the Seanad taking its business. This House is restricted in the manner in which it can comment on business in the other House, but I will say there are some amendments to the Judicial Council Bill that I have at an advanced stage and that I intend to publish shortly. I hope the Seanad will facilitate an early debate of the Bill.

**Deputy Brendan Howlin:** Bring it here.

**Deputy Charles Flanagan:** I cannot do so.

**Deputy Joan Burton:** Why?

**Deputy Charles Flanagan:** I have told the Deputies the reason.

**Deputy Richard Boyd Barrett:** Last night I spoke to Vera Twomey, a woman whose



daughter, Ava, suffers from the extremely debilitating Dravet's syndrome. More than anyone in the country, Vera has brought to public notice the urgent need to provide access to medicinal cannabis for people with such conditions. Incredibly and despite the Taoiseach's promises to introduce a medicinal cannabis access programme, Vera still has to travel to Holland on a regular basis. When she went there recently, there was not a sufficient amount available to give her a three-month supply; therefore, she will have to return in three weeks' time with an ill daughter, her family and so on. She goes back and forward every few weeks because the Government has failed to put in place an access programme for medicinal cannabis to enable people like Vera and Ava to get it from their pharmacies. Is this promise ever going to be delivered on for the people who need to access it?

**The Taoiseach:** I understand the Netherlands permits the export of cannabis dried herb, but it does not permit the commercial export of oil-based cannabis formulations, which is why we cannot import them. Dutch law does not allow us to do so. However, departmental officials are continuing to work intensively to find a supply of appropriate quality assured cannabis products for Irish patients. They have had extensive recent discussions with both our Danish and UK counterparts and are now in contact with a number of potential suppliers. The discussions may take some time to produce a result.

**Deputy Mattie McGrath:** I wrote to the Taoiseach on 19 January about a very distressing television advertisement sponsored by the Road Safety Authority. I sympathise with the loved ones of anyone who has died or anyone who has been injured in a road accident, but several families are very annoyed about the advertisement. Thousands have signed petitions to try to have it removed. In fairness, the Taoiseach has provided me with a response today by way of a letter which states this is a matter for the Road Safety Authority. Who is in charge? I wrote to Ms Murdock in the Road Safety Authority twice, but she has not replied. I wrote to the Minister, Deputy Ross. He, too, has not replied. The Taoiseach is the man in charge. We need to do something about the advertisement which is not suitable for viewing on television. It is also carried on radio and Facebook and families cannot go to the cinema without seeing it. There are two sides to every story, but the advertisement is offensive in the extreme. The Road Safety Authority must have some respect for families and victims. Those who have lost loved ones are annoyed by the advertisement.

**An Ceann Comhairle:** I call Deputy O'Keeffe to raise the same matter.

**Deputy Kevin O'Keeffe:** I also wrote to Ms Moyagh Murdock in the Road Safety Authority to express my concern about the format of the advertisement that is being carried on the airwaves. The alarm bells were ringing even prior to it being shown on television. During the week prior to Christmas a news item on "Crimecall" portrayed what was coming down the road on the issue as being of a personalised nature. I am becoming concerned about the Road Safety Authority. I have great respect for Ms Murdoch, but I am concerned about the manner in which appointments are being made to the board of the authority. If the Minister, Deputy Ross, continues with the line up of appointments being made, he will turn the Road Safety Authority into a vigilante organisation. I am concerned that it is moving in that direction. Will the Taoiseach intercede and ask the authority to rejig the advertisement?

**The Taoiseach:** Much as I would like to be involved, I am not really involved in deciding which advertisements should be shown on television and which should not.

*(Interruptions).*

**The Taoiseach:** I have received Deputy Mattie McGrath's correspondence which I have passed on to the Road Safety Authority. I have asked that it reply to him directly.

**Deputy Mattie McGrath:** Is that all the Taoiseach can do?

**The Taoiseach:** It is. The Deputy should read the legislation.

**Deputy Mattie McGrath:** It is a quango.

**Deputy Thomas Byrne:** I was discussing the issue of post offices with my colleague Deputy Eamon Scanlon. We have lost six in my constituency of Meath East. The Taoiseach also needs to know about the uproar in the town of Gurteen in County Sligo where my wife is from at the closure of its post office and the devastation being inflicted on the local community. It is still attracting hundreds of people to meetings. Many people live in the village. It something which An Post states incorrectly, which is outrageous. I pay tribute to Deputy Scanlon in his hard fight on this issue, but we now need the Government to state the post office should remain open. Apart from the six post offices that have been closed in my constituency, An Post has promised a new post office in Kentstown, County Meath, but there has been no word about it since last August.

**Deputy Eamon Scanlon:** I attended a meeting in the village of Gurteen at 6 p.m. last Sunday evening, to which 450 people turned up. The post office in the village is being closed and it is the wrong decision. To use An Post's protocol, Mr. David McRedmond stated on RTÉ radio that where there was a population of 500 people, the post office would not close. An Post is using the 2016 census figures which are three years old in the case of this post office and on that basis is going to close it. As I said, it is the wrong decision as it is a very busy post office that would survive. Rural Deputies ask in the House for support for rural people, rural areas and villages. We are now in this position. The pensioners who collect their pension payments in Gurteen, County Sligo will now have to make a journey of 14 km to collect them. As many of them do not have a car, they will have to pay somebody to bring them there and back. Five post offices in the area have already been closed. I know that some have to close as they are not viable, but this one is. To add insult to injury, An Post officials arrived yesterday and put up a brand new sign on the post office, which is due to close in eight days. I ask the Taoiseach to talk to the Minister, Deputy Bruton, to see what can be done because this decision is wrong.

**The Taoiseach:** The last time Fianna Fáil was in government nearly 1,000 post offices were closed across the country.

*(Interruptions).*

**The Taoiseach:** The situation is the same as it was then. Governments do not decide which post offices should be closed. It is not a Government decision, but there are post offices that are not viable.

**Deputy Eamon Scanlon:** This one is.

**The Taoiseach:** They do not have enough business or footfall to be sustainable. There is a system in place to allow decisions on closures to be reviewed if the post offices are viable.

**Deputy Eamon Scanlon:** Five post offices in the area have already been closed.

**Deputy Martin Ferris:** I have a question for the Minister for Justice and Equality. In the

middle of January Mr. Brian McCarthy from Killarney was imprisoned for alleged contempt of court because he was occupying a building that was being repossessed by Bank of Ireland. He disputed this and has continuously been trying to obtain a writ of habeas corpus-----

**An Ceann Comhairle:** We cannot become involved in court cases.

**Deputy Martin Ferris:** This has to do with justice. The man in question has been trying to have a writ of habeas corpus issued to challenge his detention for contempt of court, but to date he has been denied it. There is an obligation on the Minister for Justice and Equality to ensure the writ of habeas corpus will be issued in order that the man in question can have his case heard.

**An Ceann Comhairle:** We cannot encroach on areas pertinent to the courts. We certainly cannot encroach-----

**Deputy Martin Ferris:** It is a matter of false imprisonment.

**An Ceann Comhairle:** -----or comment on a case currently before the courts. That would be highly inappropriate and cannot be done. I will not be calling the Minister for Justice and Equality who, even if I did call him, could not reply on it.

**Deputy Charles Flanagan:** I do not have the details of the case.

**Deputy Martin Ferris:** I will give the Minister the details afterwards.

**Deputy Declan Breathnach:** Yesterday the issue of additional lairage for livestock at ports, particularly Calais, was raised, but my question is wider. What efforts are being made to ensure Irish hauliers, goods and trucks that will be entering or exiting EU ports will be given priority over hauliers, goods and trucks from non-EU states post-Brexit, thus limiting or mitigating concerns, particularly those of the Irish Road Haulage Association and its members, about delays in carrying on trade within EU member states?

**An Ceann Comhairle:** I call Deputies Michael and Danny Healy-Rae to raise the same matter.

**Deputy Michael Healy-Rae:** Deputy Breathnach is after catching me on the hop. When he raised the issue of exports, I thought he was going to speak about the pressure we were under in trying to fulfil beef contracts with China. The factories are not doing anything to assist in that respect. I call on the Government and the Minister-----

**An Ceann Comhairle:** That is a different matter. It is not about lairage.

**Deputy Michael Healy-Rae:** No, but Deputy Breathnach spoke initially about exports. To be honest-----

**Deputy Declan Breathnach:** I mentioned imports and exports.

**Deputy Michael Healy-Rae:** Will the Ceann Comhairle indulge me in raising the issue of beef exports to China? Currently, there are 11 meat plants, six for beef and five for pigmeat. Will the Taoiseach ensure more plants are opened to enable us to fulfil our obligations and enable hard-pressed farmers to send their beef to China?

**Deputy Danny Healy-Rae:** A Ceann Comhairle-----

**An Ceann Comhairle:** No, Deputy; the issue being raised is not the same as the previous one which was related to lairage.

**Deputy Danny Healy-Rae:** I hope I will be called soon.

**An Ceann Comhairle:** The Deputy is on the list.

**The Taoiseach:** On the issue of haulage, what we trying to achieve in securing ratification of the withdrawal agreement is a transition period to the end of 2020 during which nothing will change at ports. However, in a no-deal scenario lorries going from Ireland to an EU port will enter just as they do now, but those that will use the landbridge and travel through the United Kingdom may face difficulty. I am not sure if it will be possible for receiving ports on continental Europe to make a distinction between lorries from the United Kingdom and those from Ireland, but it is something we are examining.

**Deputy Michael Healy-Rae:** What about our beef exports to China?

**The Taoiseach:** Is the Deputy asking me to open factories?

**Deputy Michael Healy-Rae:** I am asking the Taoiseach to ensure more factories and plants will be opened to process beef in order that farmers will be able to send it to China to fulfil contracts. The factories are monopolising and not allowing beef to be exported to China.

**An Ceann Comhairle:** Does the Taoiseach have a response on that matter?

**The Taoiseach:** It is a matter for the factories, but we are available to assist in any way we can.

**Deputy Charlie McConalogue:** Yesterday the Taoiseach chided members of the Opposition for indicating that capital projects might be delayed as a result of the total mismanagement by the Government of the national children's hospital project. I want to ask the Taoiseach about comments made in a radio interview in County Donegal by his Cabinet Minister, Deputy Joe McHugh, where he indicated that a number of community hospital projects would be delayed as a result of the national children's hospital mismanagement, namely projects at Carndonagh, Ramelton, St. Joseph's and Lifford community hospitals. Can the Taoiseach clarify today whether the Minister, Deputy McHugh, is correct that those projects will be delayed, or if the position has changed with regard to those areas?

**The Taoiseach:** I did not hear the Minister's remarks so I cannot really comment on them. None of those projects is being deferred or delayed as a result of the consequences of the escalating costs of the national children's hospital. They may well be delayed for other reasons but not one euro has been taken from the budget for community nursing units for the children's hospital.

**Deputy Michael Collins:** Last week the Minister for Rural and Community Development, Deputy Michael Ring, announced more than €60 million for rural communities in the rural regeneration and development fund. When the Taoiseach launched the fund last year he said that it would provide investment and support for rural renewal for suitable projects in towns and villages with a population of less than 10,000. Some of the recipients of last week's funding were Coillte, the Department of Culture, Heritage and the Gaeltacht, and LEADER groups. These groups have their own funds and are now getting millions from this fund, which is a change from when the guidelines were first published. My constituency, Cork South-West got

zero funds in last week's announcement - not one brown cent - in spite of Cork County Council putting forward 48 projects from many of those areas. I spoke with some of the organisations over the weekend throughout west Cork which had applied and they are staggered at the zero return for the whole of west Cork. One of the projects that ticked all of the boxes but got zero funding was the Schull Community Harbour Development Company. It has proposed a project for a marina in Schull and it was put forward by the council. It is a category one, shovel-ready project that would have guaranteed year round jobs in a rural community that is starved for jobs. Why did west Cork, which is one of the most rural constituencies in Ireland, get zero funding in last week's announcement?

**Minister of State at the Department of Rural and Community Development (Deputy Seán Canney):** The announcement last week was very welcome. It was €60 million for rural Ireland and the projects that got going were projects that went through a process with a review group. If there were particular projects submitted by the county councils that did not get funding or onto the list they will get feedback as to where their applications were not up to the standard. Applicants may be able to address that in the next round.

**Deputy Michael Collins:** That was promised to them the last time and they did not get it this time in Cork South-West. Not one brown cent. We are forgotten people in Cork South-West.

**An Ceann Comhairle:** Please Deputy.

**Deputy Michael Collins:** I am sorry, Ceann Comhairle, but it is an outrage.

**An Ceann Comhairle:** The Deputy is certainly not forgotten in this House.

**Deputy Pat Buckley:** The spring legislative programme includes the mental health (amendment) Bill. The Bill was first listed by the Government in autumn 2017, and the Government states that work is progressing. In 2018 it said that draft heads of the Bill were in preparation. It is now 2019 and the status of the Bill is still the same. Will the Taoiseach commit to a deadline for publication of the Bill, will he give a timeline for the work ahead and will he confirm that the Committee on Future of Mental Health Care will also be re-established?

**The Taoiseach:** I understand that the heads of Bill are currently being drafted but they will have to be sent to the Mental Health Commission, which will be consulted. This may cause a delay.

**Deputy Pat Buckley:** With regard to the committee-----

**Deputy Danny Healy-Rae:** The protection of farmers' incomes featured strongly in the programme for Government. Farmers' incomes, however, are now at a new low. The price for sucklers and beef is at a new low. Can the Taoiseach explain why beef or cattle make more in the North of Ireland or on mainland England while at the same time we are being told that beef is coming into Germany and Italy in return for those countries being allowed to sell cars in Argentina and Brazil? Is the beef coming in from South America and is it competing with our Irish farmers? What is wrong that the price of beef is so low in the 26 counties? What is happening? There is only a ditch between us and the North of Ireland.

**An Ceann Comhairle:** Can the Taoiseach reply on the price of beef?

**Deputy Dara Calleary:** Seeing as he does not eat it.



**The Taoiseach:** I am not responsible for the price of beef but I do know that the Minister of State, Deputy Doyle, will be in Kerry on Monday and he will meet with the farm organisations on these issues.

**Deputy Willie O'Dea:** One of the commitments in A Programme for a Partnership Government, on page 58 to be specific, is to reduce emergency department overcrowding. Yesterday there were 512 people on trolleys across the State. Of those, 69 were on trolleys in University Hospital Limerick. Will the Taoiseach tell the House when the new 60 bed unit, promised as a result of the reorganisation of accident and emergency services in the mid west, is going to materialise? Is it yet another project that will be put on the long finger, delayed or cancelled as a result of the children's hospital fiasco or for other reasons?

**The Taoiseach:** The number of patients on trolleys this morning was 326. That is a 20% reduction on this time last year. We know from January that the numbers were at their lowest for maybe three years. It looks like it may be the same for February's figures. Due to the actions taken by Government overcrowding is, thankfully, going down although nobody is denying for a second that it is far too high. Those actions include additional bed capacity and investment in primary care. I gave an answer to Deputy McDonald on that particular project yesterday.

**Deputy Peter Fitzpatrick:** A man came into my office yesterday who has been on the council's housing waiting list for more than nine years. He was offered a house with Louth County Council and later on, after filling in the assessment form, the council phoned him up refusing him the house. The council said that he was over the income limit. This man has a child and he had received a promotion only in the last few weeks. The problem is that in Louth County Council the band two income limit is €30,000. I cannot understand it. If this man had gone through the housing assistance payment, HAP, scheme, there would be no means test and automatically if a house had become available he would have got it. Instead, his family took him into the family home. Are we going to stop people from going back to work and from getting promotions? What are we supposed to do in these situations? This man has been waiting for nine years for this house and he had the offer. To be fair to Louth County Council it will hold the house for a few days to see what will happen in this case. This man pays €70 for child maintenance. If this was taken into consideration for the means test he would be well under the income limit. I ask the Minister for Housing, Planning and Local Government please to look at this. This man has waited nearly ten years for this house. What can we do?

**Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy):** I thank the Deputy for the question. I cannot speak to individual cases but I am very sorry this person has been waiting so long for support. In 2018 we supported more than 27,000 families and individuals into new housing supports through the work of Rebuilding Ireland. Some 8,400 of those supports were increases to the social housing stock, with new homes built, acquired or long-term leased. This is having an important impact in reductions to the housing list, which now stands at just over 70,000 people. This is down about 20,000 since the beginning of Rebuilding Ireland. HAP is a great support if it can work but I also know the income eligibility bands for local authorities have not increased since 2011. When the review was done in 2011 an additional amount of money was put in for the coming period. A review is happening currently by the Housing Agency and when we have the results of the income eligibility review it will then be rolled out across the State.

**Deputy Mary Butler:** The Government has made great hay out of the announcement to amend the fair deal legislation to make it fairer for farming families but has done little to prog-

ress the Bill to make it a reality. When can we expect to see the heads of the Bill? It will take a significant amount of time to pass the legislation. Due to the wait for the Bill there are many farm families, especially the older generation, locked out of access to a nursing home.

**The Taoiseach:** The Minister of State, Deputy Jim Daly, is working on that legislation and we expect to have it published this year.

**Deputy Margaret Murphy O'Mahony:** As I represent a very rural constituency I have very many questions for the Minister for Transport, Tourism and Sport, Deputy Ross, and thus in essence for the Taoiseach. My question today is about accessibility to public transport. There is no bus from west Cork to Cork city with wheelchair accessibility. I have submitted several parliamentary questions and every time I get the answer that 80% of Bus Éireann's fleet is wheelchair accessible. West Cork, unfortunately, comes under the 20%. When will people who live in west Cork and who have a disability be able to get a bus to Cork city?

**The Taoiseach:** I cannot give the Deputy a date but recognise that this is a real issue and a point well made. It is very important that people who have a disability are able to use public transport, which is not always the case. I will certainly advise the Minister, Deputy Ross, that the issue was raised in the Chamber today and perhaps he will be able to give the Deputy a timeline for those improvements to be made.

**Deputy Michael Moynihan:** With the ongoing spiral in insurance costs, many businesses across the spectrum state they will have to close because they are not able to get insurance cover or operate without it. Many fine words were spoken about a new unit being established within An Garda Síochána for the referral to the Director of Public Prosecutions of false or misleading claims brought before the courts. Has the Government met the Garda Commissioner to discuss the resources needed by An Garda Síochána to ensure the unit will be set up without further delay? While the Minister for Justice and Equality will say it is an operational matter for the Garda, should that give me the impression that the Government is not taking the matter seriously and refusing to take a hands-on approach to dealing with it?

**Deputy Charles Flanagan:** Deputy Moynihan is right that it is an operational matter for An Garda Síochána. However, I assure him and the House that I have raised it with the Garda at the highest level. I acknowledge the ongoing work being done to tackle fraud and fight white collar crime by the Garda National Economic Fraud Unit and assure the Deputy that I will continue to raise these issues with the Garda Commissioner and his team, albeit they are operational issues. The Garda is very conscious of the need to ensure every effort is made to fight fraud.

**Deputy Joan Burton:** There is a report in the Ireland edition of *The Times* today which I did not think could possibly be true. Perhaps the Taoiseach might clarify the position. The position of Governor of the Central Bank of Ireland will become vacant if, as expected, Philip Lane is appointed as chief economist of the European Central Bank on 21 March. It is reported that the name of a former Fine Gael special adviser is being floated in senior political circles as a possible replacement for Mr. Lane. I ask the Taoiseach whether the Central Bank is now to be politicised. Ultimately, it will involve a Government decision following a selection process. Will the Taoiseach clarify whether he intends to appoint Mr. Andrew McDowell to the position of Governor of the Central Bank? What procedure does the Government intend to follow in the selection process?

**The Taoiseach:** I record my congratulations to Philip Lane on his pending appointment as

chief economist at the European Central Bank.

**Deputy Dara Calleary:** Hear, hear.

**The Taoiseach:** It is a very important role and Mr. Lane will be one of only six people on the executive board. It is good to have an Irish person among the six key decision makers at the European Central Bank. He was a very good appointment to the Central Bank of Ireland a number of years ago. We have not yet had a chance to decide what procedure will be used to select a new Governor of the Central Bank. I anticipate that there will be a proper process involving an advertisement in order that people can apply for the job and that there will be a system of interviews, but the procedure to be used has not yet been decided.

**An Ceann Comhairle:** That concludes questions on promised legislation. Seven Deputies were not reached.

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

**An Ceann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Eamon Ryan - to discuss the purchase of High Island to preserve the archaeological and ecological importance of the island; (2) Deputies Sean Sherlock and Anne Rabbitte - to seek an update from the Minister on matters related to Scouting Ireland; (3) Deputies Donnchadh Ó Laoghaire, Thomas P. Broughan, Gino Kenny and Niamh Smyth - to discuss the need for a public inquiry into the death of Shane O'Farrell ; (4) Deputy Eamon Scanlon - capital funding for the approved new diabetes day unit at Sligo University Hospital; (5) Deputy James Browne - to discuss the provision of additional jobs and further IDA Ireland investment in County Wexford; (6) Deputy David Cullinane - to discuss the status of providing an Educate Together national school in Dungarvan; (7) Deputy Pat Buckley - to discuss the closure of respite care services in Midleton Community Hospital; (8) Deputy Michael McGrath - to discuss the provision of additional Garda resources for the Togher district and the station hours in Carrigaline and Douglas; (9) Deputy Darragh O'Brien - to discuss the costs incurred to date in planning the greater Dublin drainage project; (10) Deputies John Curran and Bobby Aylward - the failure to make the drug Spinraza available for children suffering from spinal muscular atrophy; (11) Deputy Joan Collins - the Labour Court recommendation in 2008 that community employment supervisors and assistant supervisors be provided with an employer sponsored occupational pension and the fact that these workers still do not have an occupational pension 11 years later; (12) Deputy Gerry Adams - to discuss the commitment given to support the Connors family following the tragic fire at Carrickmines; (13) Deputy Martin Ferris - to discuss the ongoing crisis in the beef industry; (14) Deputy Catherine Connolly - the Minister of Finance's failure to implement the Labour Court's 2008 recommendation that community employment supervisors and assistant supervisors be given access to an occupational pension; (15) Deputy Brian Stanley - to discuss with the Minister for Education and Skills the funding needed for a new building for Kolbe special school, Portlaoise, County Laois; (16) Deputy Mattie McGrath - the need to urgently increase Garda numbers in County Tipperary; (17) Deputy Michael Harty - the development of tourism projects in the Bunratty area by Shannon Heritage, and (18) Deputy Eugene Murphy - an update on the direct provision centre in Roosky.

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The matters raised by Deputies Eamon Ryan; Darragh O'Brien; Michael McGrath; and Donnchadh Ó Laoghaire, Thomas P. Broughan, Gino Kenny and Niamh Smyth have been selected for discussion.

### **Teachtairacht ón Seanad - Message from Seanad**

**An Ceann Comhairle:** The Seanad has passed the Personal Injuries Assessment Board (Amendment) Bill (No. 2) 2018, without amendment.

### **Message from Select Committee**

**An Ceann Comhairle:** The Select Committee on Justice and Equality has completed its consideration of the Criminal Law (Extraterritorial Jurisdiction) Bill 2018 and made no amendments thereto.

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

#### **Departmental Operations**

1. **Deputy Brendan Howlin** asked the Taoiseach if he will report on the work of the social policy and public service reform division of his Department. [5375/19]

2. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on the work of the social policy and public service reform division of his Department. [6557/19]

3. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on the work of the social policy and public service division of his Department. [7980/19]

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

The role of the social policy and public service reform division is to assist me as Taoiseach and the Government in delivering on the programme for Government objective of public policies and services which drive a socially inclusive and fair society and to assist in renewing and transforming the public service. The division assists the work of Cabinet committees B, E and G and the associated senior officials' groups. Cabinet committee B covers social policy and public services, including education, children, social inclusion, the Irish language, arts and culture and continued improvements and reform of public services. Cabinet committee E deals with issues related to health, including the delivery of health service reforms. Cabinet committee G provides for political oversight of developments in relation to justice and equality issues, including implementation of the Government's programme of reform in the areas of justice and

policing.

The division also promotes the Civil Service renewal programme, including the Civil Service Management Board, and assists in the delivery of Our Public Service 2020 through membership of the Public Service Leadership Board and the public service management group. The division has departmental oversight of the National Economic and Social Council and advances Dublin's north east inner city initiative, including through its programme office, programme implementation board and oversight group. The division incorporates the programme for Government office monitoring the implementation of the commitments contained in the programme for Government across all Departments and ensures all departmental strategy statements reflect the programme commitments for which that Department is responsible.

In addition, a policing reform implementation programme office has recently been established within the division. The office will drive the implementation of the policing reform plan entitled, A Policing Service for the Future, which was approved and published by the Government in December 2018. The division also provides me with briefing and speech material on social policy and public service reform issues and participates in relevant interdepartmental committees and other groups.

**Deputy Brendan Howlin:** I thank the Taoiseach for his reply. Among other things, the division handles health policy. I have a few particular questions in that regard. The Department of Health's acute policy unit was in communication with the division and the Taoiseach's officials on the national children's hospital contract from November 2018. The relevant emails have been released to us. Was it only after an awareness of escalating costs emerged in the public sphere that the unit asked for and received updates on cost overruns?  
*2 o'clock*  
Was there no monitoring or communication in advance of November 2018 on this major health and infrastructural project? The Taoiseach might explain to the House how the division monitors matters and ensures issues which should be brought to his attention and that of the Government are communicated.

I also have a question on the general issue of Government and public service reform, which was an integral part of the agenda of the last Government of which both the Taoiseach and I were members. Is that running? The Taoiseach will recall the raft of legislation that was introduced, ranging from freedom of information updates to the registering of lobbying and everything that flowed from that. Is there still the same focus on reform?

Finally, has there been any advance in respect of Ireland's membership of the Open Government Partnership? Again, that was an important initiative undertaken under the previous Government. How is that process advancing?

**Deputy Mary Lou McDonald:** Last year the Government spent a staggering €695 million on rent subsidies to private landlords and property owners across four schemes administered by two Departments. The Department of Employment Affairs and Social Protection spent €175 million on the rent supplement scheme and the Department of Housing, Planning and Local Government spent €100 million on long-term leased properties, €143 million on four year rental accommodation scheme leases and €276 million through the housing assistance payment, HAP, scheme. One might argue that this demonstrates the need and demand and is a symptom of the Government's more general failure in the housing area, but spending these very large sums does not represent good value for the taxpayer. To put it in perspective, the total budget allocation to local authorities to build and buy new homes last year was just over €560 million.



That is almost 20% less than the sum paid to private landlords, which hardly makes sense.

While subsidies for low income households are an important part of any stable housing system, they should be short-term and declining in number and cost. Instead, the figures highlight the Government's over-reliance on the private rental sector to meet long-term housing need while at the same time underinvesting in social housing. We should also note the very insecure nature of rental accommodation for people now, due to the Government's negligence. These policies must be urgently reviewed and a plan must be put in place to reduce the number of subsidised tenancies in the private rental sector. This will only be achieved through a significant increase in the capital budget for local authorities and approved housing bodies to build and buy permanent social housing.

**Deputy Richard Boyd Barrett:** In the debate later on the motion of no confidence in the Minister for Health, Deputy Harris, we will discuss the litany of failures in the area of health. However, the one I cannot understand and which the Government does not appear to wish to resolve given the casual indifference it is displaying is the series of strikes taking place in the national ambulance service. There was one last Friday and there will be others on 28 February and 1 March. It would not cost a penny to resolve this, but the Government appears to be totally uninterested. It is about union recognition and the right of hundreds of ambulance drivers to be in the union of their choice, in this case the National Ambulance Service Representative Association, NASRA, branch of the Psychiatric Nurses Association, PNA. Can the Taoiseach explain why he would not wish to act to resolve this by simply accepting people's right to be in a union of their choice and to be recognised in that union in the context of something as critical as the delivery of an ambulance service?

In addition, will the Taoiseach comment on Mr. Owen Keegan's comments in *The Sunday Business Post* about homeless accommodation acting as a magnet for the homeless? They were staggering comments. Does that reflect the Government's thinking? Whatever debate we may have on the success or otherwise of the Government's housing policy surely the Taoiseach would accept that the State is failing people who are homeless or who are waiting ten or 15 years on housing lists. The State should be somewhat apologetic and show a little humility in the face of that failure, rather than victim blaming and suggesting that emergency accommodation for the homeless is an attractive option for people in desperate housing need.

**Deputy Micheál Martin:** Access to public services is still a major issue for many people across the country. Over half a million people are waiting for hospital appointments and there are 10,000 homeless people, but the waiting list for special needs assessments is particularly damaging for the children on that list. We know that early diagnosis can mean more effective early intervention particularly with therapies such as physiotherapy, occupational therapy, audiology and speech and language therapy, yet thousands of children are waiting for an early needs assessment and their rights are not being realised. I raised this in the context of the last budget to get additional posts appointed, but one wonders whether the division in the Taoiseach's Department has alerted him and the Government to the emergency in that area alone. It is simply unacceptable that parents of young children are at the end of their tethers trying to get an assessment, diagnosis and proper intervention. This has been going on for a long time and the lists have been growing to unacceptable levels over the last two to three years. Will the Taoiseach respond on the level of awareness in his Department, particularly in the social policy and public service reform division, of that issue alone?

Many commitments have been made with regard to the safe access Bill. This Bill would

prevent any planned protests or interference with women who are trying to access termination services. Any reasonable person would agree that no woman should be intimidated if she attends a hospital or a GP surgery. Last December, the Minister for Health pledged to bring forward legislation to provide for exclusion or safe zones around premises that women would be attending. That is well intentioned but that approach ran into difficulties in the United Kingdom. Given that we do not have abortion-specific clinics here, are there legal issues in that regard? The United Kingdom tried to introduce a similar Bill but it encountered legal difficulties. Will that arise here? Can the Taoiseach give an indication of when the Bill will be published?

**The Taoiseach:** On the initial question Deputy Howlin asked on health, I have not seen any of the emails he mentioned. I presume they are emails between officials rather than emails to which I was a party-----

**Deputy Brendan Howlin:** Yes.

**The Taoiseach:** -----so I am unable to comment on their content. However, the monitoring of the capital plan, the national development plan and the implementation and delivery of Project Ireland 2040 is done by both the line Department or agency that is responsible for a project and the Department of Public Expenditure and Reform, which has overall oversight of the delivery of the capital programme. It is not done by my Department. We have a system, however, whereby a Department can make me and my office aware of a problem. That is the early warning system which is carried out at Secretary General or Minister-to-Minister level. I often receive early warnings of things that may or may not happen through that system, but did not about the children's hospital.

I will have to get an update on the Open Government Partnership for Deputy Howlin. He was very enthusiastic about it when he was a Minister and we were making progress on it, but I am not up-to-date on it. When I get the update I will pass it on to him.

The Government's policy on housing is to increase the stock of social housing, and we are doing that. It is the best way to reduce reliance on rent supplements and HAP into the future. It has to be scaled up because for a long time very few houses were built by the State. That is changing. The figures produced today by the Department of Housing, Planning and Local Government show that approximately 8,500 new homes were added to the social housing stock last year. Roughly half of those were built by local authorities and affordable housing bodies such as the Iveagh Trust, Clúid Housing Association and so forth. The other half consisted of voids brought back into use, houses purchased by local authorities or affordable housing bodies and houses that were leased for the long term. This represents a very considerable increase in the social housing stock. I do not know when the last time was that the social housing stock was increased by 8,500. It could be a very long time ago. Of the 18,000 new houses and apartments built last year, roughly 4,500, or 20%, were built by the State. Again, I am not sure when the last time was that the State built 20% of the homes in the country but we need to be at that kind of level, going from 18,000 a year up to something closer to 35,000 and increasing our social housing stock by approximately 10,000 homes a year. Obviously, if the social housing stock is increased by 10,000 homes a year, it will be increased by 100,000 homes in a decade. This would be a considerable step change in the amount of social housing and public housing we have, and that is what we plan to do.

In talking about the budget mix, we always need to bear in mind the difference between capital and current. As a long-term investment, building or purchasing houses and adding

them to the social housing stock makes more sense than HAP or rent supplement. On a very logical and micro basis, however, it must be borne in mind that it may cost €150,000 to build a new home from scratch for a family in need of social housing but that for the same amount of money one could rent ten houses. For the same amount of money spent in one year, therefore, one could house one family or ten. When one is faced with huge demand for housing and huge housing need, it often makes more sense to house the ten families rather than the one, even if one takes the 20-year view that it would be cheaper to house the one and not the ten, if that makes any sense.

Regarding Owen Keegan's comments the other day, I do not believe that anyone chooses to be homeless. Certainly, I do not think any children are homeless by choice. There are really two main causes of homelessness, in particular family homelessness: one is family breakdown, which I do not think is a choice; the other is a notice to quit being issued by a landlord who is renovating, moving back into or selling on the property. Again, that is not a choice made by the tenant in respect of whom the notice to quit has been issued. Therefore, if there are people who are making themselves homeless to skip the queue or to avail of services, I imagine they are very few and far between and are exceptional cases. I therefore do not agree with Mr. Keegan's comments. It was interesting, however, that in the debate that was held there was wide agreement from Owen Keegan to Mike Allen of Focus Ireland that homeless services had improved considerably in Ireland and in Dublin in recent years. This is happening through the development of the family hub programme. Hubs are much better for all kinds of reasons than shelter accommodation, bed and breakfast accommodation or hotels. I refer to the availability of the HAP place-finder, for example, and the additional social and other supports that are provided to people who find themselves homeless. It was good that while there was disagreement on what Owen Keegan had to say, there was widespread agreement, from NGOs to political parties, that homeless services had improved very considerably in Dublin in recent years. It was good to hear that acknowledged.

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

4. **Deputy Micheál Martin** asked the Taoiseach if he has met church leaders recently. [5680/19]

5. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his recent meetings with church leaders. [6510/19]

6. **Deputy Mary Lou McDonald** asked the Taoiseach if he has held recent meetings with representatives of churches and faith communities as part of the church-State structured dialogue process. [6558/19]

7. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on recent or planned meetings with church leaders. [8378/19]

**The Taoiseach:** I propose to take Questions Nos. 4 to 7, inclusive, together.

On 25 August 2018 I met Pope Francis during his visit to Dublin Castle. The meeting provided an opportunity for us to discuss several issues.

On 22 January, I met representatives of the Church of Ireland and the Presbyterian and

Methodist churches in a formal meeting under the structured dialogue process between church and State. We discussed social and economic issues facing Irish society as well as international issues. This was the second in a series of meetings I will hold with dialogue partners.

On 31 August 2017 I held a formal meeting under the structured dialogue with representatives of the Catholic Church, led by Archbishop Eamon Martin.

Some of the issues we discussed at these meetings were challenging. They are issues on which people have deeply held views and which are considered to be matters of conscience. Our discussions were valuable not just because they dealt with important issues, but particularly because they were conducted in an atmosphere of respect for the views of others, where everyone sought to be constructive.

Like public representatives generally, I meet church leaders informally from time to time in the course of attending official functions and public events.

In particular, with the recent presidential inauguration and the visit of Pope Francis, I attended several events that gave me an opportunity to engage with representatives from various religious groups.

**Deputy Micheál Martin:** During the years of progress in securing the end of the illegitimate campaign of violence in the North and the building of a new peaceful model of co-operation on this island, the churches played an absolutely central role, to be fair. This went well beyond the number of now widely and rightly acclaimed clergymen. It really was a consistent approach through the entirety of the leadership of the churches in Ireland and at every stage they pushed a positive agenda of reconciliation and played a very important role as advocates of Border communities.

It is in this context that we must take very seriously their warning about the damage being caused by Brexit and the further damage it threatens. The political paralysis in the North is a huge concern for them. Equally, they are deeply concerned about what will happen on the Border in 37 days' time, or whenever Brexit happens, if there is no deal. Yesterday I asked the Taoiseach for what I believe is the fifth time in recent weeks to say what would happen on the Border, were there to be a no-deal situation in 37 days' time, and yet again he refused to answer. He repeated what is not being planned or contemplated - I get that - and he then added the remarkable comment that the situation "will cause a dilemma". Is this the best he can do? Communities and businesses across the country, in the Border area in particular, are crying out for some basic information on what they should be planning for if - and we hope it does not happen - a no-deal arrives in 37 days' time. It beggars belief that there are no arrangements in place as to what to do on the Border if a no-deal scenario comes to pass next month. The Taoiseach's entire argument for the proposed deal is that only it avoids a hard border. I know what the Government is not planning and not contemplating, but will the Taoiseach please tell us what he believes will happen?

**Deputy Brendan Howlin:** Regarding the Taoiseach's meeting with church leaders, a swastika was recently painted outside the synagogue in Terenure. Has the Taoiseach met representatives of the Jewish community in recent times? I think we are all concerned about a very significant rise in anti-Semitism across Europe, very noticeably in France and other European countries. Should we be alert to this in this jurisdiction? The only law dealing with hate crimes here is the rarely used Prohibition of Incitement to Hatred Act, which in its 30 years of existence

I understand has resulted in only five convictions. I would be interested to hear the Taoiseach's views as to whether our protections are robust enough in this regard.

On a separate matter, the *Irish Daily Mail* reports today that a test excavation has begun at a second mother and baby home in Sean Ross Abbey, near Roscrea, County Tipperary. This is following directions from the Commission of Investigation into Mother and Baby Homes and Certain Related Matters. Has the Taoiseach discussed this matter with church leaders? Does he expect more sites to be investigated? Is he satisfied that the commission has the capacity and the resources to carry out its very important task?

**Deputy Mary Lou McDonald:** I wish to pick up on that theme. A geophysical survey of infant burial grounds will begin today at the site of the former Sean Ross Abbey mother and baby home, near Roscrea, County Tipperary. Records of deaths at the home show that 269 children died there between 1934 and 1967 but, due to the failure of the order to keep records, the number of children who died there is not known definitively. In the past two interim reports the Commission of Investigation into Mother and Baby Homes and Certain Related Matters has highlighted its difficulty in finding out more about the burial arrangements for children and women who died in these homes. The commission has noted that there are significant gaps in the information available on the burial of babies who died in a number of the institutions under investigation and has warned that it will prove difficult to establish the facts. This statement tells its own story of the State's direct hand in the treatment of children who died, none of whom reached his or her first birthday in the case of Sean Ross Abbey. As the Taoiseach will know, statutory inspections of maternity homes began in 1934, which means the majority of the children who died in Sean Ross Abbey died on the State's watch. The Tuam Home Survivors Network has asked the Government to begin collecting its members' DNA samples immediately due to their age and health profile. It wants to eliminate any delay in returning human remains to identifiable relatives for dignified burials and provide the samples voluntarily.

When does the Taoiseach expect to receive the report of Dr. Geoffrey Shannon, commissioned by the Department of Children and Youth Affairs, to consider whether the network's request can be granted? Will the Taoiseach personally ensure that the network is informed of its findings before the report is made public?

**Deputy Richard Boyd Barrett:** Outside the count centre in Citywest on the day we waited for the results of the referendum to repeal the eighth amendment, the Taoiseach and I had a brief conversation about the likely result. I suggested to him that one consequence of the result was that we needed to move forward to the complete separation of church and State and he replied that we would leave that conversation for another day. That day has come and, indeed, well passed. In the Taoiseach's conversations with church leaders, particularly of the Catholic variety, what has he said to them? What is he doing to accelerate the divestment programme, which was much lauded by the former Deputy, Mr. Ruairí Quinn, in 2012 and which was intended to do something about the fact that 90% of schools in the country are controlled by the Catholic Church?

Since that much-trumpeted announcement of the divestment programme, a grand total of 11 schools have been handed over, while there was only one last year and ten in the few years before that. Divestment, therefore, is not happening. In this day and age, in the aftermath of marriage equality, the repeal of the eighth amendment and everything that signifies, which the Taoiseach and everyone else in the House knows, the time has well passed to transfer control of schools from the hands of the Catholic Church - or at least from the extent where 90% of



them continue to be in its hands. What is the Taoiseach doing about that and what has he said to church leaders about it? It is just not happening.

**The Taoiseach:** I agree with Deputy Micheál Martin's comments about the vital role that the clergy, the Catholic Church and other churches played in helping to bring about the peace process in Northern Ireland. I believe they still have a role to play in that regard in the future.

If we end up with a no-deal scenario in a few weeks' time - that is, no-deal without an extension, which I assume is what the Deputy means, although there could be a no-deal with an extension - we will be in uncharted territory and it is not possible for anyone to predict with certainty how matters will play out. What I can say, as I have stated previously, is that we do not have any proposals or plans to install any infrastructure on the land Border between Northern Ireland and the Republic of Ireland. We are putting in place infrastructure at Dublin Port, Rosslare Port and Dublin Airport to allow us to carry out any necessary veterinary, sanitary and phytosanitary or customs checks etc.

If we end up in a no-deal scenario without an extension, it will create a difficult dilemma for Ireland, the United Kingdom and the EU. The UK will be bound to implement World Trade Organisation rules and we will have a responsibility to protect the Single Market, which we want to do, given that it is our Single Market and given that our industrial and economic policy, employment and much more are based on our full membership of it. Above all, there will be our commitment to the Good Friday Agreement. We would be in a situation where we would have to come to an agreement on regulatory alignment and customs, but that is what we already have. That is why our efforts are focused on securing the ratification of the withdrawal agreement, including the Irish protocol and the backstop, which is the best and only way to give us an assurance that a hard border will not emerge on our island, whatever else happens as a consequence of Brexit. As one can see from the events in London today, the situation is unstable and it is hard to predict what will happen in the next couple of weeks. All we can do is prepare for the different and most likely scenarios.

I had the opportunity to meet members of the Jewish community in the past couple of weeks with Maurice Cohen, head of the Jewish Representative Council of Ireland, and the Chief Rabbi at a public event. I hope to find a way to engage with the Jewish community at Passover. I attended a seder last year, although I do not expect to be able to do that this year. While I share the Deputy's concerns about rising anti-Semitism around the world, I am not sure that it is really a feature in Ireland. Nevertheless, it is something we always need to watch out for and perhaps we need some further debate on the matter in the future.

On the divestment programme for schools, parents of preschool children are being surveyed in a number of schools to find out what they want. I agree that we need to accelerate the programme of divestment but choice is also important. People have different ideas as to what the separation of church and State means. I do not think it should go as far as totally banishing religion from the public sphere. Many people want to continue to have a school under the patronage of the local parish and many people from a Church of Ireland background are very attached to Church of Ireland primary and secondary schools. The same applies to the Jewish congregation, while many Muslim people also like to have their own school. I do not believe in a form of separation of church and State that seeks to put away any form of religion and to strike it out of public life. Religious bodies and bodies inspired by religion, such as the Society of St. Vincent de Paul and CROSSCARE, do highly valuable work, provide many Government services and receive much Government funding. I would not like a form of secularism that tried

to defund those organisations or banish them from public life because it is a little too extreme. I appreciate that other people may wish to have all schools divested and those bodies defunded but that is not my view.

On the mother and baby homes, the commission of investigation has informed the Minister for Children and Youth Affairs that it is conducting 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 information from a member of the public. We were advised today that following initial geophysical testing, the commission began test excavations on Monday, 18 February and they are expected to take approximately three weeks. The House will be aware that the terms of reference for the commission of investigation task it with examining burial practices at the sites of mother and baby homes and that the commission is independent in the conduct of its investigations. It has all the necessary power and resources to carry out these investigations but neither the Minister nor the Government has any role in this stage of the process. The commission is due to deliver an interim report next month on burials at the sites of former mother and baby homes, which the Minister will bring to the Government as soon as she receives it and has the opportunity to review it.

On DNA, a new unit has been established in the Minister's Department to work on the legislation required to implement the Government's decision on the site of the former mother and baby home in Tuam. Additional staff from other Departments are expected to be assigned to the unit in the coming weeks and scoping of the legislation has commenced. There is no precedent for this kind of project in Ireland and, therefore, it is vital that we get it right in the interests of the survivors and relatives and the dignity of those buried at the Tuam site. The approach taken will be further informed by the forthcoming report in March by the commission of investigation on burials at mother and baby homes. In parallel with the legislative project, work will be carried out on sourcing the appropriate expertise.

In response to Deputy McDonald's request to begin collecting DNA samples of survivors and relatives, the Minister for Children and Youth Affairs, Deputy Zappone, has asked Dr. Geoffrey Shannon to examine whether it is possible to meet the request within the current legislative framework. This examination will be done in the context of what is scientifically possible.

### **Cabinet Committee Meetings**

8. **Deputy Michael Moynihan** asked the Taoiseach if a meeting of Cabinet committee D, infrastructure, which deals with climate change was held on 31 January 2019. [6295/19]

9. **Deputy Mary Lou McDonald** asked the Taoiseach when Cabinet committee D, infrastructure, last met; and when it is scheduled to meet again. [7984/19]

10. **Deputy Joan Burton** asked the Taoiseach when Cabinet committee D, infrastructure, last met; and when it will meet again. [8084/19]

11. **Deputy Brendan Howlin** asked the Taoiseach if Cabinet committee D, infrastructure, met on 31 January 2019. [8225/19]

12. **Deputy Richard Boyd Barrett** asked the Taoiseach when the Cabinet committee D, infrastructure, will next meet. [8379/19]

**The Taoiseach:** I propose to take Questions Nos. 8 to 12, inclusive, together.

Cabinet committee D works to ensure a co-ordinated approach to the delivery and ongoing development of policy on infrastructure investment and delivery, housing and climate action. The committee last met on 31 January and the date for the next meeting is to be scheduled.

Significant work is under way across each of the areas covered by the committee through Government Departments and agencies and a range of interdepartmental groups such as the climate action high level steering group and the Project Ireland 2040 delivery board. In addition, these matters are regularly considered at meetings of Government and in bilateral meetings with the Ministers responsible for the issues.

Significant progress is being made on the implementation and delivery of Project Ireland 2040. Through the National Planning Framework, it sets out our strategic 20-year vision for Ireland's future, balancing rural and urban development and linking it with capital investment of €116 billion over ten years to meet the infrastructural needs of our growing population. The four funds launched under Project Ireland 2040 have a total of €4 billion to invest across the areas of rural and urban regeneration and development, climate action and disruptive technologies innovation. The first round of funding allocations under these funds, amounting to €276 million, was announced last year. These funds will leverage further private sector investment in innovative and targeted projects that deliver on the aims of Project Ireland 2040.

The Land Development Agency, another cornerstone initiative of Project Ireland 2040, was established on an interim basis in September and is working to ensure the optimum management of State land through strategic development and regeneration with an immediate focus on providing new homes, including social and affordable housing. Housing continues to be a priority for the Government and we have seen strong growth in housing completions and in leading indicators such as planning permissions, commencement notices and housing registration. Last year, over 18,000 new homes were built, an increase of 25% on the previous year. More than 2,500 homes were brought out of long-term vacancy and almost 800 dwellings in unfinished estates were completed, meaning the number of new homes available for use increased by more than 21,000 last year. This does not include student accommodation. There was also strong delivery of publicly-funded social housing in 2018, with over 27,000 new households having their housing needs met.

We are aware of the significant challenge in meeting housing demand and tackling the ongoing issues in the housing market. For this reason, budget 2019 provided an increase of 25% in the housing budget. Delivering on our EU climate commitments for 2030 and transitioning to a competitive, low carbon, sustainable economy by 2050 are also policies. We are investing €22 billion in climate action through the national development plan to ensure that our future growth is regionally balanced and environmentally sustainable. Budget 2019 provided for a range of measures to lower carbon emissions and improve sustainability, including more than €200 million for agri-environmental actions through the rural development programme and over €164 million for energy efficiency and renewable energy projects. The Minister, Deputy Bruton, is currently preparing an all-of-Government action plan on climate disruption and is working with colleagues across Government to develop new initiatives across electricity, transport, agriculture and other relevant sectors. The action plan will build on progress to date and set out the steps which must be taken to make Ireland a leader in responding to climate change.

**Deputy Micheál Martin:** Yesterday, the Taoiseach said that Deputies should go and look

at the updates on the Department of Public Expenditure and Reform's website if we want to know what is happening with national development plan, NDP, projects. He said we would find up to the minute figures on the status and cost of all major projects. Unsurprisingly, this turns out not to be true. The only underspends noted on the site arise because some projects spent money before the start of the NDP but the Taoiseach wanted to claim that the full project cost was part of the NDP. Some others have money from other sources such as the European Investment Bank and the Taoiseach wanted to include other people's contributions as part of the Government's advertising. The spreadsheet is a very good reminder of how many of the advertised projects are not planned and will not begin during the life of this Dáil, the next Dáil and probably the one after that.

The more serious point is that, as suspected, nothing has been done to address the significant overspend on the national children's hospital. The spreadsheet projects the overall cost of the project to be €916 million. No alteration has been made to the costings of other major health capital projects. If the health construction inflation, new safety rules and technology requirements which hit the national children's hospital happen for the other projects, since most of these costs will apply, it could undermine the ability to deliver at least 1,000 acute hospital beds. The Taoiseach said the public has a right to know about these projects so surely it has a right to have updates of information which was advertised last year. When will the Taoiseach update the claims he made about what will be delivered under the health provisions of the NDP? When will he outline the impact of the NDP projects on our carbon footprint? When will calculations be made of how it contributes to or detracts from climate change objectives?

**Deputy Mary Lou McDonald:** Project Ireland 2040 recognises the importance of cross-Border co-operation and investment in developing the Border corridor, specifically the Donegal and Derry region. Derry and Strabane District Council has in place an ambitious, inclusive strategic growth plan and, as part of the plan, the council is trying to secure a city deal for the region from the British Government. Its plan also envisages financial contributions from the Taoiseach's Government and the European Union for a number of key strategic projects that would benefit the entire north-west region. We are talking about vital projects that will help to unlock the economic potential of Derry and Donegal, such as the expansion of Magee university and the development of the Greencastle cruise berth. This is about putting meat on the bones of the very welcome inclusion of the north west in Project Ireland 2040. Will the Taoiseach indicate if discussions in this regard are taking place in Departments and, if so, what stage are those discussions at?

**Deputy Joan Burton:** With the omnishambles of the children's hospital that the Taoiseach and Minister for Health are presiding over, will the Taoiseach tell us how we get a list of the reprofiled projects and spending as a consequence of the savings that he acknowledged have to be made? He brushed them aside by saying it is a mere €100 million. What is €100 million between friends? It is a lot of money and we have not yet seen a list and full-time schedule of these reprofiled amounts. I and everybody else knows that €20 million delayed now will be carried from this year to next year and climb as time passes. The Government has no control over public expenditure. The Taoiseach inherited a very good situation from the previous, outgoing Government and the current Government is like people in charge of a runaway train. Will the Taoiseach tell us what will happen with the National Maternity Hospital? That is only €300 million if we can believe that. What is happening with that? I have no idea. What is happening with the Coombe women's hospital? People would just like a hospital fit for modern purposes and we have no idea what is happening. Will the Taoiseach give us information on really im-

portant projects in the life of this country?

**Deputy Brendan Howlin:** I will take up the same theme. In light of the children's hospital debacle, have all major capital programmes been reprofiled so that we can have a real, verifiable costing for the major projects, some of which have been outlined by my colleague, Deputy Burton? They have all been set out to be done. Will these be delivered and can we afford to continue with all of them? I will make one point as somebody who was responsible for public spending for five years about the notion that one can save €100 million this year without saving any money. If one has to save €100 million in cash, that is €100 million that one cannot spend. Some €100 million extra is going to the children's hospital. Last week, the Taoiseach told me that he does not need the Revised Estimates at all and can vire money. Since then, wiser counsel has prevailed and Revised Estimates will be presented today.

Some €65 million in additional money is being added to the Department of Health's capital programme to meet the €100 million requirement and it has to find €35 million itself. We can use words such as reprofiling but this involves real cash savings. It is reasonable for us to ask what projects will deliver the €35 million in cash in the Department of Health in 2019. What projects will deliver the €65 million being transferred into the Department of Health from other Departments?

**Deputy Richard Boyd Barrett:** The most elementary infrastructure necessary for the maintenance of society and the existence of humanity is our natural environment. The Taoiseach's highly disingenuous response to Deputy Bríd Smith earlier about her climate emergency Bill, which is trying to stop the extraction of further fossil fuels was not very heartening in respect of his attitude to this. I do not know whether he heard George Lee on RTÉ today chatting to Pádraic Fogarty of the Irish Wildlife Trust. The headline on the item was that Irish nature is collapsing. He went on to describe how 100 of our plants and animals are already extinct and another third of our species are under very serious threat. He spoke about the deterioration of water quality, the extremely precarious situation of forestry, wildlife and so on and the fact that the Irish Greyhound Board gets as much money annually as the National Parks and Wildlife Service. They even talked about a beautiful forest in Enniskerry - the Taoiseach should go and walk there - Knocksink Wood, where the environmental education centre is sitting there, empty and derelict, because of Government cuts. This is typical of the Government's attitude to environmental issues.

Rather than slagging off the left, which is actually trying to do something about it, as the Taoiseach did earlier today, why does he not actually do something to address these issues, like deal with afforestation, fund the National Parks and Wildlife Service, and indeed, support our Bill to cease fossil fuel extraction?

**The Taoiseach:** I am glad that Deputy Micheál Martin took the time to study the website and spreadsheets. I have not done it myself for some time. It is clear that they are out of date and need to be updated and I will see to it that is done.

**Deputy Micheál Martin:** Yesterday the Taoiseach was adamant and certain that they were up to date.

**The Taoiseach:** Obviously I was wrong. I should have checked them. We will get them updated; they should be updated.

In respect of the impact Project Ireland 2040 and the national development plan, NDP, will



have on climate change we estimate that implementing the NDP will get us approximately one third of the way to meeting our climate change targets. The rest will have to be met through measures such as carbon tax and changes to regulations and rules. The third will be achieved mainly through what is provided in the plan for retrofitting and insulating homes and public buildings, investment in renewable energy and in the electric vehicle charging infrastructures and afforestation. There is quite a considerable investment in afforestation, to answer Deputy Boyd Barrett's question.

**Deputy Richard Boyd Barrett:** Well below target.

**The Taoiseach:** Yes of course there are people who will argue that some aspects of the national development plan will contribute to climate change such as, for example, the expansion under way at our regional airports and at Dublin Airport, and the roads programme such as the construction of the motorway between Cork and Limerick. I would argue that we need to balance economic development and social need with climate action. It cannot be all climate action. We have to provide for jobs in the economy and for investment too. We have to take a holistic view of these things.

Derry and Letterkenny developing together as a city region is very much a feature of Project Ireland 2040. The Government has provided funding already to the North West Strategic Growth Partnership, which involves Donegal County Council and Derry City and Strabane District Council. I have had an opportunity to engage with them and I imagine we will be able to provide additional funding in the future too. We would be very keen to continue to support the development of Derry working with Letterkenny as the region for the north west.

On the reprofiling of capital projects, or savings, whatever people want to call them, I am happy to clarify again, roughly €100 million has been reprofiled out of a capital budget this year of more than €7,000 million. We invest approximately €140 million a week in infrastructure and approximately €100 million of that €7,000 million has been reprofiled. Thankfully it did not require that any projects had to be delayed or paused. The money comes from a €25 million payment in respect of the A5 which we do not have to make this year because the project has not started although if it does start, we will make that payment. It also comes from a deferred payment relating to the forensic science laboratory of approximately €10 million while another €10 million is being provided from the Department of Education and Skills for the school at the new children's hospital. That has been brought forward and that explains the difference between the €35 million and the €25 million on health. I think €24 million of the €25 million specifically for health comes out of a fund that is there for refurbishments, minor capital works, replacing equipment and so on. That fund was €94 million but it is being reduced by €24 million to €70 million but that is still an increase on last year. There may well be plenty of projects and developments around the country that are delayed for one reason or another but none is delayed as a consequence of the national children's hospital, notwithstanding that people will claim otherwise.

*Written Answers are published on the Oireachtas website.*

*Sitting suspended at 2.45 p.m. and resumed at 3.45 p.m.*

## **Teachtairacht ón Seanad - Message from Seanad**

**An Leas-Cheann Comhairle:** Seanad Éireann has passed the Criminal Law (Sexual Offences) (Amendment) Bill 2018, without amendment.

## **Message from Select Committee**

**An Leas-Cheann Comhairle:** The Select Committee on Health has concluded its consideration of the Health Service Executive (Governance) Bill 2018 and has made amendments thereto.

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

### **Heritage Sites**

**Deputy Eamon Ryan:** As someone who has been lucky enough to visit High Island in recent years, I am a rare breed. I landed there on a very calm day and it is a spectacular island. On its southern side are monastic settlements on which very detailed excavations have been done. The headstones of the monks are incredible. It is a tremendously interesting and important site. It is similar to the Skelligs in terms of archaeological and historical importance.

When I landed on the island I also discovered that really important scientific work is going on there. University College Cork has been doing some really groundbreaking and important ecological and scientific assessments. Researchers have been tagging and monitoring the very significant populations of Manx shearwaters and storm petrels. These are very large populations which are hugely important in a European context because of the numbers and rarity of the birds. The research being done is also very important in a wider context because, in tracking the movements, breeding and ecology of the birds, the whole north-west Atlantic is monitored. It is hard to believe it considering the size of the birds, but on occasion they fly out almost 1,700 km to feed. The monitoring, management and assessment of that tells us a massive amount about what is happening in the north-west Atlantic, where climate is changing, where cold water is coming down from the Arctic and where the Gulf Stream itself may be weakening. These are very large populations of very rare and critical seabirds. They are one of the birds which are most threatened. The whole issue of protecting biodiversity is critical to the Minister's Department. This area of scientific research is of critical international and European importance.

The island has no possible use other than the maintenance and monitoring of the archaeological, ornithological and other ecological sites. A house could not be put on it because it is not accessible, except on a really calm day. A helicopter pad or any other landing system would ruin the ecology. Richard Murphy, the poet, owned it briefly at a time when he sailed in and out of Cleggan to Inishbofin. He wanted to give it to the State but my understanding, based on his biography and from talking to people who knew him, is that he grew frustrated at the slow

response of the State and sold it to a local person. That person has been very good in supporting the scientific and archaeological research that has been done and has provided an excellent caretaker role. The island is now for sale and it is important that the State steps up to the mark and purchases the land so that it is protected. The island is of acute ecological importance and a State purchase would also be an investment in our archaeological heritage and our scientific research system. It would not be expensive relative to other projects the State engages in but it is important. It may require further investment, for example, if we were to have some limited tourism capability for visitors to an amazing monastic site. That might take the pressure of the Skelligs and other locations but we would have to do it very sensitively in respect of how we would get landing and so on.

We should support UCC in its critical scientific research. We should make sure we protect these really important populations of sea birds which tell us a lot about what is going on in the north Atlantic. Doing so would send out a signal to our people and to the wider world that we are monitoring what is happening in the north Atlantic and it is in our care.

**Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan):** I thank the Deputy for raising this matter. I note his comments on biodiversity. As he knows, today and tomorrow I am hosting a national biodiversity conference in Dublin Castle. The Government takes this issue very seriously.

High Island is a spectacular island; there is no doubt about that. It contains an early medieval monastery dedicated to St. Féichín. This is a national monument which is in my ownership as Minister for Culture, Heritage and the Gaeltacht. The church is located in a small enclosure, which lies in the northern half of the ecclesiastical enclosure on High Island. It comprises a conserved single-cell church, dedicated to St Féichín, and is one of the smallest of the Atlantic island churches.

As the Deputy may be aware, the day-to-day care of this national monument falls under the remit of the Office of Public Works on behalf of my Department. The OPW works in close co-operation with the national monuments service of my Department, which has overall responsibility to ensure the long-term conservation of the national monument. In the 1990s, a comprehensive State-funded excavation and conservation programme was undertaken on the monastic site and the results were published in 2014 in my Department's archaeological monograph series. As a national monument in State care, the monastery as it stands is fully protected under the provisions of the National Monuments Acts. Any works at or in its vicinity may only be carried out with ministerial consent under section 14 of the Act. There are also a number of recorded monuments on the property which are protected under national monuments legislation as well. These monuments are in private ownership.

In the interests of the preservation, conservation, management and presentation of the built and archaeological heritage, the State sometimes may wish to acquire certain heritage properties and monuments. From time to time, these may come onto the open market, may be bequeathed to the State or may be offered to the State for purchase or free of cost. I might also add that there have been no recent invitations to our Department to purchase the site from anybody. In addition, lands surrounding or in proximity to national monuments in State care often reside in private ownership. In certain cases, improved protection of the monument, or access to the monument, may be possible if the State was to acquire such additional lands. There has not been any recent approach in respect of this particular monument. I must inform the Deputy that such acquisition is the exception rather than the norm and that where a monument is already

adequately protected and there is no exceptional case for acquisition in order to improve access, the case for purchase may not be pressing. In the case of High Island, the national monument and the recorded monuments are already well protected, in our view. Public access, even if the whole property were in public ownership, would continue to be hazardous and the site is unsuitable for large-scale visitor exploration. Additionally, value for money principles must be carefully considered where any acquisition is proposed.

The national monuments in State care already number some 1,000 sites at over 760 locations around the country and these command considerable resource commitments in terms of both funding and personnel allocation. In addition, there are in excess of 120,000 monuments listed in the record of monuments and places that are not maintained by the State. Suffice it to say that while I understand what the Deputy is saying, there is no exceptional case in this instance that would merit an acquisition of this nature.

**Deputy Eamon Ryan:** I believe it is an exceptional case. There was an approach made by Richard Murphy and he was spurned by the Government of the day, long before either of our times. I am making the approach now because I believe it is of great archaeological importance. The State has invested significantly in the restoration and maintenance of the site, which is one of the smallest and not insignificant monastic settlements, which is an important asset for the State. There is at present a benign ownership system under which the current owner has co-operated and facilitated the management of the site and of scientific research on the island. That could be lost. The island is for sale today. If we do not buy it there is a real risk that someone else will, who may have a different perspective on how it should be managed. It would be a tragedy if what is exceptional about this island was lost to the State.

The Minister has attended a conference and no doubt has spoken very good words on the issue of biological protection. However, her answer did not refer to the second reason I cited for purchase of the island. I understand there are up to 3,000 breeding pairs of storm petrels and a very significant population of Manx shearwaters. The most detailed analysis in recent years has been done by University College Cork to show this is actually a very important scientific site. What is happening to these sea bird populations, which are the most threatened and most in decline, indicates what is happening not just in the local area but right out to the Atlantic. It is cheaper for us to buy this island and maintain that scientific analysis than to send ships out with monitoring systems to research what is happening in the north Atlantic. We can do it here by tagging the sea birds as UCC is doing. This is very important. It is exceptional. I am making the approach to the Minister today to encourage her to buy it and protect the scientific and archaeological sites, allow for access and get it into public ownership.

**Deputy Josepha Madigan:** The Deputy can understand that if there was to be an approach made to the Department, it would have to be done in a formal way, not on the floor of the House, although I appreciate the Deputy's offering. I reiterate that there has not been any reasoned approach to us to purchase this particular area. It is also important to say that the Department will support all initiatives to study ecology, including those of UCC. The State is only in a position to acquire, maintain, conserve and present a limited number of heritage properties and monuments. As I said earlier, it is important to stress that any property acquisition by the State should be regarded as an exception rather than the norm. The Deputy mentioned birds a number of times; protected species are also safeguarded by the Department, as the Deputy is aware. The National Monuments Acts provide a legislative basis for the protection of archaeology in the State, whether or not the monuments are in State ownership. Furthermore, the Archaeological Survey of Ireland maps and updates the data on our archaeological resources on a regular basis.

Information on more than 140,000 monuments across the country is currently stored in the Department's sites and monuments record.

The National Monuments Acts allow me to place a preservation order on any other important archaeological site or monument that may be at risk.

As such, there is an extensive protection, as I outlined, for archaeological heritage in the State without a need for acquisition of sites, except in the most exceptional of cases. Acquisition of the whole of High Island would require considerable resource commitment, not just on the part of the Department but also from the Office of Public Works.

4 o'clock

Whether or not the island is privately owned, my Department will continue to protect the national monument there. It should be said that access to the island is extremely difficult and therefore any acquisition would bring very little benefit in terms of access to the monuments for visitors.

### Water and Sewerage Schemes Expenditure

**Deputy Darragh O'Brien:** The Minister of State may be aware that Irish Water and the Government is proposing to locate a regional sewage plant on a 40 acre site at Clonshaugh in north County Dublin. The planned development will cost €1 billion. It is four times the size of Croke Park and has an outflow pipe which is located off Portmarnock through a special area of conservation at the Baldoyle-Portmarnock estuary. According to the plans that have been submitted and which are now with An Bord Pleanála, sewage will only be treated to the minimum secondary level. At the very least, my colleague, Deputy Haughey, and I, along with Councillor Eoghan O'Brien and the 14,000 residents of the area, insist that the highest levels of modern treatment are applied. I note that the size of the plant has been reduced from around 800,000 or 900,000 personal equivalent, PE, to 500,000 PE. This is due to the fact that there have been over 14,000 observations through the public consultation process, which has actually been useful.

I held a meeting with Irish Water last June in which I was informed that its priority is the continuing upgrade of the Ringsend facility, bringing new technologies to that plant and increasing capacity there. Does the Minister of State have an update on that? I, along with many residents, are particularly opposed to this type of development and believe that a series of localised plants is the way forward. There are already 15 plants in Fingal which process the waste where it is actually generated. We do not want to go down the road of a €1 billion to €1.4 billion project, with an orbital sewer with a massive regional wastewater treatment plant. Our main objections are on the grounds of environmental damage and potential damage, damage to the quality of life for residents in Clonshaugh, Portmarnock and the surrounding areas and damage to the fishing and horticultural sector in the area. The cost to the taxpayer is also fundamental. I have repeatedly asked for a cost-benefit analysis on this project. Well before Deputy English became the Minister of State I asked Deputy Howlin, who was Minister for Public Expenditure and Reform, to carry out a cost-benefit analysis on this plant. He promised that would be done. My understanding is that has not been done. I know that the Minister, Deputy Eoghan Murphy, is not here today, but I am glad the Minister of State, Deputy English, is here as a representative of the Department of Housing, Planning and Local Government. Can he inform the House how much has been spent on this project to date? It is important that we keep an eye on large capital projects. The Government will understand how important that is when we take into ac-



count the debacle of the national children's hospital. We want to ensure that, whatever happens with the development of additional wastewater treatment plant facilities in the area, be it the large regional plants we do not support or the smaller, localised ones that would serve 80,000 or 90,000 PE, we have a handle on the costs.

I would be greatly obliged if the Minister of State could advise what has been spent to date and what the Government's plans are for the Irish Water strategic funding plan 2019 to 2024. Has the Government allocated further funding in order to bring this plant to the construction phase, bearing in mind that An Bord Pleanála has granted residents, myself, Deputy Haughey and Councillors Eoghan O'Brien and Seán Paul Mahon an oral hearing on 20 March? I would like to know what the expenditure has been so far, what capital funding allocation has been made for this year and if there are figures available for next year.

**Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English):** I will try to answer some of the questions raised by the Deputy. I do not have all of the details he has asked for because some of the issues he has raised are different from what was initially proposed to be discussed. I have no problem in getting further information for the Deputy and if we have to organise a meeting with the Deputy, the Department and Irish Water I will be happy to facilitate it. We are an open book on this issue.

The greater Dublin drainage project involves the development of a new regional wastewater treatment facility at Clonsaugh and associated drainage infrastructure to serve the growing population of the north Dublin area. The current estimated cost of delivering the project is in the region of €500 million over the full life cycle of the project, including the planning stage. I do not have a breakdown of all the costs for the Deputy; I know he wanted the expenditure for the project so far, including planning costs. I do not have them, but I can try and get them at a later stage.

Since 1 January 2014, Irish Water has statutory responsibility for all aspects of water services planning, delivery and operation at national, regional and local level. Irish Water, as a single national water services authority, takes a strategic, nationwide approach to asset planning and investment and meeting customer requirements. Irish Water delivers its services in accordance with its water services strategic plan published in October 2015. This sets out a high-level strategy over 25 years to ensure the provision of clean, safe drinking water, effective management of wastewater, environmental protection and support for economic and social development. The first national water services policy statement, prepared in line with the Water Services Acts, which the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, launched on 21 May 2018, outlines a clear direction to strategic planning and decision making on water and wastewater services in Ireland. It identifies key policy objectives and priorities for the delivery of water and wastewater services in Ireland over the period to 2025. It provides the context within which necessary funding and investment plans by Irish Water are framed and agreed.

On 7 November 2018, the Minister approved Irish Water's strategic funding plan for 2019 to 2024 which sets out Irish Water's multi-annual strategic funding requirement of €11 billion to 2024. This comprises €6.1 billion investment in infrastructure and assets and €4.9 billion in operating costs. This significant multibillion euro investment programme is to ensure the continued operation, repair and upgrading of the country's water and wastewater infrastructure to support social and economic development across the State and continued care of the water environment.

Irish Water's strategic funding plan is also subject to economic regulatory review by the Commission for Regulation of Utilities, CRU, which will consider the efficiency of its investment proposals. The strategic funding plan sets out the financial plan for capital investments to support Irish Water's strategic objectives in order to deliver improvements to water services. I understand from Irish Water that it made an application for strategic infrastructure development for the greater Dublin drainage project to An Bord Pleanála on 20 June 2018. An Bord Pleanála then held a period of statutory public consultation and it is anticipated that the board will commence an oral hearing on the project shortly. I gather that the Deputy has been involved in that process and is participating fully on that.

The Deputy references a cost-benefit analysis. I assume that will be part of an oral hearing discussion. Generally, when these projects are brought forward, alternative options have to be considered. Costs and environmental impacts are considered in that, so I imagine that issue will be dealt with there. I will certainly pursue that further for the Deputy in the meantime and provide any extra information I can on that too.

**Deputy Darragh O'Brien:** I know the Minister of State is not the direct line Minister for this project, but I have to say with respect that the question has not been answered at all. I asked for the costs incurred to date. The Dáil should receive an answer to that question. This is a large capital project and the only cost I was ever able to get an estimate for was in the region of €1 billion to €1.4 billion. That is a lot of money. We need to get a handle on the costs that have been incurred to date. I remain absolutely opposed to this type of development and I really do believe that the Government should go back and look at what it has proposed. The proposal is now four, five or six years in existence. It proposes to treat waste to the very basic standard of secondary treatment rather than tertiary. The model we are proceeding with is flawed. Thousands of residents in the area agree. These people are not approaching this matter from a "not in my back yard" position, but rather as residents who already have 15 wastewater treatment plants in the area. This plant is effectively to become a treatment plant for all of the waste in the greater Dublin area. The waste will be piped through an orbital sewer around the M50 and into a wastewater treatment plant at Clonsaugh - a 50-acre site - and then out through a special area of conservation from the Baldoyle estuary. One could not make this up. This would not be planned in this way now. I am calling for a real cost-benefit analysis. I am also calling for those responsible to halt now and look at it before we have a situation like what has happened at St. James's Hospital where the State has run away with itself and wasted €1.4 billion or €1.5 billion that was not actually required. Will the Minister of State ask officials within the Department and Irish Water to give us the exact spend to date on the project and details of the estimated cost of delivery?

**Deputy Damien English:** I am mindful that the Deputy was probably chatting to the Leas-Cheann Comhairle when I outlined the position. I do not have the actual planning costs that he is looking for. What happens is Irish Water is given an envelope of funding to deliver the project. It is monitored through the Irish Water strategic plan which is presented to the Government and the regulator. I know from dealing with the regulator and different utility organisations that have brought forward proposals during the years that regulators are fairly strict when it comes to costs which they monitor quite well. Often they reduce the initial asking costs also. There is a fairly good system and protocol in place to deal with that aspect.

The Deputy is looking for particular figures. I will see if I can get them for him from Irish Water. It is the body responsible and it is not something the Department deals with on a day to day basis. Irish Water has statutory responsibility for planning and decision-making on the type

of project that will proceed.

The Deputy has raised questions about whether this is the best way to proceed with the treatment facility. That is something we can certainly look into for him. I am not familiar with the details, but I will certainly get the details because, to be honest, the Deputy has raised my interest in the matter now.

It is also part of the planning process Irish Water is going through. I have attended many oral hearings during the years. The details will be dealt with and come out. It is an important part of the decision-making process. Often on a project of this nature the first step is for the organisation responsible to prove that the project is necessary and that there is no better way of doing something. Irish Water will be given the job to use taxpayers' money effectively to ensure the best treatment facilities are built to the highest standards and available within a certain budget. The company will have to manage that process and ensure value for money, as well as ensuring the best environmental decision is made. I presume it will all be teased out during the oral hearing and the planning process. If there is any information I can obtain for the Deputy in the meantime, I will get it. I will be happy to do so.

### **Garda Deployment**

**Deputy Michael McGrath:** I assume the Minister of State at the Department of Justice and Equality, Deputy Stanton, is taking this matter. As a Deputy from Cork, he will be familiar with the constituency I represent – Cork South-Central. It is primarily an urban constituency and takes in the south side of Cork city. It includes some large suburbs that are growing rapidly such as Douglas, Carrigaline and Passage West.

The Garda district headquarters is located in Togher. It is the only 24-hour station in the Garda district. When the other Garda stations in the district are closed - that happens to be most of the time - all telephone calls are diverted to Togher Garda station. Stations in the other densely populated parts of the constituency such as Carrigaline and Douglas Garda stations have limited opening hours. They are not always open, even during the designated hours when they are meant to be open. That is because the gardaí who are on duty and meant to be in the station may be called away to an incident elsewhere in the district.

The general public draws confidence from a Garda station being open, ideally on a 24/7 basis. Garda management often tells me that it prefers to use resources for patrolling, rather than having gardaí within a station. I accept that is an operational decision for Garda management. However, I absolutely believe we need longer station opening hours within the Togher district in the main population areas and the suburbs about which I have spoken.

In the area I represent there have been a spate of burglaries. We have had organised gangs roaming through housing estates checking to see if cars are unlocked. If they are, they are stealing whatever they can from them. There has been damage caused to private and public property such as playgrounds in the area. Many people have captured footage on their private closed circuit television systems of people trying to open their vehicles or walking around to the side or the back of homes. A serious assault took place on the main street of Carrigaline last Saturday night and a man was seriously injured. I wish him well in his recovery. Many people have since been in touch to express real concern about the lack of a Garda presence in the area.

Garda management openly tells me that it simply does not have the resources to provide foot patrols. The days of gardaí walking along the streets in my area and perhaps elsewhere throughout the country seem to be gone. In Carrigaline where I live there is one community garda who is visible and out and about a good deal. The other gardaí simply do not have the time or resources to do so. They are stretched to breaking point. This has had a direct impact on morale within the force.

The issue of resources is key. Let us consider Carrigaline as an example. There are five units with two members each. There are three detective gardaí and three sergeants. On any given weekend night one unit of two gardaí may be serving the town. The reality is that they could be called away at any point. Frequently they are called away to another part of the Garda district to deal with an incident. We could as a result actually have no Garda presence within the town. We absolutely need longer station opening hours and more gardaí. People should not have to call to a Garda station on multiple occasions to have a form signed, yet that is the practice in my area which is rapidly expanding and experiencing high population growth.

I understand a new policing divisional model is being prepared. Extra resources have been requested for the area by Garda management. The Minister of State is the person responsible. I call on him to take up the issue with Garda management - the top brass within the Garda - and deliver extra resources to the area.

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):** I thank the Deputy for raising this matter. I apologise on behalf of the Minister for Justice and Equality who is spending a good deal of time in the Seanad dealing with the Judicial Appointments Commission Bill. He asked me to stand in for him because he was unsure whether he would be able to make it and did not wish to delay proceedings. He has asked me to reiterate to the House that the deployment of Garda resources, including personnel, to specific areas is solely the responsibility of the Garda Commissioner and his management team. I imagine the Deputy appreciates this and that we can all appreciate we cannot interfere with that decision in any way.

The Commissioner has spoken publicly about issues such as protecting the most vulnerable. He has highlighted that his priority is a policing model that will provide the best outcomes for communities. The distribution of Garda resources is constantly monitored and a distribution model is used that takes into account all relevant factors, including population, crime trends and overall policing needs at local level. It is then a matter for the divisional chief superintendent to determine the optimum distribution of duties among the personnel available to him or her, having regard to the profile of the area and its specific needs. This applies equally in both rural and urban areas. I imagine the Commissioner and his management team will be noting what is said in this debate in the Chamber.

I emphasise that is not appropriate to simply determine the allocation of Garda resources on the basis of population size alone. This fails to take account of, among other things, the fact that crime levels and types can vary significantly in communities of similar population size. The Deputy will appreciate that an increase in the opening hours of any Garda station would necessitate the deployment of additional Garda personnel to indoor administrative duties. These gardaí may be employed more effectively on outdoor policing duties. The Deputy alluded to this point in his contribution.

The Minister has advised that the matter of opening hours of sub-district stations is subject

to continual review and alteration by Garda management in the context of policing priorities and the resources available. The Commissioner has informed the Minister that on 31 January, the latest date for which figures are readily available, the strength of the Cork city division was 703, with 128 gardaí assigned to the Togher Garda district. There are also 38 Garda reserves and 80 civilians attached to the division. When appropriate, the work of local gardaí is supported by a number of Garda national units such as the Garda National Bureau of Criminal Investigation, the armed support units, the Garda National Economic Crime Bureau and the Garda National Drugs and Organised Crime Bureau.

Since the reopening of the Garda College in September 2014, almost 2,400 recruits have attested as members of An Garda Síochána and been assigned to mainstream duties nationwide. A total of 62 were assigned to the Cork city division, including 15 probationer gardaí assigned to Togher Garda station. The Commissioner has informed the Minister that it is his intention to recruit a total of 600 trainee gardaí in 2019, with a net total of 600 Garda staff. The recruitment of the additional Garda staff will allow the Commissioner to redeploy this year a further 500 fully trained gardaí from administrative duties to the front-line duties for which they were trained. The injection of this large number of experienced officers into the field, with the new recruits, will be beneficial in protecting communities.

The Commissioner has been provided with an additional €100 million in 2019, bringing his total budget to almost €1.8 billion. This substantial investment will allow the accelerated recruitment programme to continue in tandem with the deployment of new and leading edge technology to support front-line gardaí in carrying out their work in delivering a visible, effective and responsive police service to communities across all Garda divisions, including the Cork city division in 2019 and beyond.

**Deputy Michael McGrath:** I thank the Minister of State for his reply. Looking at the figures he provided, he said 2,400 new recruits qualified since September 2014, of whom 62 were assigned to the Cork city division. This is the division representing the second largest city in our State. Some 62 out of 2,400 mean that less than 3% of the newly qualified gardaí have been assigned to the whole division of Cork which includes the Togher district, and that includes places like Douglas and Carrigaline. We are not getting our fair share. Let us be honest about it.

The Minister of State said that the allocation of resources is solely a matter for the Garda Commissioner. Recently, the Minister for Justice and Equality visited west Cork and he was surrounded by Fine Gael Oireachtas Members and Fine Gael councillors.

**Deputy Charles Flanagan:** It included Deputy Murphy O'Mahony.

**Deputy Michael McGrath:** There were announcements by his colleagues on the reopening of Ballinspittle and that Kinsale Garda station would be manned 24-7, all coinciding with his visit. The reality is the Minister acts hand-in-glove with the Garda Commissioner and there is a tie-in there, about which there is no doubt.

Gardaí who have been assigned to the Togher district tell me that they are shocked when they compare the very limited resources in that area with resources elsewhere. There is no doubt that the Togher district, which includes those very large suburbs, is not getting a fair deal as to resources. There is a very real concern within those communities, and I am glad the Minister is here for the end of this debate.

The Minister might say he hears this everywhere but he should check it out. I assure him



that he will find that that district is not getting the resources it should be getting. I accept population is not the only determinant but it is certainly a significant factor. This is an area of very rapid population growth and the suburbs are growing very quickly. We need more Garda visibility which we do not have. I ask the Minister to convey these views to the Garda Commissioner so that when he is making decisions on the allocation of resources, these points will be taken on board.

**Deputy David Stanton:** I assure the Deputy that the Commissioner notes what happens in these Houses as it relates to the Garda Síochána. His management team is concerned about any requests made here and takes them into account. I also assure the Deputy that working with communities to tackle public disorder and reducing anti-social behaviour remains a key priority for the Garda Síochána. Garda visibility is very important and the Government remains committed to ensuring a strong and visible police presence throughout the country in order to maintain and strengthen the community engagement, provide reassurance to citizens and deter crime. The joint policing committees have a big role to play in this as well. They facilitate consultation, co-operation and discussion and they bring matters to the attention of gardaí at a high level locally, local authorities and elected local representatives. This active and constructive engagement is very important and should be encouraged and supported.

At the heart of the concerns expressed by the Deputy is the relationship between the communities and the local gardaí. That is very important. A Programme for A Partnership Government underlines the importance of community policing in responding to the concerns and expectations of urban and rural communities. The Government is fully committed to implementing that commitment and over the last few years, unprecedented resources have been made available to ensure that the Commissioner and his management team have the resources necessary to deliver a modern policing service to communities throughout the country, including the Togher district.

The Deputy can rest assured that the Garda Síochána will have noted to debate this evening, as it notes all these debates, and will make its decisions independently, as it is mandated to do.

### **Inquiries into Garda Activities**

**Deputy Donnchadh Ó Laoghaire:** Níl ach seal gairid agam. I will be as direct as possible. It has been clearly demonstrated that Shane O’Farrell was failed by multiple arms of the State’s justice agencies. His tragic death was avoidable had those agencies done their jobs correctly. The Dáil and the Seanad have voted in favour of a public inquiry. The Minister has put together a process, or a scoping exercise, under Mr. Justice Gerard Haughton. As has been demonstrated by the journalist, Michael Clifford, this was not considered necessary when an inquiry was put together for the Bill Kenneally case or the IBRC case or to investigate the recording of phone conversations in Garda stations. A number of examples can be provided.

The need for a public inquiry here was clearly demonstrated and the Minister should have proceeded directly to that. I am concerned about the terms of reference that he outlined for Mr. Justice George Haughton. He should have consulted with the family before giving them to the judge and I will pick up on some of those points in my supplementary question.

**Deputy Thomas P. Broughan:** We all watched Shane O’Farrell’s mother, Lucia, speak with great sadness and eloquence on “Prime Time” last week and make an unanswerable case

for a full public inquiry. Both Houses of the Oireachtas have voted for that and overwhelmingly want it. This young man would still be alive had the criminal justice system and certain gardaí done their jobs properly. That is the crux of the matter. Zigimantas Gridziuska was driving the car that killed Shane on 2 August 2011. Just one hour before he killed him, driving a car that had no NCT and no valid insurance, he was stopped by gardaí and had been allowed to continue driving. We know that he breached bail 18 times, had 42 previous convictions and a history of heroin abuse.

We have had several scoping exercises on the Stardust, which was in my constituency. Although I know there is an eight or a nine week timeframe, we should have gone directly to an inquiry. This family has been looking for justice for eight years. Please listen to them and commit to a full public inquiry.

**Deputy Gino Kenny:** It is seven and a half years since Shane O'Farrell was unnecessarily killed. There is indisputable consensus in this House that Shane O'Farrell would be alive, and perhaps nobody would have heard of him, if there had not been a systematic catalogue of failures by all parties, including the police and the courts. What the family have always looked for is accountability, truth and justice, and they form very simple narratives. This scoping exercise will not get to that truth. The truth will only come out through a public inquiry. The need for a public inquiry on the unnecessary death of Shane O'Farrell will come out after the scoping exercise.

**Deputy Niamh Smyth:** On 12 June 2018, Fianna Fáil introduced a motion in the Dáil calling for a commission of investigation into the circumstances surrounding the death of Shane O'Farrell in Carrickmacross, County Monaghan, in 2011. Lucia O'Farrell, her husband and her daughters have fought tirelessly to seek justice for their son and brother. The State has failed them in the manner in which Shane's death was investigated and was prosecuted and it is continuing to fail the O'Farrell family in the manner in which the complaints surrounding the investigation and the prosecution are being handled by GSOC. We understand from Lucia and her family that they were disappointed by the non-engagement with them on the terms of reference for the scoping inquiry, but I am very hopeful, which is to give the Minister some credit, that it indicates he will give full support to the Oireachtas vote last year on the establishment of a public inquiry.

**Minister for Justice and Equality (Deputy Charles Flanagan):** The circumstances surrounding the tragic and untimely death of Shane O'Farrell are of concern to all Members of this House. The case has been discussed here on many occasions, along with the subsequent investigations that have taken place into the events surrounding this dreadful accident. Shane O'Farrell was a much-loved son and brother and his death has clearly been devastating for his family to whom I once again extend my sincere condolences. The House will recall the outcome of the GSOC criminal investigation of complaints related to this tragedy. Members may not be aware that GSOC recently completed its disciplinary investigation and this has resulted in a recommendation to the Garda Commissioner that disciplinary action be taken in relation to three members of An Garda Síochána. Clearly, this is a matter for the Garda Commissioner, and the Garda Commissioner alone, and it will now take its proper course. I do not propose to comment further on that.

In June 2018, as Deputy Niamh Smyth said, the Dáil passed a motion calling for a public inquiry into the death of Shane O'Farrell. The motion called for the actions of the Garda, the DPP, the courts and GSOC to be examined as part of such an inquiry. As Minister for Justice

and Equality, I am particularly cognisant of the independence of each of these criminal justice bodies and it is imperative that their independence be respected.

When the Dáil passed its motion, I began examining how we could give effect to the intention of the House without undermining the work of GSOC. My officials began to explore options with the Attorney General. At the earliest opportunity following the completion of the GSOC disciplinary investigation at the end of January, I appointed a respected and experienced former judge of the District Court, Judge Gerard Haughton, to carry out a scoping exercise into the circumstances of the death of Shane O'Farrell, including the criminal prosecution arising from the road traffic incident, the independent review mechanism examination of the case and the investigations by GSOC.

I met the O'Farrell family two weeks ago to outline my proposals. While family members objected to the process of a scoping exercise, they agreed to consider the proposed terms of reference and to engage with Judge Haughton on same. I thank them for that. Judge Haughton has already contacted the family to commence that important engagement.

It is open to Judge Haughton to propose changes to the terms of reference to me. Following his review, he will advise me on any remaining unanswered questions that should be the subject of further inquiry or investigation and, if so, the most appropriate manner in which that investigation might take place.

I wish to state in clear terms that the Government is not opposed to the possibility of a further inquiry into this case if that is what Judge Haughton recommends. I have not placed any restriction on him in that regard. Like my Government colleagues and everyone on this side of the House, I wish to see questions answered to the satisfaction of the O'Farrell family. We are all in agreement on that, and I say that in the presence of the Chair of the Joint Committee on Justice and Equality, who also has an interest in this matter.

I thank the Deputies for giving me the opportunity to set out how I propose to proceed in this tragic case. I want to deal with it in such a way as to find answers to questions that have remained unanswered to date.

**Deputy Donnchadh Ó Laoghaire:** I hope that the judge revises the terms of reference, given that there are difficulties with them. They once again take the approach of examining the elements that have not already been investigated, notwithstanding the fact that the family is dissatisfied with a number of those investigations, in particular the GSOC investigation. This is a piecemeal approach. Terms 1 and 2 are focused on those areas of failure that have not already been examined while terms 3 to 6, inclusive, hinge on those first two terms.

I hope that this exercise allows the family to get justice but I also hope that the terms of reference are revised. The Minister should have consulted the family on them before publishing them.

**Deputy Thomas P. Broughan:** If Judge Haughton asked the Minister to move straight to establishing a full public inquiry under the 2004 legislation, would the Minister do so? The four-year GSOC investigation was unsatisfactory and we know little about the issue of disciplinary action. We need justice for Shane, his mother, Lucia, and the whole family. There is no need for a scoping inquiry. We should be able to proceed to a commission of investigation into the tragic death of this talented and highly regarded young man that has decimated his community and family.

**Deputy Gino Kenny:** As my colleagues have stated, this issue has become so protracted that it now compels the O'Farrell family. The family has always wanted truth and justice. Will the Minister be compelled to establish a public inquiry if Judge Haughton calls for one?

**Deputy Niamh Smyth:** It is clear that the GSOC inquiry has been a failure for the O'Farrell family. It is six years since the process began, yet the O'Farrells have no more answers than they did when it started. All that can be gleaned from the report is that the Government needs to step up and establish a commission of investigation so that we as a nation can learn from this awful tragedy and nothing like this ever happens again.

**Deputy Charles Flanagan:** I have listened carefully to the points raised by Deputies Ó Laoghaire, Broughan, Gino Kenny and Smyth. I have already mentioned the independence of the criminal justice bodies that are engaged in various aspects of the O'Farrell case. It is critical that I make it clear that legal difficulties may arise in seeking to look at actions by the courts, which are independent under the Constitution, the Office of the Director of Public Prosecution and GSOC, both of which are independent under law. We must have regard to the constitutional separation of powers where the courts are concerned. Where the DPP is concerned, the law is designed to prevent inappropriate interference with the office, particularly in cases where prosecutorial decisions are concerned. Therefore, any inquiry must at all times respect these boundaries.

I have initiated a scoping exercise to examine the various matters. This is a reasonable and responsible approach to take. There are various precedents of scoping exercises being carried out prior to the setting up of inquiries or tribunals. It is good governance to allow a scoping exercise by a legal expert to determine the net issues that might require further examination. Indeed, the exercise on the part of Judge Haughton will also be charged with responsibility for reviewing changes that have already been made to the law, practices and procedures in respect of the administration of bail and bench warrants and the extent to which those changes have or have not addressed gaps in the systems since the death of Shane O'Farrell.

I am acutely conscious that at the heart of this tragedy is a family in pain. I am very much aware that this family is searching for answers. Its members have the sympathy and support of the Government and everyone else in this House. Once again, I want to extend my sincere condolences to the O'Farrell family and assure the House, including all the Deputies who have raised the issue today, that a process is firmly in place to examine how best to give effect to the Dáil motion that was passed.

### **Confidence in the Minister for Health: Motion**

**Deputy Louise O'Reilly:** I move:

That Dáil Éireann has no confidence in the Minister for Health, Simon Harris T.D., and calls on him to resign from his Ministerial position forthwith.

The submission of this no-confidence motion was not rushed. It is not vindictive or personalised. This motion was submitted because of the scandal of the national children's hospital, with the overspend representing for us the final straw. There are those in the Minister's own

party and the media who say they believe this motion is unfair. When I hear that, I wonder if they have been living under a rock for the past three years or are being deliberately obtuse or just partisan. There are those who say that this motion will not build a hospital, reduce a waiting list or get a patient off a trolley, but let us face it - nothing that the Government is doing is achieving those aims either.

We are not going to stand on the sidelines and let the Government off the hook for failing repeatedly to deliver and for presiding over a significant waste of taxpayers' money. We were elected to stand up and give voice to our constituents. At least we are using our voices, unlike the men and women of Fianna Fáil who proved themselves incapable of understanding political accountability when in government and who are now showing that they either do not understand political accountability or are afraid of it. What we in Sinn Féin are seeking to do is to do what is right in the service of political accountability and the future of our health service.

The national children's hospital overspend is not an isolated incident. It is another in a series of scandals, mistakes and failures that have blighted the Minister's term. He will stand up in a few minutes' time and list off what he sees as his achievements, but they pale into insignificance against the failures he has presided over for almost three years. He tweeted today about the repeal of the eighth amendment and the passing of the Public Health (Alcohol) Act 2018, but he did not do those things alone. To try to claim credit for the decades of hard work by pro-choice campaigners is more than a little bit sad. Even his most ardent supporter could not defend his record in good conscience. How can anyone defend record-breaking levels of patients on trolleys? How can anyone defend failed scoliosis action plans? How can anyone defend chronically understaffed child and adolescent mental health services, CAMHS?

How can anyone defend a 27-week wait for the results of cervical smear tests? How can anyone defend record-breaking waiting lists totalling 1 million patients? How can anyone defend forcing nurses and midwives onto the streets to strike for safe staffing? How can anyone defend the Minister's role in the CervicalCheck scandal? How can anyone defend the recruitment and retention crisis across the front line of the health service? How can anyone defend thousands of children waiting years for speech and language therapy or for occupational therapy? How can anyone defend hundreds of older people waiting months for home support services? How can anyone defend the crisis created in general practice? How can anyone defend the spending of €2 billion on agency staff in eight years?

How can anyone defend misleading the Dáil? How can anyone defend knowing of a catastrophic overrun on a capital project and doing nothing about it, saying nothing about it, and actively keeping it from colleagues? How can anyone defend the withholding of and the drip-feeding of information to Deputies and Dáil committees? How can anyone defend reappointing a board which was presiding over the meltdown of the children's hospital project without seeking any advice on the performance of that board? How can anyone defend an expected cost overrun on the national children's hospital of €450 million? I could go on but I only have five minutes, not five hours. The simple fact is that nobody can defend it - no one except the Minister and the opportunistic cowards in Fianna Fáil.

It is incompetence and a lack of ability which have brought us here today. Past performance is, I believe, an indicator of future performance, but the Minister's past performance makes me certain that he is not up to the job of being Minister for Health. He is out of his depth. How can we, in good faith, in addition to all the other failures and the gross level of incompetence and impotence displayed by him as Minister in his handling of the national children's hospital, say



that we are confident that he is the person to lead the health service? We cannot and we will not.

The overrun at the national children's hospital materialised on his watch and under his nose, but there was another person involved further back in this project whose role in this cannot be ignored. Who agreed to the doomed two-stage procurement strategy just for political expediency so that he or another Fine Gael Minister could cut the ribbon? It was the Minister's predecessor in health, the Taoiseach, Deputy Varadkar. In 2014, it was recognised in a procurement strategy report that this approach was untested in the State and that it carried significant risks. That report stated that added pressure would be put on the project's design team which could lead to a poor quality price.

All the available evidence pointed out that we would be where we are today, yet the Taoiseach, Deputy Varadkar, the politician who governs by optics, took a decision so the ribbon could be cut early. He did not do this for the children of this State; he did it for himself and for Fine Gael, and on the Minister's watch, he continued in exactly the same vein.

If the tables were turned and if I or any other Opposition Deputy who was in his shoes and had presided over the litany of scandals he has presided over, would he vote confidence in us? There is not a snowball's chance in hell that he would and there is not a snowball's chance in hell that we will vote confidence in him.

**Deputy Mary Lou McDonald:** Our healthcare system is in crisis as every day brings new headlines which tell of the litany of failures inherent in the system. We have had a series of scandals, including that of CervicalCheck. Over the course of that debacle, the bravery of women like Emma Mhic Mhathúna has shone a light directly on the incompetence of the Minister for Health. That scandal continues with the backlog of tests and a wait time of seven months for results. We have a children's hospital with runaway costs, up to €0.5 billion over budget, money that will have to come from taxpayers and from other capital projects. For this Minister, this Government and Fianna Fáil, patients on trolleys is the norm. It is acceptable to them. It is so acceptable that the Minister deemed it appropriate this afternoon to take to Twitter to puff out his chest and declare: "Bring it on".

The Minister is failing. That is very clear. Every day Deputies from across the Chamber get to their feet to set out the latest crisis. Even Fianna Fáil does it, even Deputy Micheál Martin does it, albeit to throw shapes and play to the camera, but when the camera is off, it is business as usual for Fianna Fáil.

Supply and confidence has undermined and discredited the political process. The essential role of the Opposition is to hold the Government of the day to account, to advocate for those without a voice, to call out failing Ministers and failing policies and to demand better, but Fianna Fáil, in its supply and confidence agreement, has abdicated responsibility and betrayed the electorate.

The simple fact is that the Minister is incapable of doing his job, yet he remains in office. He believes he is untouchable. The crisis and scandals mount and hardworking people pay the price, quite literally.

The leader of Fianna Fáil has listed the failings of the Minister for Health but by his actions, he will support him, he will protect him and Fianna Fáil will protect Fine Gael. The leader of Fianna Fáil says he will support the Minister in the national interest. Let me tell him that it is never in the national interest to keep a failing Minister in place. The price is too high not only

in terms of the children's hospital but in hospitals and doctors' surgeries across the State.

The leader of Fianna Fáil tells us that this is done to avoid an election as Brexit looms. The Taoiseach has said there will be no election before Brexit. There is no threat of an election, yet the Minister remains, and all this because of so-called supply and confidence, a deal that covers the blushes of a Fianna Fáil leader for giving the Government a blank cheque while pretending to act as an Opposition. Sleeveen politics is now the order of the day in the Dáil.

*(Interruptions).*

**Deputy Mary Lou McDonald:** This is a coalition in all but name.

The Taoiseach certainly has the measure of the leader of Fianna Fáil because he knows that Deputy Micheál Martin will fall into line once pressure is applied. This is not about Brexit. This is not about avoiding an election. The national interest is not served by retaining a Minister who is clearly failing.

Today, supply and confidence is exposed. It is not about stability; it is about stagnation. It is a grubby deal by the political establishment to control both Government and Opposition at the same time. Its legacy is seen on waiting lists, on trolley counts and in families struggling to make ends meet.

The question to Deputy Micheál Martin is a simple one. Does he have confidence in the Minister? He either does or he does not. An abstention is a confidence vote in the Minister and a con trick on the people. Unfortunately, this evening we will witness political cowardice and hypocrisy of the highest and of an unparalleled order.

**Deputy John Brady:** There are 1.73 billion reasons not to have confidence in the National Paediatric Hospital Development Board. Those are not my words but the words of the Fianna Fáil health spokesperson, Deputy Donnelly.

**Deputy Stephen S. Donnelly:** Thanks John.

**Deputy John Brady:** There are 1.73 billion reasons not to have confidence in the Minister with ultimate responsibility for what Deputy Donnelly calls the mugging of the Irish public to the tune of over a billion euro.

**Deputy Patrick O'Donovan:** This will make East Coast FM.

**Deputy John Brady:** That Minister is Deputy Harris.

**Deputy Finian McGrath:** The Wicklow boy.

**Deputy John Brady:** Our health service is in crisis. Some 442 people are lying on trolleys throughout this State. That is despite numerous guarantees that this would end. Half of the new hospital beds promised for winter are still not open, and that includes eight in St. Columcille's Hospital. Our GPs are protesting, we have had the cervical cancer scandal and the list goes on.

Putting out statements by the dozen criticising the many problems within the health service will not fix those problems over which the Minister, Deputy Harris, presides. Keeping him in office will not solve the many problems. It is quite clear he is completely out of his depth.

The real national sabotage is sitting on the fence on this motion of no confidence and keep-

ing the Minister for chaos in office and ensuring accountability and the possibility of change are just words in the view of Fianna Fáil.

The Fianna Fáil spokesperson for health, Deputy Donnelly, previously asked the question as to why no one has been fired for the huge cost increase in building the national children's hospital. The answer to that question lies firmly in the hands of Fianna Fáil. It is now time for Fianna Fáil to put up or shut up on this issue, once and for all.

**Deputy Caoimhghín Ó Caoláin:** I put it to the Minister, Deputy Harris, that this no-confidence motion is every bit as much about his predecessors, the current Taoiseach, Deputy Varadkar, and Senator James Reilly, as it is about him. It is first and foremost about Fine Gael's ideology towards healthcare delivery and citizens' entitlement to it.

The HSE, as it stands, is not fit for purpose. Fine Gael said this in 2011 in its five-point plan. It said it would eliminate long waiting lists and end the unfair public-private two-tier system to replace it with universal health insurance system. Eight years later these words ring very hollow for all those who have suffered, are suffering and will continue to suffer in this shambolic health system. It is too late for those who have passed on, specifically Emma Mhic Mhathúna and other brave women.

Recent and current issues I am working on, which have proved to me why I should have no confidence in the Minister and in the Government, include: the cervical cancer scandal; the urgent need of approval of Spinraza; the *in loco parentis* clause; the unprecedented waiting lists for children for the assessment of needs; the impending closures of services for the Irish Deaf Society; the failure to ratify the optional protocol to the UN Convention on the Rights of Persons with Disabilities; and proposed cuts to staffing levels in all the major disability umbrella organisations. It is not only the major issues. I also add the commitments the Minister, Deputy Harris, made to me personally and reneged on, including his agreement to meet representatives of Debra Ireland who advocate for children who suffer from epidermolysis bullosa, EB.

That five-point plan also stated that hospital funding would be radically overhauled so the money would follow the patient. Something radical has certainly taken place. There has been a radical increase in the cost of the national children's hospital from the figure the Taoiseach, Deputy Varadkar, said would be €650 million, to the current €1.5 billion with an inevitable further increase.

I have no confidence in the Minister, Deputy Harris, to deliver for people or for patients and I have no confidence in his Government.

**Deputy Donnchadh Ó Laoghaire:** In reality this motion is a statement of fact. Dáil Éireann has no confidence in the Minister for Health. Procedurally, it will be a relatively tight vote in any event. All the evidence suggests that the vast majority of those abstaining do not have confidence either. The Fianna Fáil Deputies will cry "Brexit prevents us from doing anything," even though practically every statement they make implies that the Minister should go. Deputy Donnelly lists the myriad failings practically daily. Brexit does not and cannot mean that this Government and Ministers get a free pass and a blank cheque in the meantime. That is what Fianna Fáil and Deputy Micheál Martin are facilitating here. By rights the Taoiseach should recognise the failings himself.

It is the role of the Opposition, and it appears all the Opposition parties agree, to hold the Government to account as Fine Gael used to do when it was in opposition. It tabled or support-

ed a motion of no confidence in the Fianna Fáil Government at a minimum once a year between 2004 and 2011, and rightly so. Some of those Ministers were as bad as the current Ministers.

This motion is not about an election. It is about a crisis in health that gets more and more out of control each day with record waiting lists, the Government exacerbating and drawing out a dispute with nurses and, most specifically, a €450 million overrun in the national children's hospital. Despite what the Taoiseach said, this overrun will have real implications for major projects in health and elsewhere.

**Deputy Martin Kenny:** My colleagues have adequately outlined the many reasons Deputy Harris should be removed as Minister for Health. Unless some Fianna Fáil Deputies manage to grow a spine in the next half an hour, the Minister will stay in position with their blessing and under Deputy Micheál Martin's instruction. Why would Deputy Micheál Martin want to keep Deputy Harris in the position? Why does he not want accountability? Maybe it is because he simply does not believe in accountability.

This is Deputy Micheál Martin's 30th year in the Dáil. Over that time he stood firmly with former Members Charlie Haughey and Bertie Ahern as evidence mounted over corrupt payments. He did not seek accountability then and he does not seek it now. During his 14 years as a Minister, time and again, he ducked and dived, avoiding accountability at every turn. When asked if he bore any responsibility for the illegal nursing home charges scandal, which cost the State €486 million, he said "No, I do not". There is also the issue of his cronyism in appointing board members to the Irish Blood Transfusion Board at a critical juncture when public confidence was shaken following the hepatitis C scandal. Then there was the overseeing of the FÁS expenses scandal when despite being aware of a gross waste of public funds he took no action to stop it.

**Deputy Thomas Byrne:** What has this got to do with the Minister, Deputy Harris?

**Deputy Martin Ferris:** What about the €6,000 you got in 2004 and the €1,600-----

*(Interruptions).*

**Deputy Martin Kenny:** The comparisons with recent scandals involving the Minister, Deputy Harris, do not need to be expanded on. In each case, Deputy Micheál Martin blamed others. He blamed officials, civil servants and advisers-----

*(Interruptions).*

**Deputy Martin Kenny:** -----but he never took responsibility for these scandals as Minister. The simple reality is Deputy Micheál Martin does not believe in accountability in public life nor does Fianna Fáil. His primary legacy is the HSE itself, a body he established, in which he managed to translate his personal failings into an institution with systemic failings. This body continues to affect every man, woman and child in the State and is an organisation behind which every Minister of Health since has hidden when they come into power.

The motion we are debating tonight seeks to hold the Minister, Deputy Harris, to account for his failures. He may, however, quite reasonably look across the Chamber at Deputy Micheál Martin and others as the source of many of his current woes. Tonight it looks like Fianna Fáil will again help to provide cover for a failing Minister. It will again scupper attempts by the real Opposition to provide accountability in Irish public life.

**Deputy Thomas Byrne:** It does not sound like it.

**Deputy Jackie Cahill:** Accountability?

**Deputy Martin Kenny:** The Minister, Deputy Harris, should go but so too should Deputy Micheál Martin. It is time for accountability and it is time to realise that the people deserve better.

*(Interruptions).*

**An Ceann Comhairle:** Can we have some order for Deputy Ellis?

**Deputy Dessie Ellis:** It is hard to know where to begin with the failures of the Minister. Many have already been outlined in detail by my colleagues but I wonder if the Minister is paying attention to what people are saying. If his tweets this morning show anything it is the same old arrogance of this Government propped up by Fianna Fáil. The Minister tweeted “Bring it on” about a debate on a vote of no confidence in him. This is the height of arrogance. One would think that with so many documented failures in the health service, for which he is directly responsible, the Minister would have shown a little humility. I would like the Minister to come to Dublin North-West to show that same arrogance to the elderly, to mothers and to the disabled-----

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

**Deputy Dessie Ellis:** -----to listen to what they say. In his arrogance, the Minister tried to manage the news around the catastrophic failure of the overspend on the national children’s hospital.

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

**Deputy Dessie Ellis:** The Minister must not try to shut down debate throughout the country on the cost of this overspend to local communities.

**Deputy Noel Rock:** Deputy Ellis should practise what he preaches.

**Deputy Dessie Ellis:** How dare the Taoiseach suggest that those who raise concerns and fears that health projects in their areas will be delayed or not go ahead are being unscrupulous or insincere? I am sincerely concerned that health projects in my constituency-----

**Deputy Noel Rock:** Because you delayed them.

**An Ceann Comhairle:** Deputy Ellis’s time is up. Will he please resume his seat?

*(Interruptions).*

**Deputy Dessie Ellis:** It was because of the incompetence of this Minister for Health. I will not stop raising concerns and I will not have the Taoiseach or his Minister accuse me of being unscrupulous for looking after the interests of my constituents.

**An Ceann Comhairle:** Will the Deputy resume his seat, please?

*(Interruptions).*

**An Ceann Comhairle:** Could all Members please just calm down a little bit?



**The Taoiseach:** Without a doubt, being the Minister for Health is one of the toughest jobs in government.

**Deputy Danny Healy-Rae:** You ran away with it.

**Deputy Mattie McGrath:** He ran away with himself.

*(Interruptions).*

**The Taoiseach:** It is also one of the most important jobs in the country because it affects so many lives. It is also good experience for higher office. It helps one to understand what a crisis is and what it is not and how to deal with many at the same time.

**Deputy Dessie Ellis:** One after the other.

**The Taoiseach:** It is noteworthy that three of the four main party leaders in the Dáil are former Ministers for Health. The other Member who is proposing this motion has never held ministerial office and has no real understanding of the day-to-day dilemmas faced by Ministers-----

**Deputy John Brady:** What about policies?

**The Taoiseach:** -----whether it is being pressurised to act before one has full and accurate information, or being expected to make decisions before one has the time to consider all the options, and having to choose between two or three imperfect choices, knowing full well that no choice will satisfy the critics.

If the Deputies in Sinn Féin had any real experience of running a country, Department, large organisation or even small business, they would not be so trigger happy with their no-confidence motions. This is the sixth in half as many years.

**Deputy Jonathan O'Brien:** And four of them are gone.

**The Taoiseach:** I have confidence in the Minister for Health for many reasons. He is getting things done, including a successful referendum on the eighth amendment, the Public Health (Alcohol) Act and, after years of little investment, three national hospital projects under construction with a fourth due to go to tender in the foreseeable future. Free GP care has been extended to all carers and medical cards have been provided to all children with a severe disability, regardless of their parents' incomes. The HPV vaccine for boys and improved patient outcomes in cancer, stroke, heart attack and cystic fibrosis are other developments. Even in the toughest areas, such as the number of patients on trolleys, the Minister has made measurable progress. While there are still far too many, the number is at its lowest in three years in 2019 thus far. In January, the number of patients waiting more than three months for an operation or procedure - the Sláintecare target - was at a four-year low. While we have lost some ground due to the recent strikes, we will regain it. The Minister has handled difficult and emotive issues, such as CervicalCheck or securing funding for cystic fibrosis treatments like Orkambi, with the utmost sensitivity. He invests enormous time and energy into gaining the confidence of patient representatives and, if supported, there is much more he can do in his post.

I also have confidence in the national children's hospital project. Major errors were made in calculating the true cost of building a hospital of this scale and complexity and, as Head of Government, I take collective and personal responsibility for that. However, I do not accept

that it is wasteful expenditure. It is a project which is well under way. The first phase involving the satellite centre in Blanchardstown will open to patients this year while the satellite centre in Tallaght will begin construction this year and open in 2020. At the St. James's site in Dublin 8, stage 1 is almost complete and stage 2 has commenced. After decades of promises and false starts, the children's hospital is finally being delivered. Of course, we will do all we can to ensure the project gets back on track and is delivered on time and in line with the revised budget. We will work to ensure the hospital is commissioned no later than 2023.

I also have confidence in Project Ireland 2040. One year after its launch, many projects are coming in on time and on budget. Shovels are in the ground and the work is being done. All over the country, one sees the vision of Project Ireland 2040 being realised. Last week, we turned the sod on the new runway at Dublin Airport, which is our gateway to the world. The runway was promised for decades but it is now under construction.

**Deputy Dessie Ellis:** Will that take long?

**The Taoiseach:** On Friday, I will be in Sligo for the sod-turning to mark the construction of the N4 Collooney to Castlebaldwin road, another project which was promised for decades and is now under construction. The same story can be told in every county. Taxpayers' money is being well spent on investments in the future. Only last week, €64 million was allocated to towns and rural areas.

**Deputy Mattie McGrath:** They are being closed down.

**The Taoiseach:** Schools, community nursing units, third level institutions, primary care centres, tourism projects and sporting facilities are being funded.

We hear a great deal about accountability in the House. At its simplest, accountability is about taking responsibility and answering for one's actions. Accountability does not mean giving in to the baying mob, the thirst for bloodletting and a head on a plate every other day. A baying mob does not provide answers or solutions.

**Deputy John Brady:** That is a terrible thing to call the public - a baying mob.

**The Taoiseach:** We saw that in November 2017 when Sinn Féin put down a motion of no confidence in the then Tánaiste, Deputy Frances Fitzgerald, accusing her of being at the centre of a scandal. Sinn Féin made false claims that were subsequently discredited, yet we have had no apology from its members for that.

**Deputy Regina Doherty:** Hear, hear.

**Deputy Michael D'Arcy:** No apology.

**The Taoiseach:** It was also true when Sinn Féin tried to weaponise homelessness and personalise the debates around housing against the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy. It was true when Sinn Féin Deputies made false claims in the House about former Members having offshore bank accounts. Again, there has yet to be any retraction or apology for those false claims. We are seeing more of that practice from the Sinn Féin Party again today. It is easy and cowardly to throw rocks, but it takes courage to put one's reputation on the line and to build something lasting and better. Deputy Harris has the courage and the competence to succeed as Minister for Health and he deserves our support.

**Deputy Regina Doherty:** Hear, hear.

**Minister for Health (Deputy Simon Harris):** On this very day last year, the House concluded statements on the report of the Committee on the Eighth Amendment to the Constitution. That and all the work in between form an example of what we can achieve when the House works together. It is an example of how much more could be achieved if time in the House was better spent. Sinn Féin, however, does not change. To the ballot box and the Armalite, it has added the soap box and the no-confidence motion. Its stock in trade remains competitive anger and cultivated division. Devoid of ideas, its contribution to the Chamber can best be measured in decibels. It is no wonder that anyone expecting anything new of different from Deputy McDonald's leadership has already lost hope. I reject her politics of division. My politics is to deliver by working across parties, inside and outside the House. It is to work together.

**Deputy Mary Lou McDonald:** No, it is not.

**Deputy Simon Harris:** Together, we repealed the eighth, passed the long-awaited Public Health (Alcohol) Act and made a massive difference in the lives of citizens with cystic fibrosis through access to new and innovative medicines. I am the first to acknowledge that there is a great deal more to do and I want to get on with that job. We are already working towards eradicating cervical cancer. Sinn Féin claims to speak for these people but truly it does not. It is our national aim to eradicate cervical cancer. This year, we will extend the HPV vaccination programme to boys. Our country is being watched internationally for our work on reversing the decline in the uptake of the HPV vaccine among girls. We can and will do more. We must bring to a conclusion talks with GPs on the delivery of new services and, more importantly, ensure their sustainability. We will move forward with the patient safety Bill to introduce mandatory open disclosure. We will overhaul our laws on organ donation to save more lives by replacing antiquated legislation with a new human tissue Bill. We will move forward with the assisted human reproduction Bill and get it passed this year to support families seeking to access IVF treatment. Most importantly, we are putting in place the plans and structures to take petty politics out of healthcare by implementing Sláintecare to transform our health service for once and for all.

**Deputy Mary Lou McDonald:** Every deadline has been missed.

**Deputy Simon Harris:** The Government will build the national children's hospital after decades of debate and get to the bottom of what has gone wrong. We will ensure that lessons are learned. We will not walk away from this vital project, however. Sinn Féin walks away. It walked away from the health ministry in Northern Ireland when it held that position. Sinn Féin might quit but quitting is not in my DNA. Walking away is not an option.

**Deputy John Brady:** The Minister walked away from Fianna Fáil when he was in it.

**Deputy Simon Harris:** I know Sinn Féin is used to gagging its opponents but we do not do that in here.

**Deputy Billy Kelleher:** Deputy McDonald was also a member of Fianna Fáil.

**Deputy Simon Harris:** Political accountability is about standing by one's decisions. It is about working day and night to deliver them. Leadership is about sticking with the job, even when the going gets tough and even when Sinn Féin tries to make it tougher. I accept both challenges.

**Deputy Caoimhghín Ó Caoláin:** Get going.

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney):** As time is short, I will make just two points. The first is that I have worked with Deputy Harris around the Cabinet table for a number of years now. In many ways, he has the most difficult job in government. I have seen him fight for patients and those who need the health service to work. I have seen him deliver at budget time. Ireland is now spending more on healthcare than ever before. I have seen him bring people together on one of the most divisive political issues we have ever had to face and successfully pass a referendum proposal. I have seen him bring people together around an alcohol Bill and achieve the necessary compromises to get a majority in the House. I have seen him manage scandals with compassion, professionalism and unbelievable energy and dedication. I have seen the victims of those scandals praise him for it and wish him well in his future political career. I have seen him build cross-party support and consensus around the kind of future health reform we need in the context of Sláintecare. I have seen an extraordinary commitment from him as a politician and Minister for Health to making that happen. When I see political leaders like Deputy Howlin refer to Deputy Harris a week ago on radio as a capable and competent Minister only to come to the House today to vote against him, it reminds me of what party politics is sometimes about.

I refer secondly to the sponsors of the motion who are behaving true to form. Sinn Féin is about division. It is about targeting individuals for political ends, whether it involves the HSE, PSNI, gardaí, Ministers or others in the House.

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

**Deputy Simon Coveney:** This is its sixth no-confidence motion in less than three years. Instead of trying to work within the political system to make policy changes and progress and get real things done, Sinn Féin releases its keyboard warriors, placards and billboards with Ministers' faces on them. Let us look at what Sinn Féin is actually doing in a way that is consistent with its accusations. It accuses Fianna Fáil of political cowardice and an abdication of responsibility and talks about acting in the national interest. However, Sinn Féin is democratically elected to three parliaments. Its members refuse to take their seats in one, supposedly in the interests of Sinn Féin, at a time when that parliament is making crucial decisions that will impact on this island. They pulled down another one in Northern Ireland and justified their reasons for doing so. They are doing little to rebuild it in the interests of the people.

*(Interruptions).*

**Deputy Simon Coveney:** Today they are trying to pull down this Parliament, too, at a time when it is doing crucial work in the national interest, both in the area of healthcare reform and 36 days before Brexit. There is only one party in this House that has no confidence and there is a good reason nobody wants to work with it in government.

**Deputy Stephen S. Donnelly:** Tucked away on the outskirts of Galway city is the Galway Autism Partnership, an amazing organisation that is providing badly needed support for children and parents. In Shankill St. Joseph's Nursing Home has revolutionised dementia care in Ireland. The National Maternity Hospital in Dublin city now has a foetal MRI scanner which greatly increases the ability to detect foetal and fatal foetal abnormalities and there are paediatric radiologists who can use it. Carers, volunteers and healthcare professionals throughout the country work hard and every day succeed in making the healthcare system better and more ef-

fective and compassionate, but they do this not because of the Government but, largely, despite it.

The Galway Autism Partnership has exhausted its fundraising. It needs €70,000 per year from the Government to survive or it will close in six weeks. So far, it has received no funding. St. Joseph's Nursing Home in Shankill receives far less from the HSE than the HSE pays its own nursing homes and its model of care which is revolutionary is now at risk. In the National Maternity Hospital the foetal MRI scanner lies unused because funding has not been released to use it.

In the past four years the Government's spending on healthcare has increased by more than €4 billion. It is one of the highest figures in Europe, yet somehow people in Ireland wait longer to see doctors and receive treatment than anywhere else in Europe. We have the second lowest number of hospital beds *per capita* and the lowest level of consultants in Europe. Mental health services are in crisis and general practice has been hollowed out. Some children with special needs are waiting three and a half years for an intervention. Children with scoliosis cannot undergo assessments for a wheelchair, while 10,000 children are waiting for more than 18 months for a hospital appointment. Why is this happening? It is because the Government has lost control of healthcare.

**Deputy David Cullinane:** Fianna Fáil is keeping it in office.

**Deputy Stephen S. Donnelly:** First, the Government was going to scrap the HSE, but it did not. It was going to fund healthcare via universal health insurance, but it did not. It scrapped the board of the HSE, but last year, because of CervicalCheck, it decided to put it back in place. It has now appointed it. There are ten people on it, but it turns out that not one person on it has a medical background.

Matters have been getting even worse this year. January marked a new high in the number of patients waiting for hospital appointments. The figure is now 523,000. The Taoiseach, when he was Minister for Health, set a target that nobody would have to wait for more than 18 months. Today, 100,000 have been waiting for 18 months. Hundreds of GPs took to the streets outside Leinster House and the ambulance drivers took industrial action. The nurses and midwives also took industrial action, as did the psychiatric nurses.

**Deputy David Cullinane:** The Deputy is working up to a motion of no confidence.

**Deputy Stephen S. Donnelly:** Waiting times for CervicalCheck have jumped from two weeks to six months. Some 78,000 women are now waiting for results. The Government announced that the HPV test would be in place by last September and then by January, but last week the HSE told us that there was no longer a date. The Minister was asked repeatedly to stop the free test. That is documented. Last week he said in the House that at no point was he ever given advice not to proceed with the test. The day before the test announcement was made the clinical director of CervicalCheck was on the national airwaves advising against out-of-cycle repeat smear tests, except in exceptional circumstances. Last Sunday Susan Mitchell wrote in the *Sunday Business Post* that CervicalCheck had advised against a free smear test and had done so before the Government made the offer. If that is true, we need to know if the Minister has misled the Dáil for a second time.

Then there is the issue of the national children's hospital. In 2016 it was due to cost €650 million in total. It is now €1.7 billion and counting. The two most expensive hospitals ever



built in the world are in Adelaide and Stockholm. The cost per bed at these two hospitals came in at €1.6 million and €1.8 million. At current costs, before they potentially increase, the cost per bed in the national children's hospital will be approximately €3.6 million, or twice as much as in the two most expensive hospitals ever built. When I pointed this out, the Government responded that they were not children's hospitals and that I had to look at children's hospitals. Let us do that. Four years ago the Alder Hey Children's Hospital was completed in Liverpool. It has 309 beds and the cost came in at €270 million. That gives a cost per bed of approximately €900,000. The public money of the taxpayers of Ireland is being used to provide beds in a children's hospital that will cost four times more per bed than the NHS was able to deliver for children in Liverpool.

The Government's response has been extraordinary. First, it kept the information to itself. While the development board hired a public relations firm to gauge the public's reaction to the bad news, this House was kept in the dark. When the facts began to emerge, the first line of defence was that it was due to inflation. It was unfortunate, but inflation is what it was and what could one do? In fairness to the Minister, last week in the House he accepted that inflation was not driving the increase. The Government has an extraordinary line to the effect that it is not really a cost overrun but that it underestimated the cost at the start. Underestimating the cost is regrettable, but it is obviously less grievous than just letting costs spiral completely out of control. Defying all credibility, the Government's current position is that, at €1.4 billion, plus another €300 million to open it, it still represents a reasonable cost to the State.

Fianna Fáil does not have confidence in the Government when it comes to healthcare. We do not have confidence now and did not have last year when waiting lists and trolley counts broke all records, but we will not be voting confidence in the Minister. Reasonable people might ask why Fianna Fáil would abstain in the vote. It is because if it were to do otherwise, it would trigger a general election.

*(Interruptions).*

**Deputy Stephen S. Donnelly:** That means that there would be no Parliament for three to four months, no parliamentary oversight of CervicalCheck in having the backlog eliminated and losing any chance of getting down the cost of the children's hospital. While we all vie for votes, BAM, rightly, would continue to build and the window of opportunity will be lost.

**Deputy Mattie McGrath:** It already went out the window.

**Deputy Stephen S. Donnelly:** It means that there would be no Irish Parliament in the closing weeks of Brexit. Some 45,000 jobs are at risk in every town, village and county. The Good Friday Agreement is at risk, as are cross-Border initiatives in healthcare. The agrifood sector is also at risk. It is a risk in having no hard border around the Six Counties. Most people get this.

**Deputy John Brady:** Most people in Fianna Fáil but not outside.

**Deputy Stephen S. Donnelly:** Most people, while utterly frustrated by the Government's performance in healthcare, agree that a general election in the closing days of Brexit would be madness. Of course, that is not the case with Sinn Féin, but we should not be surprised. It has been and remains the best friend the Brexiteers have ever had. Due to it, the only political voice from Northern Ireland heard at Westminster is that of the DUP and we all know how it feels about a hard border and Brexit. Due to Sinn Féin, the people of Northern Ireland have no directly elected political voice in Belfast.

**Deputy Aengus Ó Snodaigh:** They definitely do not have a Fianna Fáil voice because that party will not stand for election.

**Deputy Stephen S. Donnelly:** Now, weeks before the Brexit deadline, Sinn Féin would like to complete the hat trick and collapse the Dáil also, taking Ireland away from the EU table while aspects of its future are being negotiated. This is Sinn Féin's choice, on which it should be judged. Fianna Fáil's choice is to focus on eliminating the CervicalCheck backlogs, to get answers on the national children's hospital-----

**Deputy Aengus Ó Snodaigh:** How is that going for you?

**Deputy Stephen S. Donnelly:** -----and to keep the focus on reducing costs.

**Deputy John Brady:** How did Fianna Fáil's confidence-and-supply negotiations go?

**Deputy Stephen S. Donnelly:** Fianna Fáil's choice is to provide the stability Ireland needs right now to protect the country from the threats of Brexit. Fianna Fáil's choice is to present a credible alternative to the current Government and credible solutions to the challenges this country faces in healthcare.

**Deputy Billy Kelleher:** I welcome the opportunity to speak on this motion. A little contrition in the Minister's tweets would not go astray because it is a simple fact that the health system is in crisis. Every day of the week we see waiting lists, hospital trolleys, capital overspends and budgets running awry. At the same time the Government seems to have no concept that there are huge difficulties out there, even though they are consistently highlighted by Opposition parties and Deputies on all sides of the House. The Minister has a problem when it comes to his handling of the health services. The cancer scandals, the children's hospital, the waiting lists - everything is consistently poorly handled. The Minister's management skills and those of his Government and the Department are sadly lacking, and that is a fact. Deputy Donnelly asked whether there is confidence in the Minister. The House has consistently raised the difficulties in the health services, so every day of the week many people show no confidence in him and his handling of the health services. A little contrition and more action are what is required from his good self, and he should stay off the Twitter machine.

As for the other issue that has been raised by the sponsors of this motion, Sinn Féin Deputies, there is a difference between being a party of opposition-----

**Deputy David Cullinane:** Do not lecture us.

**Deputy Billy Kelleher:** -----and a party of opportunism. Sinn Féin is a party of opportunism.

**Deputy Dessie Ellis:** Fianna Fáil Deputies are the opportunists.

*(Interruptions).*

**Deputy Billy Kelleher:** Listening to this debate, there was very little concern about the real issues.

**Deputy David Cullinane:** Is this the Deputy's European election speech?

**Deputy Billy Kelleher:** All Sinn Féin Deputies consistently spoke about was Fianna Fáil.

**Deputy David Cullinane:** Is the Deputy going for the European elections?

**Deputy Billy Kelleher:** I thank them very much for consistently mentioning us. Of course, the real reason they are highlighting these issues has nothing to do with the many patients waiting for inordinate periods because if they were that concerned, they would be in Stormont advocating for patients on waiting lists in Northern Ireland as well.

*(Interruptions).*

**Deputy Billy Kelleher:** Sinn Féin is just a party of opportunism.

Brexit is five weeks away, and this State could potentially face a catastrophic event-----

**Deputy John Brady:** Potentially.

**Deputy Billy Kelleher:** -----and all Sinn Féin is interested in is having political chaos across the island because it thrives on it and has consistently promoted that anarchist-type view. Let me be very clear: when Sinn Féin Deputies advocate for their constituents and the concerns of their constituents-----

**Deputy Martin Kenny:** Do we not do so?

**Deputy Billy Kelleher:** -----they should also accept that they have failed to advocate for the people in Northern Ireland when they stood for an Assembly election and then pulled down the Assembly. They are a shameful bunch of hypocrites.

*(Interruptions).*

**Deputy Mary Butler:** The Government's and the Minister's failings in health are many and well documented. Not voting for this motion does not for one moment mean an endorsement of the Government's record on health. Its handling of the children's hospital and CervicalCheck issues has been completely inadequate. Similarly, the recent nurses' strike should not have been allowed to develop as it did. However, thrusting the country into a general election on the eve of Brexit would be an act of national sabotage. This is a cynical, empty and irresponsible motion from Sinn Féin. Thirty-seven days out from Brexit and the best friends of the Brexiteers, Sinn Féin, are confused, judging from the motion.

**Deputy John Brady:** The Fianna Fáil Deputies are all reading from the same script.

**Deputy Mary Butler:** Is this a motion of no confidence in the Minister for Health or, judging by the opening statements, a motion of no confidence in Fianna Fáil?

**Deputy Martin Kenny:** Both.

**Deputy Mary Butler:** This is typical Sinn Féin politics, this from the same party that has ensured that the only Northern Ireland voice in Westminster is that of the DUP; this from a party that will abstain from its seats in Westminster yet still take the Queen's shilling; this from the party that collapsed the Assembly in Belfast, leaving Northern Ireland at the mercy of Westminster.

**Deputy Stephen S. Donnelly:** Sinn Féin takes the expenses.

**Deputy Mary Butler:** Sinn Féin would have us force the country into a general election.

The tabling of this motion is as clear an example as any that Sinn Féin as a party does not understand what the national interest is-----

**Deputy David Cullinane:** We are a party that stands for elections nationally.

**Deputy Mary Butler:** -----and is utterly unfit for Government. The hallmark of Sinn Féin is the politics of turmoil and chaos, and so it continues.

**Deputy David Cullinane:** The people of Waterford say different.

**Deputy Barry Cowen:** This motion is a new act of hypocrisy on the part of Sinn Féin. Earlier I heard Deputy Pearse Doherty eventually admit that he and Sinn Féin do not want an election and do not want to bring down this Government, yet in tabling this motion they expect Fianna Fáil to break the terms of an agreement and not cause an election. Thankfully, for the country's sake and our sake, Sinn Féin cannot and will not have it both ways.

**Deputy John Brady:** Fianna Fáil's grubby little deal is between it and-----

**Deputy Barry Cowen:** Excuse me, mister.

Notwithstanding ongoing and continued questioning-----

**Deputy John Brady:** "Mister"?

**Deputy Barry Cowen:** Yes. Some Sinn Féin Deputies have that title, unfortunately.

**Deputy John Brady:** That is "Deputy" to you.

*(Interruptions).*

**An Ceann Comhairle:** May we have order, please?

**Deputy David Cullinane:** Is this Deputy Cowen's speech for the European elections now?

**Deputy Barry Cowen:** Deputy Cullinane should stick to Waterford and see how he gets on.

Notwithstanding ongoing and continued questioning of the Government on the children's hospital, and notwithstanding the Government's meandering responses to date, its secrecy, its hiding behind FOI legislation and its efforts to manage the news rather than the Department of Health, our concern and our commitment is to get to many of the answers not yet given in order to ensure overruns stop and taxpayers' money is not squandered further. Parallel to this, our overriding ambition is for this country and for the island of Ireland. We will not participate in or support acts of sabotage or treason at this crucial time in our history.

**Deputy Pearse Doherty:** You brought the IMF here. What are you on about?

*(Interruptions).*

**An Ceann Comhairle:** Order, please.

**Deputy Barry Cowen:** You do not like it, do you?

**Deputy Pearse Doherty:** No, we definitely did not.

**Deputy Barry Cowen:** We all participated in, signed up to and welcomed the overwhelm-

ing support in this country for the Good Friday Agreement. At a time when that agreement could provide for a Government that could lead and win the rewards associated with a successful all-Ireland economy and all-Ireland integration, ensuring an economic future and, most of all, security and peace in this country, what did Sinn Féin do?

**Deputy David Cullinane:** Tell us.

**Deputy Barry Cowen:** What has it done every time when it has come to playing a match fair and square and for those whom it represents?

**Deputy Aengus Ó Snodaigh:** We did not bankrupt the country.

**Deputy Barry Cowen:** It walked off the pitch again.

**Deputy John Brady:** At least we were on the pitch in the first place.

**Deputy Barry Cowen:** If we depended on his backup, we would be a long time waiting for Deputy Brady to be on the pitch.

*(Interruptions).*

**Deputy Barry Cowen:** Sinn Féin will not be love-bombing us, that is for sure.

**Deputy Caoimhghín Ó Caoláin:** The Deputy can be sure of that.

**Deputy Barry Cowen:** I was surprised by the Minister's bring-it-on statement earlier. His list of achievements to date is one thing, but there would be many items on a list of commitments that have yet to be honoured. Not long ago the Minister said he was no messenger boy; the next week he was apologising for not providing information to me in the Dáil. It is the Dáil that ratified the Taoiseach's nomination of the Minister to his office so he should not lose sight of that responsibility. We implore the Minister to pull up his socks and start managing the Department effectively rather than obsessing with managing the news associated with that Department.

**Deputy John McGuinness:** Brexit or no Brexit, regardless of how it turns out, this debate quite clearly puts the Government on notice - notice to quit. It has a litany of failures, health being just one. This motion of no confidence in the Minister should be a notice of no confidence in the Government itself. Each and every one of the Departments over which it has presided has at one stage or another seen unfulfilled promises, overspends and poor management. Behind the Minister and the Department of Health are all the officials who were engaged in this, and they have turned around to the Oireachtas committees and told us they will not appear before us. The Government allows this to happen. I suppose, by extension, we allow it to happen. There are those of us in this party, on this side of the House, and indeed within the party ranks and among the public, who want us to pull the plug. I ask the Government, in the face of Brexit, to wind itself down in an orderly way. It is an utter failure in what it has done and I would support a vote of no confidence in the Government itself because the Minister cannot be left on his own. The rest of the Government also bought into the matter and were present when the Minister told the story about the overspend and so on. What is forgotten in this debate is not the national sabotage that has been described but rather the sabotage of people's rights, namely, to a home or not to have one's house repossessed by a vulture fund. Although we may not like Ben Gilroy, his and others' rights have been ignored and he is in the lock-up. The Government has ignored many rights.



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Fine Gael claims to be the party of accountability but when voting for the recent Comptroller and Auditor General (Amendment) Bill 2017, which was put forward by my party, Fine Gael refused to support it. I no longer know why we support the Government or why we sit on our hands and allow it to function. Both the public and the majority of the House have had enough of the Government and, therefore, it should go.

Debate adjourned.

### **Visit of Maltese Delegation**

**An Leas-Cheann Comhairle:** Before proceeding, on my own behalf and on behalf of Deputies, I offer a céad míle fáilte, a most sincere welcome, to the Minister for Foreign Affairs and Trade Promotion of Malta, Mr. Carmelo Abela. The Minister and his officials are accompanied by H.E. Mr. Leonard Sacco, the Maltese ambassador to Ireland. They are most welcome and I hope they will enjoy their brief stay in Ireland.

### **Confidence in Minister for Health: Motion (Resumed)**

Debate resumed on the following motion:

That Dáil Éireann has no confidence in the Minister for Health, Simon Harris T.D., and calls on him to resign from his Ministerial position forthwith.

- (Deputy Louise O'Reilly).

**An Leas-Cheann Comhairle:** I ask Deputies to desist from interrupting and to refrain from inviting interruptions.

**Deputy Alan Kelly:** I thank the Leas-Cheann Comhairle for the interlude. It was most welcome because to our visitors and those watching at home, the motion must be the most bizarre motion of no confidence in the House's history. Fianna Fáil does not seem to have confidence in Sinn Féin, Sinn Féin does not seem to have confidence in anyone, while the Minister sits there in a bizarre situation where the focus is not on him or the Government for most of the debate.

We in the Labour Party will support the motion, purely because we do not have confidence in the Government. It is not personal against the Minister, Deputy Harris, whom I consider to be honourable, fundamentally decent and competent. Nevertheless, the situation that obtains in Irish politics at this time-----

*(Interruptions).*

**Deputy Alan Kelly:** -----is intolerable. I ask Fine Gael Deputies not to behave as Sinn Féin Deputies do. The situation in the health sector is the greatest example of the intolerable state of affairs. It is intolerable for everyone - for the Government, the Opposition and the public. Votes have little or no meaning any more. The Government loses multiple votes every week

and struggles to bring through legislation, while the main Opposition party abstains or votes for legislation and motions in which it does not believe. It is ridiculous and cannot continue.

To be fair to the Minister, he has had some successes in his Ministry. Repealing the eighth amendment, along with all of us, was a notable achievement that will stand rightly beside his name, as will the restructuring of the HSE, on which I support him. At the initiation of the current Dáil, however, it was decided to set up a special Committee on the Future of Healthcare, in which we spent 11 months preparing Sláintecare. The Minister endorsed the report but he should have slipped into its slipstream immediately. In political terms, the Government was provided with serious political cover. While it is true the report was endorsed by the Government with platitudes, the funding has not been provided and the timelines are already out of date. The best present a Minister for Health in Ireland could ever receive was not embraced and one must ask why. Was it because the Minister could not get the Department of Health to cede some control to the new Sláintecare initiative or because the Department of Public Expenditure and Reform was not supportive or simply because the Government did not believe the current Dáil would last long enough for the programme to be relevant? I think it is a combination of all three.

I am sick and tired of people referring to the Department of Health as “Angola” and saying every Minister who goes in there tries to live to see the day when he or she will get out of it. For all of us, this should not be the case. Bad politics for generations has destroyed the Ministry of health. Bad politics of well over 30 years has turned the Ministry into that which the Taoiseach of the day gives to his naughty pupil whom he needs to bring down a peg or two. The same applies to the current Taoiseach with his predecessor. This is not sustainable and we are not doing our public duty. The Department of Health should be a Ministry for which all of us strive. It is a Ministry that can effect dramatic change and affect and transform people’s lives. We need to grow up as a Parliament and political institution in how we manage the politics of health. The Minister’s tweet this morning was not wise and did nothing for him. Some 30 years of continual policy change, counter-change, inconsistency in approach and funding and political arse-covering has not served the people well, which I say while acknowledging that there are many good people working in the administration of health in the country. If it was possible for the Department of Health and the HSE to be in an even larger disaster zone than previously, that has happened in the past three years.

I could speak for hours on various issues, such as waiting lists; overcrowding; the lack of children’s assessments for autism; the catastrophic delays in orthodontic treatment; that there is no national drugs or medicine strategy, genetic strategy or a coherent policy on biosimilars or offering drugs; the scandalous lack of residential care for people with disabilities, which will soon arise again; or that our primary community care strategies are not aligned. I do not have time to spend on all the issues about which I wish to speak and, therefore, I will concentrate on two in particular.

In the case of the CervicalCheck scandal, the women and their families have been badly let down by rushed decisions and commitments that simply could never be met. Dr. Scally’s initial report was good but the analysis of the laboratories and the detail of what happened therein have not transpired. We were told last week that Dr. Scally’s new report was imminent. Where is it? Its delay is worrying. The report was supposed to have a full quality assurance analysis done on the contracts and the laboratories. The Committee on Health was told this last week and it was verified. The analysis is a central plank of the doctor’s work. Why has it been delayed? Will the Government publish the terms of reference given to Dr. Scally for the module

of work and indicate when and how those terms of reference were given to him? If the report is not published this week, it will be clear that something is afoot.

The review by the Royal College of Obstetricians and Gynaecologists, which was to be carried out within months, is unlikely to be completed this year. Mr. Justice Meenan's tribunal will not even begin this year because legislation needs to be brought through the Houses. There is the national scandal of Ruth Morrissey having now gone through 15 days of proceedings in the High Court, despite the Taoiseach promising on live national television that such a situation would never happen. Furthermore, the administration of the HPV vaccine has been delayed, there is a large backlog of 78,000 women waiting for screening results and the system cannot prioritise more vulnerable cohorts of women over others for their results.

I have read hundreds of pages about the children's hospital overrun, of which a significant number of people were aware for some time. It is simply amazing that since August, many of them were more worried about how it would look and sought public relations advice rather than examining the details of the overrun. The public now believes the issue was buried because of the needs of a general election, but the matter is not yet finished. The Department of Public Expenditure and Reform's utter dysfunctionality and Circular 12/10 need to be further explained. Are we to believe that no one in that Department for more than a year and a half ever asked one simple question about the largest capital project in the history of the State while one of its own was sitting on the board? It is insulting to our intelligence. In addition, the Government has not been honest about which capital projects will be affected by the cock-up. The Taoiseach has stated that none will be affected but that is a laugh. It is Trumpesque in its preposterousness. A minimum of €450 million in cash must be found and some €100 million will have to be reprofiled from other health projects this year, which means the public will not benefit from them. The new 60-bed unit in Limerick hospital is the greatest example of this. While it was promised for next September, it will not be in place until at least a year later despite repeated assurances from the Minister as late as last week. At least the HSE in the mid-west had the decency to be honest with me, Deputy Harty and others in coming forward with the timelines. The politicisation of the health service and some of the institutions in it has to stop. I say that with great fear for where it has gone.

I believe the Minister is a decent person operating in a bad Government in a completely dysfunctional Dáil. He will survive today because of political convenience but the political management of healthcare in this country needs a complete overhaul for future generations. We all need to make sure that happens immediately.

**Deputy Mick Barry:** "Bring it on. Walking away is not in my DNA." These are like cheesy lines from a bad Clint Eastwood movie. I wonder what a woman who has been caught up in the CervicalCheck scandal would think of them. What would an old person who has spent a night on a trolley think of it? What would a young person who is suffering as a result of the Government's neglect of mental health services think of it? What would they think about the idea that Deputy Harris should resign as Minister for Health? I think many of them would support that. The country recently witnessed the second national nurses strike in the history of the State, on the Minister's watch. There is a crisis in recruitment and a crisis in retention, staring the Minister in the face, but he paid no real heed until three days of national strike action woke the Government up and forced the Labour Court to make a recommendation on the issue.

While Deputy Harris is the second Minister for Health to provoke a nurses strike, he is the first in the history of the State to have a national ambulance strike take place on his watch.

Paramedics took to the picket lines on 22 January and 15 February but there was not an inch from the Minister's Department. He has effectively forced them to declare for strike again on Thursday or Friday of next week. The issue here is trade union recognition. The Minister could solve it with a stroke of his pen. He says he cannot recognise the union in question as he already recognises three unions in the National Ambulance Service. This union has more members than two of the other three put together and the Minister knows it. He cannot run from this issue.

The costs at the national children's hospital skyrocketed on the Minister's watch. The tender for electrical systems was €98 million. It rose to €157 million. The tender for mechanical systems was €107 million and rose to €177 million. The tender for the main construction project was €432 million. It rose to €556 million. Overall, costs ballooned by €450 million. The Minister knew the companies that he was dealing with. He knew that BAM had overshot its cost estimates at the port of Cork by €12 million. He knew that BAM had overseen a €21 million increase in cost estimates at the Cork event centre. Bidding low, winning contracts and then submitting increased cost claims is nothing new in corporate Ireland. Bring it on. It brought it on and the taxpayer will be forced to pay again on the Minister's watch. We will vote no confidence in the Minister but another Fine Gael Minister would most likely do no better, nor would a Fianna Fáil Government. We have no confidence in Fine Gael or Fianna Fáil, nor do we have confidence in the capitalist market, which continues to play a major role in our health system and which rips the taxpayer off on key construction projects. On that basis, we will vote "Yes" on the no confidence motion in the Minister.

**Deputy Richard Boyd Barrett:** People Before Profit will vote no confidence in the Minister for Health, not just because of his failures but because of the collective political failures of Fine Gael and three of its Ministers to protect our health service and deal with the litany of crises which beset that health service and inflict unbearable, unacceptable suffering and hardship on sick and vulnerable people who need that health service.

There were 512 people waiting on trolleys yesterday; 700,000 people on hospital waiting lists; a CervicalCheck scandal where the Minister, despite repeated appeals, refuses to identify the laboratories that gave the false negative; mental health services in a shocking state with only 50% of the recommended staffing levels under A Vision for Change; a medicinal cannabis access programme that was promised for people who are suffering and need it but which was never delivered; a nurses' strike that was brought on because of the failure of the Government to address unsafe staffing levels across our hospitals and a refusal to recognise that it was a result of poor pay for nurses; a National Ambulance Service strike that the Government is completely indifferent to as it unfolds and will not lift a finger to address even though it would not cost a cent; completely inadequate home care services for many of our elderly and disabled; a total failure to deliver on primary care commitments; general practitioners protesting because of an unprecedented crisis in general practice, and to top it all off, a complete inability to manage the finances that are required to deliver the health system coming to a head in the debacle around the national children's hospital. The Government under Deputy Varadkar said it will cost €650 million and it has spiralled to €1.7 billion and is rising.

The Minister should ask himself this very simple question. If I was Minister for Health and he was in opposition, and I was responsible for that litany of crises and failures, would he vote confidence in me? The answer is "No" and everybody knows it. For Fianna Fáil to refer to national sabotage for voting no confidence in a Government and Minister that has presided over those failures with all the hardship and suffering that has resulted from it is ridiculous. Is it not a form of national sabotage of our health system to leave people suffering on trolleys, on wait-

ing lists, and in need of medicines that they cannot get, or to force strikes by healthcare workers who do not want to go on strike but have to because of unsafe staffing levels with chronic staff shortages in the health service? That is sabotage. There have been seven years of sabotage of the public health service by Fine Gael. We could not, in all good conscience, vote confidence in policies or Ministers that have presided over that debacle.

**Deputy Mick Wallace:** The Taoiseach and Tánaiste told us there was a gross underestimate of the cost of building the hospital. Who underestimated it? Was it BAM? The contract was awarded on foot of a competition. BAM told the Government what it would cost. If there was a scope change, then the price would obviously go up, but if the scope was not determined, why did the Government go for a fixed-price contract? It did not give the price to BAM. BAM gave the price to the Government. It is not an issue of underestimating the true cost of the project but an issue of awarding a contract at a fixed price and letting it escalate because the Government used the wrong contract. The Tánaiste said that we must recognise that a significant mistake was made in this process when costs and quantities were being estimated. Who estimated them? Did the Government do a public benchmarking analysis prior to tenders going out to contractors? If so, who did it? Do they have insurance and will they be held to account? The Minister said a solid and explicit rationale had been put forward as far back as 2015 and that this was the right way to go. Was it? Who put it forward and will they be held to account? I have said before that we are not at the point of no return; we are only starting and right now the Government does not have a clue where the price is going to end up because of the form of contract being used. Unless it re-tenders, it will not know where it is going to finish.

The Taoiseach talked about other big contracts coming in within budget and on time and said we had done this before. What the Government forgets is that FIDIC, an international document, was used for those contracts but not for this one. We used a very poor Irish contract, the capital works management framework, in this case and only God knows why. The Taoiseach said it was not an issue of taxpayers' money being wasted. It is - hundreds of millions of euro. If the wrong form of contract is in place, costs are going out of control and the Government refuses to change the contract, I say it is wasting taxpayers' money. The legal advice on locating the children's hospital on the Mater hospital site was to stay away from the capital works management framework. Why, therefore, did McCann Fitzgerald advise the board to use the wrong form of contract on the St. James's Hospital site? Can the Government answer that question? Will anyone be held to account? Did the Government have no problem with the fact that there was a conflict of interest, that a member of McCann Fitzgerald was on the board? Was that okay? Why did the Government appoint PwC to review the fiasco? Was it procured and were procurement rules breached in its appointment? PwC is not independent. Does the Government know that it partially drafted the capital works management framework, the framework we are saying that is causing all of the problems? It had its paws on it and was involved in drafting it. Is it going to turn around and state its work was poor? We look forward to that one. I am sorry to say the truth is the Government has failed with the children's hospital project. It is losing hundreds of millions of euro because it failed to manage the process properly.

The notion that this is all the Minister's fault and that he should be held personally responsible is nonsense. I do not buy that, but I do think the Government should be held to account. How that is to be done, I am not sure, but the Government is calling for elections in Venezuela. There were elections held there last year and the opposition decided to boycott them because it knew that it would not win. Now President Trump is organising a coup there. We are the ones who need an election. Perhaps we are the ones with the dysfunctional democracy, not



Venezuela.

I do not expect the Government to understand everything about contracts for construction, but I would expect it to hire the right advisers and do the right thing when problems arise. However, it is not doing so, at great cost to the people of Ireland. It is making a huge mistake in not re-tendering. It is a massive mistake. By the looks of it, the Government will carry on regardless. It is unfortunate that it has been given the opportunity to do so by the main party in opposition, which is really disappointing. While I might not agree with it, I understand the argument made about Brexit and that it cannot go there, but Deputy McGuinness's point is not the worst I have heard. Why do we not agree now to dissolve the Government at Easter and have an election afterwards? The manner in which the Government has failed on the children's hospital project is demoralising. It should not think it is good enough and it should rethink, although it might not look like the right thing to do. It is politically difficult to make that U-turn, but it is the right thing to do and it should do it.

**Deputy Clare Daly:** If the Minister asked the questions Deputy Wallace has asked and sought the answers to them, we would have an exercise in public accountability far better than anything we have done in our terms here. I agree that the political theatre this afternoon on all sides of the House has been utterly demoralising. This morning I was with front-line staff in the CervicalCheck unit in the Rotunda Hospital. They are fantastic people who provide a world class service. The Minister will not be surprised to hear that they are not waiting for Deputy Donnelly, me or anyone else here to come and clear the backlogs. What they would like is for the politicians to allow them to do their jobs, resource them adequately in order that they can do them and then listen to the advice and back off. If the Minister had listened to the advice of medical people, he would not have provided for the retest and would have avoided all of the subsequent problems. I have been very balanced in my dealings with the Minister in terms of his responsibility for it and do not blame him personally or solely for it, but, contrary to his protestations that he did not know and did not act against medical advice, there is information in the public domain to say that statement is not true and in that sense that he may have misled the Dáil.

I take great offence at the Minister's statement that as one of his gestures to us, he is to provide for mandatory open disclosure, perhaps next year. We heard that last year from the Taoiseach. The saddest point is that Deputy Wallace and I had secured mandatory open disclosure over two years ago, but, with the help of Fianna Fáil and lobbied for by the heads of the Department of Health, that amendment was overturned. We could have had it in place. At its heart, the CervicalCheck crisis is one of open disclosure. I do not think the Minister is the only one to blame, but he is the one at the helm and the national children's hospital project will go down as one of the biggest scandals in the history of the State. Sadly, it is not history; we are living through the fiasco. If the Minister asks the questions Deputy Wallace asked and gets the answer that we can re-tender, we can have real accountability and justice once and for all for taxpayers.

**Deputy Michael Harty:** I will be supporting the motion of no confidence in the Minister. I have observed his lack of understanding of health service dysfunction at close quarters in the past two and a half years from across the floor at the Oireachtas Joint Committee on Health and in the Dáil. His understanding of the causes of that health service dysfunction has been poor and, unfortunately, not improved in those two and a half years. His failure to engage with front-line staff is the core reason for his failure to understand the dysfunctional health service. I have given him the benefit of the doubt on many occasions, in the expectation that he would be able to read himself into his brief in those two and a half years. Unfortunately, that has not been the

case. I believed his youth and enthusiasm were a breath of fresh air when he first came on the scene. I defended him when colleagues of mine felt that many of his fine speeches were more spin than substance. I was mistaken in that belief. I have seen and heard him spinning yarns, rather than delivering substance in the health service, particularly in the area of health reform.

My decision not to support him and to support the motion of no confidence in him was crystallised when yet another commitment of his – to resolve the emergency department crisis in Limerick – was reneged on. The delivery of the 60-bed modular unit will be delayed until mid-2020 and probably longer. What is happening in Limerick is a metaphor for what is happening in the health service: there were 57 patients on trolleys there today and 400 nationwide. When we lose trust in a Minister, we lose confidence. I recall saying to the Minister when he first took up office that the first thing he should do which would be free and cost nothing whatsoever was to give hope to the health service and raise morale. Unfortunately, that has not been the case. Instead, he has alienated doctors, general practitioners and consultants and, most importantly, patients. A change of attitude is needed, as well as a change of Minister, but, unfortunately, we will get neither.

**Deputy Michael Collins:** I will support the motion of no confidence in the Minister for Health, Deputy Harris. Those across the floor will say, of course, I would, that I am in opposition, but they are wrong. When everyone here were calling on Deputy Fitzgerald to resign in 2017, I did not support that motion. Furthermore, I was the only Deputy in west Cork to make it clear on my local radio station that she had been wronged. I was right. I will  
*6 o'clock* not support a motion of no confidence just to be one of the boys. I have, however, lost complete trust in the Minister for Health. When he was appointed, there was a lot of doubt about whether such a young Minister would be able to manage the demanding and complicated role. I take no pleasure in seeing any Minister fail, but it is time the Minister for Health accepted that he has failed. Waiting lists throughout the health service are unacceptable and the position is not getting any better.

Deputy Danny Healy-Rae and I have taken 25 buses of people to Belfast for cataract procedures. I have invited the Minister to come on board one of these buses and to meet face to face these elderly people who have to travel hundreds of miles to another jurisdiction for a 15-minute procedure. Not only did the Minister never take up my offer, he has not done anything comprehensive to reduce the waiting lists for cataract procedures.

Our health service is on its knees. We have seen our nurses, midwives and paramedics on strike. These hard-working staff members are frustrated and concerned about patient safety and yet the Minister did not listen to their concerns until they were forced to strike. Morale among health service staff is at an all-time low. The Minister handled the cervical smear scandal terribly and thousands of women are still anxiously waiting for smear test results. The overrun in respect of the children's hospital is the nail in the coffin. Sick children and their families will pay the ultimate price for the Minister's failure to control the escalating costs of the new national children's hospital.

There are only 18 Deputies in this country who can take the high moral ground with regard to the children's hospital disgrace. They are the Deputies who supported the Rural Independent Group motion in 2017 which sought to reveal the truth, which was that there would be the scandalous overrun which we are now seeing. The main parties are now all in agreement with us. It is for this reason and many more that I will support the motion of no confidence.

**Deputy Mattie McGrath:** The Tánaiste says that Deputy Harris has a tough job. I will tell the Minister what I believe is a tough job. A tough job is that of a mother or a father, a parent, waiting a year and a half for a simple operation while their child's spine twists and turns. Another tough job is that of the women and families who have been so desperately affected by the cervical smear scandal. There is also the matter of the reports of failings in audiology services. There has been scandal after scandal, week in, week out. Deputy Harty mentioned the hospital in Limerick; in my local hospital, South Tipperary General Hospital, a total of 35 unfortunate patients are on trolleys. The front-line staff are under appalling pressure, as they are every day. They do a great job. There were 57 patients on trolleys in Limerick, which means there was a total of 92 between the hospitals. What is the Minister going to do about it?

He could only insult the nurses with his pedantic and childish tweeting when they were out on strike. Some 94% of the 2,000 GPs in the National Association of General Practitioners, NAGP, do not have confidence in the Minister. How dare he put out an insulting, childish, and condescending tweet, as he did at 12.45 p.m. today? Did he think he was in "High Noon" or "The High Chaparral" and that he was John Wayne, Rambo, or Joe Kidd? The guys in here are sitting on their hands and letting him away with it week in, week out. They can talk about the Brexit baby. Some day it is going to fall and shatter into smithereens and they and the Minister will all be caught under it. Brexit is serious but it is not serious enough to allow the Minister away with this scandal in respect of the children's hospital.

The Minister would not listen to Dr. Jimmy Sheehan, Dr. Finn Breathnach or Dr. Róisín Healy. Last week the Minister had to apologise to the Dáil for misleading the House. I do not know where the Taoiseach has gone; he defended the Minister and ran. That is what he will do when the Minister is in real trouble. He will not be at his side, he will be gone. The Taoiseach said yesterday that he met Dr. Sheehan and Dr. Breathnach. He never met them. He has to apologise to the House. He did not meet those people because they know how to build hospitals and have a track record. He must apologise to this House.

**Deputy Michael Healy-Rae:** I thank Deputy Ferris's party for tabling this motion. Do the people adversely affected by the CervicalCheck scandal have confidence in the Minister? No, they do not. Do the doctors, nurses and midwives have confidence in him? No, they do not. Do the old people who are in constant pain waiting for hip and knee operations have confidence in him? No, they do not. Do people with disabilities have confidence in him? No, they do not. Do the patients I take to Belfast for cataract, hip and knee operations and the children I take to Belfast for tonsil operations have confidence in him? No, they do not. Do the people who are concerned about the cost of the children's hospital have confidence in him? No, they do not. Do the older people who want beds to be opened in Kenmare, Cahersiveen, Killarney, Tralee and other places in County Kerry have confidence in him? No, they do not. Do I have confidence in the Minister? No, I do not.

**Deputy Danny Healy-Rae:** This was to be a hospital for all the country but now we see that it will just be a hospital for Dublin. The only way in is by bicycle or for fit people to walk. No helicopter can land at the site. What happened that led to the price being wrong? We told the Government in March 2017 that the cost would escalate beyond belief. One example of a reason is that 100 lorries have to take two trips a day from Monasterevin or Longford to dig out the hole. That is where some of the money is gone. Then we have the most frightening scene one has ever seen: a hole with props larger than any I have ever seen in my life holding up the bank to stop neighbouring houses from falling in.

Half of the beds in the hospitals in Kenmare and Dingle are not yet open. I have begged the Minister to open them time and time again. He promised that he would open more beds in Tralee general hospital. He did not. People can either go to Belfast or go blind. We take all of those people up to Belfast. It is so hard on them to travel the long journey. They have no confidence in the Minister and I have no confidence in him either.

**Deputy Róisín Shortall:** The Social Democrats are supporting this motion of no confidence because we believe that any fair assessment of the performance of this Minister for Health would bring a person to the conclusion that his performance has just not been good enough. He has presided over a worsening health situation in which increasing numbers of people are being denied access to basic healthcare in the community or in hospitals. The other half of the population are faced with mounting costs in terms of health insurance and additional costs for accessing every single service. As others have said, this Minister was offered an opportunity to address those issues. Never before has a Minister been offered a cross-party, fully-costed blueprint for the reform of the health service which would achieve a single-tier health service. This Minister has squandered that unique opportunity.

The final straw, by any standard, is the handling of the national children's hospital. We know that the Minister was kept informed about the spiralling cost of the children's hospital but another very interesting thing has come to my attention this evening. Last week, the Taoiseach made the completely false statement that Mr. Paul Quinn, head of the Office of Government Procurement, was precluded from informing anybody about the ballooning costs of the children's hospital. That statement was, of course, not true and it still needs to be withdrawn. I was curious as to whether Mr. Quinn had informed the Minister for Health or the Minister for Public Expenditure and Reform. I posed that question to the Minister, Deputy Donohoe, this evening. I asked what contact there had been from Mr. Quinn in respect of the cost overruns. The Minister said that he met the individual concerned on 5 February and:

At this meeting we discussed his role as a member of the National Paediatric Hospital Development Board. I am satisfied that he met all of the responsibilities that he had as a member of the board and that the information regarding the project was being shared by the Board with the Department of Health. I am satisfied that happened.

I also put a question to the Minister for Health. His reply said:

There were no contacts made by the Office [...] in relation to cost overruns in the National Children's Hospital. I am advised that the Secretary General of my Department arranged a discussion with the individual concerned [...] on 18 October 2018, relating to the completion of [this process.]

Both things cannot be true. One of those answers is untrue. Will the Minister clarify which is untrue? The biggest failing is the failure of this Minister to address the question of co-location with a maternity hospital which, from a clinical perspective, is the most important aspect of this issue.

**Deputy Eamon Ryan:** The Green Party will be supporting this motion. We have no confidence in Fine Gael's management of our health system. First it promised universal healthcare and said that it would be delivered. It was to be its first priority and a key thing. It was then thrown away and forgotten about. It was meant to be replaced by Sláintecare, but nothing has happened. If we were really implementing Sláintecare I do not believe we would have had

the nurses' dispute because they would be central to the advance of our health system, as they should be. They have no confidence in this Minister or in Fine Gael's policy and we agree with them on that. Nor do our GPs have confidence because they are also suffering from the lack of proper management not just under this Minister, but over the last number of years. They have been left in a chaotic situation. Any GP will say that.

On the approach to the national children's hospital, while we obsess too much about the big hospital-based system, this incredible and massive overrun will take away money that could be used for the primary and preventative care system which would make our health system work. We cannot express confidence when we see that happening. The other day in the Dáil the Taoiseach said in a thoughtful way that he had reflected long and hard on how the CervicalCheck scandal was being managed. He was right to do so. The Government's immediate reaction was to panic, join the Opposition, throw the public servants under the bus and promise things that were not deliverable. That created chaos for CervicalCheck, flawed as it was and granted that the reporting of the misdiagnoses should have been done differently. It was an occasion for the Government to stand up for the things that sometimes worked in the system. That failing also means that we cannot have confidence either in the Minister or the approach to the health service Fine Gael has overseen in the last eight years. It has been getting it wrong; therefore, we cannot vote confidence in its management.

**Deputy Seamus Healy:** I will be supporting the motion of no confidence in the Minister for Health, Deputy Harris. Nobody with a whit of common sense believes the Taoiseach, the Minister for Finance, Deputy Donohue, and the Government were not aware of the national children's hospital debacle. It is crystal clear that the Minister for Health and the Minister for Finance were fully aware of the huge hospital overrun at the time of the last budget. The Minister for Finance had the chief Government procurement officer on the board of the hospital who was involved at all levels, including financial sub-committee level. The cover-up included confidentiality pledges to ensure the Government would not be formally or officially informed until after the budget. That was because it wanted to continue to give massive tax concessions to its super-rich backers. There is no justification for the Government delaying health and other capital projects and using the excuse of the cost overrun on the children's hospital project. The hospitals serving my constituency of Tipperary, South Tipperary General Hospital and University Hospital Limerick, are the most overcrowded in the country. No cancellation, no suspension, no long-fingering and no delaying of capital projects will be tolerated. I include the completion and opening of the 40-bed modular unit at South Tipperary General Hospital, the building of a new 50-bed unit at the same hospital, the building of a new 100-bed unit at St. Patrick's Hospital in Cashel and the building of a 60-bed unit at University Hospital Limerick.

The Irish super-rich are dripping with wealth and gaining more by the day. The Government's policy is not only not to tax the super-rich but also to give them tax concessions. It is politically the most extreme representative of the super-rich at the expense of citizens. It should bring forward an emergency budget to claw back the €250 million worth of tax concessions given to the super-rich in the last three budgets, including those given to the 25,700 individuals with incomes ranging from €200,000 to in excess of €2 million.

It is time for the Minister for Health to go and to take the Minister for Finance with him-----

**Deputy Caoimhghín Ó Caoláin:** Here he is now. The Minister for Finance has just come into the Chamber.



**Deputy Paschal Donohoe:** I chose the right moment to walk in.

**Deputy Seamus Healy:** -----and give the public an opportunity to make a decision on the Government in a general election. It is time for Fianna Fáil and the Independents who are supporting the Government, including Deputies Lowry and Cahill, to call it out on this issue and support the motion.

**Deputy Imelda Munster:** The motion came about because of the staggering, almost breathtaking incompetence demonstrated by the overspend on the national children's hospital project. The knock-on effect of the overspend is that vital services and projects have been abandoned or delayed. However, it is actually a much bigger issue than the children's hospital. Over 700,000 people are waiting on waiting lists for a hospital appointment and the Government is happy to stand over this. Urgent referrals for child and adolescent mental health services across the State, including County Louth, face a waiting time of three months and there is no out-of-hours service available, over which the Government is happy to stand. Hospital consultants are working for far fewer hours than they are contracted for in the public system. As a result, patients are waiting forever to be seen. The Government is also happy to stand over this. There was €9 million spent on agency staff in Our Lady of Lourdes Hospital alone last year. The Government was happy to stand over this. It is also happy to stand over the unaccountable quango that is the HSE which was set up by its Fianna Fáil buddies like Tweedledum and Tweedledee. The Government stands over the closing down of public long-term care services and pushing elderly people into private nursing homes that are double charging them for basic services and therapies that they are fully entitled to receive free of charge under the medical card scheme. The plans for the second X-ray room at the emergency centre of Our Lady of Lourdes Hospital have been pulled. The Government is happy to stand over this. It is the services and the people who are suffering because of the Government's incompetence. Anyone of sound mind could not have confidence in the Minister, given his track record.

**Deputy Maurice Quinlivan:** University Hospital Limerick is in an appalling condition. The full capacity protocol has been in use every single day since 2016. A total of 11,437 sick patients lay on trolleys in the hospital last year alone, the highest number in the State. Today 57 people from the mid-west region are on trolleys, the highest number in the State. There are 34,133 people on waiting lists at the hospital. The Government has made these disgraceful statistics normal in Limerick. In January 2018 I requested a meeting with the Minister for Health to make constructive suggestions on what could be done to help to address the overcrowding problem in University Hospital Limerick, but he never bothered to get back to me about it. I have lost count of the number of Topical Issue matters I have submitted on the hospital, yet for the ones that were selected, the Minister never once turned up to answer a single question. I lost confidence in the Minister a long time ago, as did the people who use University Hospital Limerick. This new scandal of the national children's hospital is just another to add to the long list of failures. Fine Gael has been in government for eight years and the situation at University Hospital Limerick has deteriorated substantially in that time. The number of patients on trolleys has increased by 212% between 2011 and last year, from 3,658 to 11,437. I am shocked by those Limerick Deputies who are crying out locally in their constituencies about the need for better health services and who, when they have a chance to do something about it in the Dáil, literally choose to sit on their hands. Deputy Micheál Martin has not even bothered to come into the Chamber for this debate. The Minister for Health has normalised the impossible daily situation in University Hospital Limerick. As he has completely failed in his duty to provide adequate health services for citizens in Limerick, it is my duty as their representative to vote no

confidence in him.

**Deputy Aengus Ó Snodaigh:** Is duine deas lách é an tAire. Ní ar bhonn pearsanta a deirim inniu nach bhfuil muinín agam as mar Aire. Níl muinín agam as an Rialtas ach oiread. Tríd is tríd, níl an cur chuige aige maidir le cúrsaí sláinte ná cúrsaí eile a luíonn le leas ghnáthphobal na tíre seo. Tá sé in am imeacht. Is ag teip atá an Rialtas i ngach gné den chóras sláinte. Ní gá ach féachaint ar an 700,000 atá ar na liostaí feithimh, iad siúd atá ag fanacht ar obráidí ná ar shainchomhairleacht mhór dhochtúra. Is iadsan na daoine a bhfuil an Rialtas ag loic orthu. Nílím ag caint faoin Aire amháin ach faoin Taoiseach a bhí ina Aire roimhe, faoin Seanadóir Reilly roimhe, agus faoi réimeas Fhianna Fáil. Cad faoi na páistí atá ag fanacht ar theiripe ur-labhra agus teanga sna scuainí feithimh atá ag éirí níos faide? Cad faoi siúd atá ag fanacht mar othair sna haonaid timpiste agus éigeandála? Ardaíonn an méid dóibh níos mó go rialta. Is i mo cheantar féin atá an scannal is déireanaí. Ba cheann dóibh a thacaigh leis an ospidéal nua leanaí mé, ach ní raibh mise ná aon duine eile sásta é a thógáil ar aon chostas. Tá an costas seo ag dul go hiomlán as smacht. De réir sin, tá muinín as an Aire caillte agam. Tá sé in am dó imeacht. Mar chuid de mo dhualgas mar bhall den Fhréasúra, táim ag cur an vóta seo anocht.

**Deputy Peadar Tóibín:** In a functioning democracy, the Minister responsible for 700,000 people on waiting lists, 100,000 people on hospital trolleys, 2,500 people waiting for their first mental health clinician meeting, a GP service that is grinding to a halt around the country, diminishing conditions for staff right through the service and a reduction in capacity in the system would be gone. In a functional democracy, a person who poured €500 million into a hole under the national children's hospital would be fired. If a Minister withheld information from his Cabinet colleagues for months, he or she would be considered not fit for government. Ireland is not a functional democracy. It is a land in which taxpayer money is treated as "funny money" which has no real value, and where nobody is ever held to account. If one votes for Fianna Fáil one gets Fine Gael. Brexit is not the reason Fianna Fáil is shirking from declaring no confidence in the Minister. Deputy Micheál Martin is afraid of making decisions, he is afraid of a general election and he is putting his seat before the good of this country.

**Deputy Peter Fitzpatrick:** I cannot support the Minister, Deputy Harris, today. Too many injustices have been done during his short term as Minister for Health. During his tenure we have had the cervical cancer scandal and the national children's hospital scandal, where the Minister mislead the public and this House. There also has been the nurses' strike, as well as massive waiting lists and trolley crises in hospitals nationwide. The latest is a survey of GPs, conducted by the National Association of General Practitioners, which found that 94% of GPs have no confidence in the Minister. This is an overwhelming figure; it speaks for itself. The Minister can talk the talk, but unfortunately cannot walk the walk. His time as Minister for Health has come to an end.

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** I have no hesitation in expressing my full confidence in my colleague, the Minister for Health, Deputy Harris. Once more, the later-day Robespierres of Sinn Féin have rolled their shabby guillotine into this Chamber, demanding a head. For a party that has never had to govern here and ran from government in the North, it is the easy thing to do. Its approach should be contrasted with my colleague, the Minister, Deputy Harris, who has taken, with relish, one of the most challenging portfolios in the Government and has tackled it admirably. I know for a fact that when the Taoiseach was appointed, the Minister was given three key tasks, which were to lead the campaign to repeal the eighth amendment, to get the Public Health (Alcohol) Bill through the Oireachtas, and to implement Sláintecare. The Minister brought a blend of pas-

sion, empathy and logic to the campaign to repeal the eighth amendment, successfully making the case for repeal, and contributed significantly to the outcome of the referendum. Despite huge pressure from various lobby groups he successfully brought the alcohol Bill through the Oireachtas. In a country that has a harmful relationship with alcohol, he led the change which will change the culture and the habits of consumption surrounding alcohol for generations to come. In a similar way he is tackling the third task, which is the implementation of Sláintecare. Most of the House supports Sláintecare, but I am much more confident that it will actually happen with this Minister at the helm. He has shown courage, focus and commitment.

It is easy to call for heads. However, to actually achieve anything requires more substantive qualities. It requires courage and the ability to take on the big challenges and the vested interests without running away. That is what distinguishes the Minister from those proposing this motion today, and that is why it is easy for me to have confidence in him.

**Minister of State at the Department of Health (Deputy Jim Daly):** I am embarrassed by the fact that I must stand up and defend the Minister, Deputy Harris, and the Government-----

**Deputy Caoimhghín Ó Caoláin:** The Minister of State should be embarrassed.

**Deputy Jim Daly:** -----for making the most significant commitment to our nation's sick children and their families in the history of the State. This is being done for cheap political gains for the Members opposite. Our country is at one of the most crucial junctures of modern times and needs the full and undivided attention of this Parliament to resolve it.

I have closely monitored this matter over the last few weeks, and the thing lacking most in the whole conversation is context. The Members opposite laid a charge against the Minister, Deputy Harris, of having no respect for public funds and squandering money. This charge is being laid down by a party that sunk the price of over 15 children's hospitals into one defunct bank of the elite and wealthy, with not one penny ever to be seen again. That bank, of course, was Anglo Irish Bank. That is the definition of squandering public money. By contrast, the Minister, Deputy Harris, has invested one fifteenth of the money wasted in Anglo Irish Bank in a hospital that will serve our nation's sick children for 100 years to come. This is an investment of which I, as a Fine Gael Minister of State, am extremely proud. I also remind members of matters historical. We spend the cost of one children's hospital ever four months servicing interest on debt from the mismanagement of the economy when Members opposite were in charge of the purse strings. I would call that the definition of squandering money. We did not get it right on day one, and we certainly have underestimated the price of this once in a generation bespoke and specialist facility-----

**Deputy John McGuinness:** The Minister of State is correct.

**Deputy Jim Daly:** -----for sick children and their families.

**Deputy Anne Rabbitte:** Fine Gael is six minutes from a vote.

**Deputy Jim Daly:** Fianna Fáil says that we squandered money, yet it cannot point to one single window-----

**Deputy Mattie McGrath:** The Minister of State should keep talking; he might become the Minister.

**Deputy Jim Daly:** -----door, roof tile, concrete block or lorry of cement that we have-----

*(Interruptions).*

**Deputy Jonathan O'Brien:** Fianna Fáil has confidence in the Government but Fine Gael does not have confidence in Fianna Fáil.

**An Leas-Cheann Comhairle:** Deputies, please.

*(Interruptions).*

**An Leas-Cheann Comhairle:** Deputies, please. The Minister of State, Deputy Jim Daly, without interruption. He did not interrupt anyone.

**Deputy Declan Breathnach:** We have plenty of confidence that Sinn Féin will stay away from the game.

**An Leas-Cheann Comhairle:** The Deputies should have some respect. They are showing a very bad example to the public.

**Deputy Jonathan O'Brien:** I was just saying that if Fine Gael wants to propose a motion of no confidence in Fianna Fáil, we will support it.

**Deputy Regina Doherty:** Sinn Féin are giving great example.

**An Leas-Cheann Comhairle:** There are to be no interruptions, and the Minister of State should not invite interruptions.

**Deputy Jim Daly:** We have underpriced because of the speciality of this hospital. However, it is certainly not a crisis. I commend the Minister, Deputy Harris, on progressing this long-awaited development. I reiterate how proud I am of the Minister and of Fine Gael for so doing.

**Deputy John Brady:** That was the best Fine Gael speech I have heard.

**Minister of State at the Department of Education and Skills (Deputy John Halligan):** We are now 37 days away from Brexit and the unprecedented challenges it will bring. Multiple Departments and Government agencies are working with the Oireachtas to ensure the omnibus Bill is in place by 29 March. Crucial contingency legislation will be provided in areas such as healthcare, social security protection, student support and protection of consumers. Measures will be provided to facilitate co-operation across the whole of Ireland, including the areas of transport and energy, and to ensure that east-west trade flows as smoothly as possible. We, as elected representatives, are doing everything we possibly can to limit the potential damage from the crisis now facing our country. We are working collectively, regardless of our politics, to protect the national interest.

Ireland will be the country in the EU that is most impacted by Brexit, and it is not possible to fully legislate for a no-deal scenario. This is about damage limitation, and it is incumbent on every Deputy in this House to work together through what is an extraordinary time, in order to mitigate the effects of a worst-case scenario. However, some believe time is better spent on making political footfalls, demanding heads and creating sideshows. They prefer to occupy the Dáil agenda with hours of debate on a motion it knows it will not win. There appears to be an insatiable-----

**Deputy John Brady:** The Deputy was doing the same thing recently.

**Deputy John Halligan:** -----thirst to have a head. They want someone to resign. It does not matter if there was an error or an oversight, but the attitude seems to be that his or her head should roll because he or she is a Minister. These people know damn well that seeking the head of one Minister will not address the overspend on the children's hospital. Sinn Féin has brought this motion safe in the knowledge that it will not succeed.

I respectfully say that if Sinn Féin wishes to put down a vote of no confidence it should re-engage with the Assembly and put down a vote of no confidence in the worst and biggest right-wing party in the history of Europe, the DUP. It should then get on an aeroplane and go over to England. It should not be depending on the Scottish National Party in the Houses of Parliament in Westminster. It should support the backstop and stop a no-deal scenario from unfolding. Its vote of no confidence should be done there.

*(Interruptions).*

**An Leas-Cheann Comhairle:** Deputies, please. I call Deputy Kate O'Connell. Someone has lost 30 seconds.

**Deputy Kate O'Connell:** I lend my voice to those speaking in support of the Minister today and to vehemently oppose this motion of no confidence in him.

Everyone here is aware of the work of the Minister for Health, Deputy Harris, on the matter of abortion rights, including his efforts during the campaign and his role in guiding the legislation through our party and through the Houses of the Oireachtas. He has played an important part in securing and supporting the right of Irish women to choose and to be in control of their own bodies. This is something that many people before him failed to do.

The Minister is capable of change, of reassessing an issue and, clearly, of taking things on the chin. His Department is not an easy one to manage and his job cannot be done without extraordinary personal sacrifice. He does it and he works hard at it. What good would demanding a political sacrifice do for the children's hospital? This hospital is needed. The children of Ireland have waited long enough and it must go ahead.

Early in the career of the Minister, he was faced with the declining rate of human papillomavirus vaccination. Some of the people who are calling for him to step aside today spoke against vaccination in this House, although it has been the second biggest intervention in terms of world health in our lifetime. These people are saying that they should act as Minister for Health. I challenge anyone who is against vaccines to lead public health for the population and be Minister for Health. The Minister has moved to expand the roll-out of vaccination. This move will save lives. The move was not popular initially. The Minister is someone who took on a fight and faced down critics. As a result, young girls and boys today will be alive in this country 40 years from now. If we had listened to some of the experts in this House, they would be dead.

**Minister for Finance (Deputy Paschal Donohoe):** I have full confidence in the Minister for Health, Deputy Harris, because in my tenure I have worked with him and seen at first hand his competence, integrity, extraordinary work ethic and his commitment to doing an incredibly demanding job to the best of his considerable ability every day. This leaves me in no doubt. Not only should I have confidence in him but this House should have confidence in him.

Speaker after speaker made reference to the demands we have in our healthcare system. No



one in this House knows that better than the Minister. No one has worked harder in his tenure in this Dáil and in this Government to advance the needs of patients and the needs of the most vulnerable in our hospitals, primary care centres and nursing homes than the Minister, Deputy Harris. In the years during which I have been privileged to work with him and see upfront his commitment and extraordinary dedication in trying to make progress in such a difficult area I have seen again and again his commitment and competence. This is the reason I have confidence in him and the reason I believe the motion should be rejected.

It is not only about what a person puts into a role or his values, although I believe values should matter. I believe the Minister, Deputy Harris, has shown those values every day in his time holding office. It is also about what those values and what that commitment has helped him to achieve and what he will achieve in future. During his tenure as Minister for Health we are seeing signs of progress in what we need to do to further support those who are waiting for operations. We have seen progress in reducing waiting times for key operations and surgeries.

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

**Deputy Paschal Donohoe:** We have seen continued progress in delivering health outcomes for citizens. That has happened because of the contribution and dedication of the Minister, Deputy Harris.

**An Leas-Cheann Comhairle:** Please, Minister, we must be fair to everyone.

**Deputy Paschal Donohoe:** When I heard Sinn Féin Members speak earlier during the opening part of the debate - we will hear more from them in a moment - I heard either scant or dreary reference to patients. All that inflames their passions is attacking Fine Gael or attacking Fianna Fáil.

**An Leas-Cheann Comhairle:** Deputy Jonathan O'Brien is next.

**Deputy Paschal Donohoe:** They are not interested in better health outcomes. They are only interested in the outcomes for Sinn Féin.

**An Leas-Cheann Comhairle:** Minister, please.

**Deputy John Brady:** He has no respect for the Chair.

**Deputy Paschal Donohoe:** They are not interested in the national interest. They are interested in their own interests.

**An Leas-Cheann Comhairle:** Minister, I am not depriving you of time. Your colleagues have deprived you of time.

**Deputy Paschal Donohoe:** That is why this Government will be supporting the Minister, Deputy Harris, and that is why this motion should be rejected.

**Deputy Jonathan O'Brien:** The irony of two partitionist parties lecturing us about the national interest will not be lost on people watching tonight. For the past hour, this debate has followed a strange but predictable path. We have people on my left acting like tour guides, trying to bring us from Belfast to Brussels and then to London. Let us get back to what this motion of no confidence is about. It is about the Minister for Health, his record and his capacity to manage his Department.

The cost escalation of the national children's hospital is a story of policy failure, from the design of a flawed two-tier procurement process to a €450 million overrun as a result of the inaction and ineptitude of the current Minister for Health. In 2016, touting a price of €650 million, the national children's hospital was described by the then Minister, Deputy Varadkar, as the single biggest capital project in the history of Irish healthcare. It is now the costliest project in the history of Irish healthcare.

I agree this shambles has many faces, and those questions need to be asked into the future. The matter of who signed off on the procurement process and why is only one of those questions. From the consultant documentation that has been drip-fed to those of us on Oireachtas committees during recent weeks those failures have become more and more clear. This was all under the stewardship of the Minister for Health, Deputy Harris. In 2014, the procurement strategy report presented to the development board of the hospital stated that there were advantages and risks to a two-stage process. They were clearly outlined. The process saw contractors chosen, contracts signed, cement poured and money paid before a final price had been agreed. This was all under the stewardship of the current and former Ministers for Health. Among the risks was the pressure this approach would put on the design team, which, in turn, could lead to cost escalations. Another risk was that this sort of contract was completely untested and untried in this State. This was acknowledged in the documentation. Both these risks have come to pass under the stewardship of the Minister, Deputy Harris. This was a high-risk strategy that sacrificed value-for-money and cost certainty for a quick build at whatever the final price would be.

According to the report, another advantage was that if the maximum price became too costly to the taxpayer, then a strategic change could be made to change course and lower costs, but this did not happen. Again, this was decided under the stewardship of the Minister, Deputy Harris.

Strategic change is not the business of civil servants. It requires the leadership and the engagement of a Minister. Otherwise, what are Ministers for? Regardless of the public relations being spun by this Government, the facts are quite simple. In July 2018 the members of the development board, in the midst of these escalating costs, requested that the Minister, Deputy Harris, reappoint them in the interests of maintaining stability. I will quote from a response I received from the Minister yesterday. He said he reappointed the whole board. This was not done by Fianna Fáil or Sinn Féin or the taxpayers. It was the Minister himself who did it. Before doing so, the Minister said, in reply to a parliamentary question, that he had no conversation with the development board, that he did not assess the performance of the board and that he did not see whether it was doing a good job. The Minister got a request, signed off on it and asked no questions. For me, that is a direct failing on his part. It should be looked at and, obviously, has consequences.

The next issue is the overrun of the project of at least €191 million and as much as €400 million dating from 27 August. This information was given to no one. The Minister for Health withheld it from his own Minister for Finance and from the Cabinet. Three days later, the sub-committee dealing with the matter asked everyone on the board to sign a confidentiality agreement. Maybe those involved asked the Minister to sign a confidentiality agreement as well given that he did not tell anyone about it.

There are many reasons - I do not have time to go into all of them - the Minister is not up to this. We are spending €11 billion in the coming years - thanks to the Minister for Finance, Deputy Donohoe - on health capital projects. We need a Minister who will have his eye on the ball in respect of those capital projects or that €11 billion could easily become €13 billion or

€15 billion. That is our money – taxpayers’ money. The Minister is not fit for the job and he should go.

**Deputy Pearse Doherty:** Go raibh maith agat, a Leas-Cheann Comhairle, agus molaim an rún mímhúiníne seo san Aire Slainte, an Teachta Simon Harris. While this motion of no confidence is in the Minister for Health, what is really at the core of the motion is our sick and our vulnerable people, our children and elderly, the patients who lie daily on hospital trolleys, those who wait in pain agonising over when they will get a hospital appointment or who have just been notified that, once again, their operations have been cancelled. What this motion has at its heart is political accountability. It is about taxpayer accountability and ensuring the answers for which people are yearning are given to the questions they are asking.

We are told by Fianna Fáil that accountability has to be suspended because of the issue of Brexit, that no matter what, its party will not vote no confidence in any Minister in this Government and that it is handing over a blank cheque to each and every Minister no matter how badly he or she runs his or her Department. This is form for Fianna Fáil, a party which has handed out many blank cheques in the past, whether to bankers or to developers.

The reality is that accountability cannot be suspended, and no matter what, even if this motion of no confidence succeeds tonight, it will not precipitate a general election. Let us be clear about that. The Taoiseach will not run to the park and ask the President to dissolve the Dáil if a motion of no confidence in Deputy Harris is passed here today. That is the reality.

I have heard the defence of the Minister here today. I have heard people talk about how he assisted in the eighth amendment referendum, the Public Health Alcohol Bill and the implementation of Sláintecare. We do not take away from the Minister in relation to his role in any of those matters. Let us be clear, however, it was the public who repealed the eighth amendment.

**Deputy Simon Harris:** Hear, hear.

**Deputy Pearse Doherty:** Let us be clear and let us not take away from the junior Minister, Deputy Marcella Corcoran-Kennedy and Senator Frances Black, who were the real champions in relation to the Public Health Alcohol Bill.

Let us also be clear that the Minister is far from implementing Sláintecare and is failing dramatically in that regard.

I also listened to the outbursts from the Tánaiste and what he has put on the floor of the Dáil today is disappointing and dishonest. It is surprising and disturbing that he has used this opportunity to make the type of attacks he made. He knows more than most in his Cabinet and more than most in this House, outside of our party, what is at the core of the issue in the North. It is disappointing that he has used this opportunity-----

**Deputy Josepha Madigan:** This motion is out of order.

**Deputy Pearse Doherty:** -----and if the Tánaiste thinks that is helpful he needs to have a reality check, take a good look at himself, at what he has said and at how it has not assisted in the project. He knows the issues and has put them on the record before. I could say a lot more on this but I will not.

The reality is that we have a Minister who is completely out of his depth-----

**Deputy Simon Coveney:** These are double standards.

**Deputy Pearse Doherty:** -----and a Minister who was asleep at the wheel in relation to the national children's hospital, a Minister who misled the Dáil, misled the public and who is letting down patients on a daily basis. We have a Minister who allowed the budget to go through this House, despite the fact that he knew there were hundreds of millions of euro of an overspend on the biggest capital project in this House. The next vote we will have after this motion of no confidence is to have Estimates resubmitted to the committee because of his overspend. This is hundreds of millions of euro of taxpayers' money that is being squandered because this Minister was asleep at the wheel. This impacts on hundreds of thousands of patients - record levels of patients - who are waiting for appointments: 700,000 people. Hundreds of patients are lying on hospital trolleys every single day and scoliosis plan after plan are not being implemented. The numbers of children waiting for speech and language therapy and for occupational health therapy are at record levels. Nearly 80,000 women are waiting six months for the results of their tests because of a decision the Minister took. It is appalling.

I say to Fianna Fáil that this Government broke the confidence and supply agreement because of the "no surprise" provision. It has made fools of Fianna Fáil. Deputy Simon Harris spoke at his Ard-Fheis and called on Fianna Fail to stop this nonsense where its members were going into his Department and checking the figures and all the rest of that. He told Fianna Fáil to get on with it and to recommit to the confidence and supply agreement. He knew of the hundreds of millions euros of overspend in his Department on this project. The Minister did this because he knows that Fianna Fáil are completely impotent and incompetent at holding the Government to account.

We have been patient with the Minister because we could have put down this motion on many occasions in the past number of years, but this is the straw that broke the camel's back.

*7 o'clock* This is about political accountability. I say to Members who genuinely believe this Minister has failed sick children, has failed our elderly, has failed our vulnerable and failed the taxpayer in his handling of the national children's hospital that they have only one thing to do and that is to vote no confidence in the Minister. If they fail to do that, they are the people keeping this incompetent Minister in his job in the weeks and months ahead.

Question put.

The Dáil divided by electronic means.

**Deputy Aengus Ó Snodaigh:** As a teller in the previous vote, and given the enormity of sums involved, I propose we give some of those Deputies who abstained or voted confidence in the Minister another opportunity to vote. Under Standing Order 73(3)(b) I propose that the vote be taken by other than electronic means.

**An Leas-Cheann Comhairle:** It is the prerogative of one of the tellers to call for a vote by other than electronic means if the margin is ten or fewer. Therefore, we will have a vote taken by other than electronic means.

Question again put:

<i>The Dáil divided: Tá, 53; Níl, 58; Staon, 37.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>

<i>Adams, Gerry.</i>	<i>Bailey, Maria.</i>	<i>Aylward, Bobby.</i>
<i>Barry, Mick.</i>	<i>Barrett, Seán.</i>	<i>Breathnach, Declan.</i>
<i>Boyd Barrett, Richard.</i>	<i>Breen, Pat.</i>	<i>Browne, James.</i>
<i>Brady, John.</i>	<i>Brophy, Colm.</i>	<i>Butler, Mary.</i>
<i>Broughan, Thomas P.</i>	<i>Bruton, Richard.</i>	<i>Byrne, Thomas.</i>
<i>Buckley, Pat.</i>	<i>Burke, Peter.</i>	<i>Cahill, Jackie.</i>
<i>Burton, Joan.</i>	<i>Byrne, Catherine.</i>	<i>Calleary, Dara.</i>
<i>Collins, Joan.</i>	<i>Canney, Seán.</i>	<i>Casey, Pat.</i>
<i>Collins, Michael.</i>	<i>Cannon, Ciarán.</i>	<i>Collins, Niall.</i>
<i>Connolly, Catherine.</i>	<i>Carey, Joe.</i>	<i>Cowen, Barry.</i>
<i>Coppinger, Ruth.</i>	<i>Corcoran Kennedy, Marcella.</i>	<i>Curran, John.</i>
<i>Crowe, Seán.</i>	<i>Coveney, Simon.</i>	<i>Donnelly, Stephen S.</i>
<i>Cullinane, David.</i>	<i>Creed, Michael.</i>	<i>Dooley, Timmy.</i>
<i>Daly, Clare.</i>	<i>D'Arcy, Michael.</i>	<i>Fleming, Sean.</i>
<i>Doherty, Pearse.</i>	<i>Daly, Jim.</i>	<i>Haughey, Seán.</i>
<i>Ellis, Dessie.</i>	<i>Deasy, John.</i>	<i>Kelleher, Billy.</i>
<i>Ferris, Martin.</i>	<i>Deering, Pat.</i>	<i>Lahart, John.</i>
<i>Fitzmaurice, Michael.</i>	<i>Doherty, Regina.</i>	<i>Lawless, James.</i>
<i>Fitzpatrick, Peter.</i>	<i>Donohoe, Paschal.</i>	<i>MacSharry, Marc.</i>
<i>Funchion, Kathleen.</i>	<i>Doyle, Andrew.</i>	<i>Martin, Micheál.</i>
<i>Harty, Michael.</i>	<i>Durkan, Bernard J.</i>	<i>McConalogue, Charlie.</i>
<i>Healy-Rae, Danny.</i>	<i>English, Damien.</i>	<i>McGrath, Michael.</i>
<i>Healy-Rae, Michael.</i>	<i>Farrell, Alan.</i>	<i>McGuinness, John.</i>
<i>Healy, Seamus.</i>	<i>Fitzgerald, Frances.</i>	<i>Moynihan, Aindrias.</i>
<i>Howlin, Brendan.</i>	<i>Flanagan, Charles.</i>	<i>Moynihan, Michael.</i>
<i>Kelly, Alan.</i>	<i>Grealish, Noel.</i>	<i>Murphy O'Mahony, Margaret.</i>
<i>Kenny, Gino.</i>	<i>Griffin, Brendan.</i>	<i>Murphy, Eugene.</i>
<i>Kenny, Martin.</i>	<i>Halligan, John.</i>	<i>O'Callaghan, Jim.</i>
<i>Martin, Catherine.</i>	<i>Harris, Simon.</i>	<i>O'Dea, Willie.</i>
<i>McDonald, Mary Lou.</i>	<i>Heydon, Martin.</i>	<i>O'Keeffe, Kevin.</i>
<i>McGrath, Mattie.</i>	<i>Humphreys, Heather.</i>	<i>O'Loughlin, Fiona.</i>
<i>Mitchell, Denise.</i>	<i>Kehoe, Paul.</i>	<i>O'Rourke, Frank.</i>
<i>Munster, Imelda.</i>	<i>Kenny, Enda.</i>	<i>Rabbitte, Anne.</i>
<i>Murphy, Catherine.</i>	<i>Kyne, Seán.</i>	<i>Scanlon, Eamon.</i>
<i>Murphy, Paul.</i>	<i>Lowry, Michael.</i>	<i>Smith, Brendan.</i>
<i>O'Brien, Jonathan.</i>	<i>Madigan, Josepha.</i>	<i>Smyth, Niamh.</i>
<i>O'Reilly, Louise.</i>	<i>McEntee, Helen.</i>	<i>Troy, Robert.</i>
<i>O'Sullivan, Jan.</i>	<i>McGrath, Finian.</i>	
<i>Ó Broin, Eoin.</i>	<i>McHugh, Joe.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>McLoughlin, Tony.</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>Mitchell O'Connor, Mary.</i>	



<i>Ó Snodaigh, Aengus.</i>	<i>Moran, Kevin Boxer.</i>	
<i>Penrose, Willie.</i>	<i>Murphy, Dara.</i>	
<i>Pringle, Thomas.</i>	<i>Murphy, Eoghan.</i>	
<i>Quinlivan, Maurice.</i>	<i>Naughten, Denis.</i>	
<i>Ryan, Brendan.</i>	<i>Naughton, Hildegard.</i>	
<i>Ryan, Eamon.</i>	<i>Neville, Tom.</i>	
<i>Sherlock, Sean.</i>	<i>Noonan, Michael.</i>	
<i>Shortall, Róisín.</i>	<i>O'Connell, Kate.</i>	
<i>Smith, Bríd.</i>	<i>O'Donovan, Patrick.</i>	
<i>Stanley, Brian.</i>	<i>O'Dowd, Fergus.</i>	
<i>Tóibín, Peadar.</i>	<i>Phelan, John Paul.</i>	
<i>Wallace, Mick.</i>	<i>Ring, Michael.</i>	
	<i>Rock, Noel.</i>	
	<i>Ross, Shane.</i>	
	<i>Stanton, David.</i>	
	<i>Varadkar, Leo.</i>	
	<i>Zappone, Katherine.</i>	

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

Question declared lost.

### **Presentation and Circulation of Further Revised Estimates 2019: Motion**

**Minister for Finance (Deputy Paschal Donohoe):** I move:

That, notwithstanding Standing Order 182(1) or (2) of the Standing Orders of Dáil Éireann relative to Public Business or the Resolution of the Dáil of 19th December, 2018, the following Further Revised Estimate for the Public Services for the year ending 31st December, 2019, be presented to the Dáil and circulated to members on 20th February, 2019, being a date later than that prescribed for the presentation of Estimates, and that the Further Revised Estimates be referred to Select Committees, as appropriate, pursuant to Standing Orders 84A(3)(c) and 182(3).

Vote 9 — Office of the Revenue Commissioner (*Further Revised Estimate*).

Vote 11 — Public Expenditure and Reform (*Further Revised Estimate*).

Vote 13 — Office of Public Works (*Further Revised Estimate*).

Vote 17 — Public Appointments Service (*Further Revised Estimate*).

Vote 18 — National Shared Services Office (*Further Revised Estimate*).

Vote 24 — Justice and Equality (*Further Revised Estimate*).

Vote 29 — Communications, Climate Action and Environment (*Further Revised Estimate*).

Vote 31 — Transport, Tourism and Sport (*Further Revised Estimate*).

Vote 33 — Culture, Heritage and the Gaeltacht (*Further Revised Estimate*).

Vote 34 — Housing, Planning and Local Government (*Further Revised Estimate*).

Vote 38 — Health (*Further Revised Estimate*).

Vote 42 — Rural and Community Development (*Further Revised Estimate*).

The Revised Estimates Volume, REV, for public services 2019 presented to the House last December set out the allocation of Government expenditure by Vote for 2019. In total, there is an amount of €66.6 billion in gross voted expenditure allocated in the REV. The vast majority of this provision relates to day-to-day current expenditure, amounting to €59.3 billion, with a further €7.3 billion allocated to capital expenditure.

The current expenditure allocations in REV 2019 reflect Government priorities. Funding for the key day-to-day public services of social protection, health and education combined amounts to almost €47 billion. These three sectors together account for almost 79% of total gross voted current expenditure. A total of €7.3 billion is allocated to capital investment in 2019. This represents an increase of €1.3 billion, or more than 22%, on last year's outturn. This will play an important role in delivering public infrastructure across Ireland, especially in areas such as social housing, education, including for schools and higher education, healthcare, and transport. Additional funding is being provided for enterprise supports to support economic growth and promote jobs growth in both the domestic and foreign owned sectors. Increased funding is also provided to support investment in areas, including flood defences and climate change mitigation.

I will now turn to some of the key areas. The allocation for health for 2019 is more than €17 billion, reflecting our commitment to supporting our health sector. This represents an increase of more than €1 billion on the amount spent in 2018. Given this level of resourcing, we must continue to ensure that increased resources are matched with higher levels of accountability and transparency.

Housing has also been prioritised for 2019, with an overall allocation to the Vote of €4 billion. This represents a 19% significant increase in year-on-year terms.

This year's allocation to education amounts to €10.8 billion, an increase of more than 5%. This will allow for the recruitment of additional teachers and special needs assistants, and enable a more targeted investment in higher and further education to meet the skills and education needs of the labour market.

An allocation of €20.5 billion has been made to the Department of Employment Affairs and Social Protection. This allocation includes provision for the €5 changes in the weekly working age payments. These increases will be implemented over the coming weeks.

In accordance with the revised budgetary timetable introduced at European Union level as part of the two-pack the Estimates for 2019 were required to be published before the end of 2018. In the period since the publication of the REV, my Department has been engaging with

the Department of Health and with other Departments on how the increased costs of the national children's hospital project will be managed within the overall capital allocation for 2019 of €7.3 billion. The process concluded with the Government deciding last week to make some reallocation decisions. These decisions were made with a view to minimising any disruption in the roll-out and delivery of key projects.

I am presenting Further Revised Estimates to reflect an additional allocation of €75 million in gross capital expenditure for the Department of Health. The increase in the net voted health Estimate is €65 million, as the Department of Education and Skills has agreed to pay in 2019, €10 million of an existing €17 million commitment to higher education facilities in the national children's hospital. As this funding is to come from within the existing overall amount allocated to the higher education capital subhead, it does not give rise to a Further Revised Estimate for the education Vote. The increase in the net voted expenditure amount for health of €65 million is offset by reductions across a number of Departments and includes a rescheduling of €27 million arising in relation to the A5; a rescheduling of €10 million arising in relation to the national forensic science laboratory; an updating of the scheduled drawdown of €16 million from two Project Ireland 2040 funds which are being profiled for expenditure throughout the course of 2019 and 2020, without delays in project planning, design and delivery. There will be a re-profiling of payments of €4 million under certain programmes of investment in the Department of Communications, Climate Action and Environment; a sum of €3 million from the reprofiling of investment under the flood risk management programme of the Office of Public Works, and a revision of the schedule for the draw-down of funding in the public expenditure and reform and finance groups of Votes, totalling €3 million. There will be €2 million through changes to the timing of payments related to certain capital works by the Department of Culture, Heritage and the Gaeltacht. The changes outlined in the Further Revised Estimates amount to less than 1% of the original 2019 capital budget presented in December.

In recent years Ireland has made much progress in delivering projects on time and within budget. In particular, recent years have seen major progress in improving delivery of water and wastewater, roads and public transport projects. Reforms are being considered which are designed to extend the same levels of professionalism and performance across the public capital programme more broadly. In that regard, it is important to note a number of measures which are under way. They are specifically focused on avoiding a repeat of sudden increases in costs associated with the very largest projects. New procedures are being developed in the context of the ongoing review of the public spending code and the new medium-term strategy for the Office of Government Procurement. In particular, I draw the attention of the House to revisions to the public spending code in the following areas. The Government will not pre-commit to the very largest projects until there is clarity on the final tendered cost. Two-stage procurement processes with parallel working will be avoided in most cases and a better premium for risk will be built in for bespoke projects. Consideration has also been given to carrying out external expert reviews to test cost estimates, as well as to linking advisory firm payments with performance.

Over the course of Project Ireland 2040, there will be total investment of approximately €116 billion in key State infrastructural projects. It is important, therefore, to put in place and strengthen structures to mitigate the risk of capital cost overruns in the future. Adopting these measures will help to ensure the right high level of discipline, professionalism and performance in the allocation of the resources of the taxpayer and the provision of capital projects.

**Deputy Barry Cowen:** I wish to share time with Deputy Thomas Byrne.

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

**Deputy Barry Cowen:** We all know the origins of and reasons behind the Further Revised Estimates. They are the result of the Government's mismanagement of the process to deliver the national children's hospital. We are well aware that there are many outstanding questions about how we arrived at this sorry state of affairs, as indicated in the Minister's apology to the House last week. When was he first informed of the potential for an overrun which, in the Government's words, crystallised some months thereafter? There have been many meanderings, as well as a great deal of secrecy. Attempts have been made to hide behind freedom of information protocols in relation to unanswered questions. I expect the same procrastination not to be in vogue when PwC looks for information which was not forthcoming when I asked for it recently. There will be ongoing and continued scrutiny by the relevant Oireachtas committees. The Secretary General of the Minister for Finance's Department will appear before one of the committees in the coming days which will provide an opportunity for further attempts to be made on the part of Members of the House to establish if it was the case that in rushing the project in order to maximise political gains from it, the Government took its eye off the ball in the approval process and the contracts associated with it. Obviously, the contracts as negotiated have proved to be porous.

While the information the Minister for Finance has provided says a lot, unfortunately, it does not say enough. The Minister said he was bringing forward proposals on how best to provide for contracts such as this. That pre-empts and is not exclusive from the Government's perspective because it may well be that the further recommendations will be made on foot of the information that will emanate from the investigation. The Minister will be conscious of the questions asked and the answers that will flow back from officials in his Department and others. For example, I asked him last week about the €500 million made available for the project by the European Investment Bank, but I have yet to receive a reply. I expect that a process was entered into with the bank, as that is predominantly the case, and that there is a reporting mechanism between the Government and the bank in respect of its investment. It must be borne in mind that when the bank made the offer originally, it amounted to approximately 50% of the total cost of the project, albeit at this juncture, it is no more than 30%. We will be seeking to establish in the coming weeks and months whether there is a handle on the costs. Have they been arrested and can the Government assure the public and the Members who represent them that it will not bring forward Further Revised Estimates on top of the €100 million in the Estimates before us? It does not stop at that because there is €450 million to be made up. The Minister says that in the spring statement he will give us details of the effect on capital expenditure under the national development plan next year and in subsequent years. I hope that information will be forthcoming.

I have perused some of the detail in the Minister's script. He said €16 million was being taken from the Department of Community and Rural Development and the Department of Housing, Planning and Local Government. It is explained as "an updating of the scheduled draw-down of €16 million from the two Project Ireland regeneration funds which are being profiled for expenditure throughout the course of 2019 and 2020 without delays in project planning, design and delivery." To me, that is gobbledygook. The money is being spent over the course of 2019 and 2020, but €16 million is being taken off. The Minister went on to say €13 million would be taken off in 2019, but he did not provide the details of where. That is the information our constituents want. If the Taoiseach wants to say, as he did in the House yesterday, that we should not scaremonger or give the impression that the knock-on effects of the overruns

will be felt in every item of capital expenditure in our constituencies, the Government must prove it to us. From which rural and community development projects is the €3 million being taken? What regeneration projects are affected? Is the €13 million being taken from the Department of Housing, Planning and Local Government in the same area and what exactly does it contain? Further, there is reprofiling of payments of €4 million under certain programmes of investment in the Department of Communications, Climate Change and Environment. Insofar as the Minister wishes to enlighten us, that is not enough. In the coming days I hope and expect to receive further clarification of exactly what is involved.

There is €3 million from the reprofiling of investment under the flood risk management programme of the Office of Public Works to allow for capacity to be built over the course of the NDP period. What are the bread and butter details of the projects affected? Flood relief and flood management works are ongoing - I am told that they will continue in the future - on the River Shannon in my constituency, but what projects are being lost? What commitments can I maintain when my constituents ask about inclusion of projects or about the knock-on effect?

There is €2 million through changes to the timing of payments related to certain capital works by the Department of Culture, Heritage and the Gaeltacht. Again, a commitment was given by the Government to me and my colleagues in my constituency about an arts centre in Tullamore. It was approved ten years ago, but it has been reprofiled, to use the Minister's word, to cut the cloth to measure. Extra expenditure is needed which we were told was in the offing, but now we are being told that €2 million is being cut from the budget for it. My constituents in Tullamore need a commitment one way or the other in that regard. They have raised between €180,000 and €200,000 for the project. Will they have to raise the same amount again? That is what I need to know and it is what I am expected to know from the details put before the House and its elected representatives.

There are other similar details which we will seek to clarify in the coming days through written applications and confirmations that I would expect to receive from the various Departments or the Minister's Department as the lead Department because ultimately it was his decision based on his consultations with his colleagues in the Cabinet that led to this. Make no mistake, however, this is something that could have been taking place if the information had been brought to us last September. Despite the fact that the Minister did not say something during his consultations with the Department of Health on current expenditure - I accept his word in that regard - I cannot understand how he never asked at any stage how the Department was getting on, whether capital expenditure was on target and within profile or whether he would have to go before the Dáil to rectify the position in the coming year. That question was not asked and in the absence of it being asked we are only now debating the revisions before us. Because of the delay and procrastination I mentioned we do not have the specific details. Therefore, I will insist on receiving and expect to be given minute details in order that we can be straight with our constituents on various projects throughout the country, which is no more than they would expect.

**Deputy Thomas Byrne:** I thank Deputy Cowen for sharing his time with me.

I question the €10 million prepayment related to the Department of Education and Skills which the Minister has said is not part of the Further Revised Estimates. My understanding of the Estimates process is that the Dáil is required to consider the Estimates for each financial year. We have not considered the Estimate from the Department of Education and Skills for the national children's hospital. How is it possible for a Department, without having the Es-



timate considered by the Dáil, to prepay for something that will be a liability at some point in the future? Will the Minister explain that liability? It was not explained to me in the reply to a parliamentary question I tabled on the issue. What is the liability? What is the contract the Department has entered into that requires the payment of €10 million now? What authority has the Department to prepay taxpayers' money for something it has not received? I have never heard of a Department prepaying for services or capital projects. Should we not have a separate Estimate to consider the issue?

More importantly, because one can always get around the technical details in some way, what are the €10 million worth of education projects that are not going ahead because of the prepayment to the Department of Health? That is a key issue. I believe they are in the third level sector. The Minister will say the money is within the third level sector and can be moved to deal with another issue at third level, but this is being moved to pay for something in the future at third level. God only knows when the children's hospital will be built, given the way the Government is behaving. We must know what projects are losing out because of this and whether the Minister has the authority to move the money which was considered by the Dáil for expenditure this year to meet expenditure next year. Therefore, Members of the Dáil and taxpayers are entitled to assume that the €10 million is being used for projects this year.

**Deputy Jonathan O'Brien:** I will not take the full ten minutes allocated to me as most of the nitty-gritty of this issue will be discussed at committees. It is unfortunate that we still have not received the details of projects, if any, such as flood relief schemes that will be delayed. We do not know if any of them will be put back. Some €3 million is coming from the Office of Public Works. When the Minister of State appeared before the finance committee last week, he stated it would come from the funding for flood relief schemes. It is worth noting that when he was questioned about the figure of €3 million and whether he thought there were savings he could make in the Department, he was non-committal. However, he did say the figure of €3 million was just given to him by the Department of Public Expenditure and Reform and that there had been no consultation on whether the amount could be re-profiled for particular projects. I presume it was the same with other Departments, that the Minister drew up a list of moneys which were needed to meet the overspend of €100 million on the national children's hospital project. Will he confirm whether his Department decided on the figures and just presented them to the various Ministers or if there was consultation with them on the figures that were presented to them? Certainly, my understanding having listened to the Minister of State, Deputy Boxer Moran, is that the figure was just presented to him and that he was told to cut his cloth accordingly. Perhaps the Minister might confirm if that was the case in all Departments.

I am inclined to vote against sending the Further Revised Estimates back to the committees, unless we receive a commitment tonight that the details will be made available when we discuss the Further Revised Estimates at the committees. Like every other Deputy, I have tried to get details of the projects that will be affected, but I have been unsuccessful to date. I am sure they are available to the Minister; I presume he knows what projects will be delayed. In the case of the Office of Public Works and flood relief schemes, has the Minister of State, Deputy Boxer Moran, given the Minister a list of the projects that will be delayed? Who knows the details? Unless I receive a commitment from the Minister that the committees will receive these details, I am reluctant to send the Further Revised Estimates back to them. The last thing I want to do is send back the Further Revised Estimates to the committees only for our spokespersons not to receive that information. Obviously, there is a majority on the committees to pass the Further Revised Estimates and send them back to the Dáil for approval. If the Minister can give such a

commitment, I will be satisfied with it. Without it, however, I am inclined not to send back the Further Revised Estimates to the committees.

**Deputy Joan Burton:** I appreciate that one of the most embarrassing things a Minister for Finance has to do is come to the House to present not just Revised Estimates but revisions to them. I am sure the Minister, Deputy Donohoe, feels it is not his fault. After all, he gave the Minister for Health €600 million from the back of the sofa for current spending.

The country is now seriously questioning the competence of this Administration. The Government has spent a great deal of time engaging in spin, rather than in managing and problem solving. To some extent, it has come back to bite it and only time will tell for how long it will persist. There are serious problems with current and capital spending in the Department of Health. As others said, the health budget is an omnishambles which is making a shambles of the Government's overall budget. The Government inherited a situation where the previous Government had done much of the heavy lifting and made many of the difficult decisions. The Government was sailing. It is deeply regrettable that this has happened and that ordinary people throughout the country will face the consequences.

The Taoiseach claims that the additional €100 million in expenditure allocated to health in 2019 will not lead to any projects being cut or delayed. This is possible if the Government increases the allocation to capital spending from €7.3 billion to €7.4 billion, but the opening part of the Minister's speech does not indicate this. This is not what is proposed. The Taoiseach is using smoke and mirrors to claim that as the Government is spending €7.3 billion this year, which is €20 million per day, €100 million is only five days' worth of spending and the figures can therefore be massaged in such a way that we do not need to look too closely at where the €100 million will come from. However, we do need to look closely at where the Government is spending money and we need clarity as to where it will cut money that it had promised to spend on other projects.

We see in the Further Revised Estimates some indication as to where the extra €100 million for the children's hospital will come from. Health is being allocated a net additional €65 million. This means that the Department will have to cut €35 million from other investments to make up the extra €100 million that must be spent on the children's hospital this year. I think the Minister can confirm that we are right about this. Where will this €35 million come from? The briefing note we have received does not make this clear, and the Government must provide this information before we can endorse these Further Revised Estimates. I know that it is €1.5 million in respect of the Department of Finance capital Vote and minus €1.5 million on the Department of Public Expenditure and Reform Vote, plus the €3 million referred to in respect of the Office of Public Works and flood risk management. Where will the Government cut €65 million in allocations across other Departments? The Government claims it will re-schedule the A5 motorway to save €27 million. Let us call a spade a spade: the A5 motorway is being delayed. The national forensic science laboratory will also be delayed, saving €10 million. Money to be spent on Project Ireland 2040 regeneration funds will be drawn down in 2020 rather than 2019, saving €16 million in 2019, as referred to by the Minister. To be clear, though, this will add €16 million to the capital budget in 2020. While there might be no delay to delivery in 2019 by simply postponing the payment, this does not conjure money out of thin air. Any delayed payments from 2019 will displace other capital spending in 2020, so when that €16 million is spent in 2020, some other project will be delayed or cut by €16 million to make up for that. This is why we need these Further Revised Estimates - in order that we can call a spade a spade and be clear as to what is being delayed and what is being cut in order to cover

the cost overruns on the children's hospital and the shambles the project has become.

I will acknowledge that on page 6 of the Minister's script, he pretty much makes an apology. It is not couched as an apology because his Government does not do apologies or acknowledgements. The spin is that "New procedures are being developed in the context of the ongoing review" and so on. The Minister wants to draw our attention in his nice little speech to the revisions in the public spending code and procurement practices. This is the Department of Finance's polite way of saying, "Lads, we got it wrong, and this is what we are changing." What is the Department changing then? The Government will not pre-commit to major bespoke projects "until there is clarity on final cost", after tenders have been received and evaluated. This is not what the Government did the first time. The script continues: "Two stage procurement with parallel working will be avoided in most cases - preliminary works will not commence until there is full approval of the project." The Minister, with two or three Ministers working alongside him, is saying his Department, over which he has responsibility and oversight, is not doing the blatantly obvious. The script continues: "The budgets for large bespoke projects will include a significant premium for risks so that these indicative costings more adequately reflect the holistic total for the entire project over its lifecycle." I have heard about adding and subtracting but I have not heard about "holistic totals" before. Is this some kind of new karma that Fine Gael has found, that instead of simple adding and subtracting, which gives people the right figures, we are into "holistic totalling"? It also states "Consideration is also being given to carrying out external expert review to rigorously test cost estimates and linking Advisory firm payments to performance." Whatever civil servant came up with this page-long quasi-apology for making a total mess of things, the Department of Finance needs some kind of group discussion, group hug or whatever it is the Department is doing these days and it needs to try to get its act together.

I think the public has caught up with the Government. Right around the country, wherever I go, people are talking about the disaster of the children's hospital. The Government is now viewed as not being competent in spending money. The Minister of State sitting beside the Minister gets on the radio every couple of days to explain why he cannot really do much about insurance costs. He just wings his way through various interviews telling us that whatever he thinks he is doing is working, while the rest of the country knows it is not.

When the Minister comes before the committee - tomorrow, I think - will he actually deal with the figures honestly? We know the children's hospital is a shambles and we know he has made plans to continue it as is. On page 6 of his script, he has offered this four-point change of policy, which is just finance gobbledygook. It is meant not to be understood by ordinary people. What ordinary people do understand, however, is that they and their children cannot buy houses, cannot afford rents if they are in the rental market and are often in precarious work on very low pay. In the meantime, the Government is throwing around significant sums on a mismanaged project on an historic scale. It does not even have the grace to apologise to people who faithfully pay their taxes and to businesses that pay their taxes and make their contributions. They do not pay these taxes or contributions in order that the Government can mess up and then produce a litany of gobbledygook here that is unworthy of both the Department of Finance and those who have the honour to serve as its Ministers.

**Deputy Richard Boyd Barrett:** I asked at the Business Committee, of which I am a member, for this debate on the Revised Estimates, which were going to be just pushed straight to the individual committees. This was according to the Government's proposed schedule of business. I objected to this for the same reasons that the Government very much needs to be held to

account for what has happened with the children's hospital. I was not willing to let these Estimates go through on the nod down to the committees, but that is what the Government wanted. It could be argued that the individual line items would be dealt with in the committees but so doing is only one aspect of this process. It was wrong for the Government to propose that Members not debate how it would handle the overspend in the context of the whole picture for this year. The Government should not have proposed this, and I wonder why it did. It wanted discussion to go down to the line items because it would potentially be embarrassing for the Government to talk about how it would manage the overspend in the context of this year's budget. That is part of the problem that has led us to the mess of the bigger issue of the hospital. There is too much public relations management and not enough scrutiny of detail, of the management of public money or of its importance. We all have a responsibility to scrutinise these matters.

Now that we are discussing expenditure, there are a few issues we need to consider. It is not credible for the Government to appear in the Chamber week in, week out, while we appeal for often much smaller sums for this or that project. I sought €400,000 for a service, provided by the Cottage Home, for children suffering from emotional difficulties in Shankill to keep three people employed to serve 50 families. The Minister for Children and Youth Affairs, however, stated the Government just could not find €400,000. While she agreed that the service should not be cut, she stated she could not find the money. I asked whether there could be a Revised Estimate to find the €400,000 for a service that she knew should not be cut but she replied that she could not do that. Lo and behold, the Government can come up with a Revised Estimate for €65 million for next year and, apparently, it will affect nothing at all. We cannot find €400,000 but we can find €65 million and it will affect nothing.

Could the Minister for Finance honestly blame us for being a bit sceptical about that, given what has happened with the hospital? Could he blame us for finding it somewhat incredible? We then hear speeches and explanations from the Government in the past number of days and weeks using words such as "rescheduling" and "reprofiling". That is spin. The money must come from somewhere. If it does not, the Government must have a load of money hidden down the couch which it can pull out at any stage, or is it a matter of accounting tricks? The Government should tell us the truth. Is it playing around with accounting without consequences? What the Government is saying is not credible.

As for the bigger picture, before the committees get down to the line items, what will be the knock-on consequences for the next number of years? That is not being factored into what the Government tells us about the consequences of the overspend. For this year, it says the overspend will be €100 million, although we have not heard the details of what that will mean for the health sector and we have heard only general explanations of what it will mean for a whole number of Departments. Perhaps the details will become clearer at committees, but what will it mean for multi-annual commitments that will be necessary to deliver on a whole series of capital infrastructure projects that, by their nature, are multi-annual and long term? We do not know but there is not a shadow of a doubt that it will have consequences. Projects that would have received money either will not receive it or will be significantly delayed. If the Government manages the immediate crisis, however, perhaps it can deal with the problem further down the line. That is political management rather than just telling the truth about the consequences of this disastrous overspend. That is the problem.

One can trace the scandal all the way back to the public relations imperative to announce the project and have ribbons cut, which is doubtless what was happening. As a result, the Government does not keep its eyes on the detail. Fine Gael always speaks about financial prudence,

fiscal management, responsible management of the public finances and so on, but the public relations imperative overrode the need for basic scrutiny.

Incidentally, I think the Minister is hardworking and I accept that much of the problem predates him. Circumstances have improved, not just because of Fine Gael but also because of pressure from the Opposition. We recently discussed billions of euros in tax expenditure. While it was largely due to pressure from the Opposition, I accept the Government has started to consider it. Every year, billions of euros are spent that nobody examines. Nobody has examined these decisions and they are taken on the nod. In the case of the hospital, the public relations political imperative overrode good governance.

Many questions remain unanswered. What happened to the €35 million that was invested in the design brief before the project was moved to the St. James's Hospital site? I was speaking to an architect who said the basic problem was that the brief was not tight enough. He could not understand how the €35 million that was invested in the brief, which outlines the main components of the project, just disappeared. Some €35 million of the €39 million that was invested in the brief was written off - poof, it was gone. We then heard the figure of €450 million and the contract was signed with BAM. Is it not just bad governance, a lack of scrutiny and a lack of focus on detail that allowed BAM to be awarded the contract? I would like to know which Ministers are responsible for overlooking these matters because there will be consequences for other capital projects. It is the business of Ministers if in the largest infrastructural project in the recent history of the State, or even in its entire history, there is a difference of €175 million between the lowest bidder and the next bidder, particularly when that lowest bidder has a history of significant overruns in this country, the Netherlands and Britain. I cannot believe that nobody knew about it, that nobody was concerned or that nobody examined all the line items and asked serious questions about how the gap could exist.

The Minister referred to the two-stage process. Deputy Brid Smith tabled a parliamentary question asking why it was chosen and so on. In reply, we received a load of gobbledygook about competition and that the Government believed it would improve the tendering process by making it more competitive. Did the ideological mantra of competition, to which Fine Gael is committed, turn out to be more competitive? No, it turned out to be a disaster. It was nonsense, fake competition by bidders which had a history of underbidding. In the Minister's speech, he indicated that the Government would be more cautious about the two-stage process, that there would be external expert reviews, that there would be a premium for risks and so on. We need to have a serious discussion about what all that means and about what it will mean in practice to avoid these issues.

What about profit? The Minister might give a little information about the profits being made by BAM and the other contractors. I note that Mr. Tom Costello, who resigned-----

**Acting Chairman (Deputy Eugene Murphy):** I ask the Deputy not to mention companies or individuals who are not present.

**Deputy Richard Boyd Barrett:** My point was only that he resigned. He was the guy in charge of the project board and he resigned. It is in the public domain and has been printed in the newspapers.

**Acting Chairman (Deputy Eugene Murphy):** The person to whom the Deputy referred is not present.



**Deputy Richard Boyd Barrett:** His name has been printed in all the newspapers and everyone has read it but I cannot use his name. The guy who resigned was previously working for Sisk in Poland, where there was a massive overrun of €200 million on a road project. He had to leave Sisk as a result but he then got the job for the national children's hospital. The Polish Government, however, had told the contractor which overran to get lost and carry the cost. Could we do that? I would like to know about that and why we cannot. Why can we not tell these contractors, whoever they are, to carry the can for some of this mess through profits that they might make?

**Deputy Thomas P. Broughan:** The budget we approved last October included €7.3 billion of capital expenditure, as the Minister noted. The allocation for capital spending since then has shown a welcome return to investment in public infrastructure. For nearly a decade since 2008, the Fianna Fáil and Fine Gael Governments kept capital spending below the 2% depreciation rate, which was an utterly disgraceful policy.

The health capital envelope this year is €667 million out of a budget of €17 billion. The resumption of urgently needed spending on national infrastructure makes it even more critical that spending be closely invigilated and accounted for. The escalation in costs at the national children's hospital is shocking and evidence of a systemic failure by the Ministers for Health and Public Expenditure and Reform. In 2013 the then Minister for Public Expenditure and Reform, Deputy Howlin, sold the National Lottery licence for €405 million which we thought would be the cost of the national children's hospital. During the Taoiseach's time as Minister for Health, the cost shot up to €890 million. By the autumn of 2017, construction and additional costs had escalated to €1.26 billion. If we are to believe the Minister for Health, by 28 August, the cost had ballooned to more than €1.7 billion.

A few weeks ago the Minister for Finance, Deputy Donohoe, informed me about the role of his Department, the Department of Public Expenditure and Reform under the public spending code, the capital works management framework, the chief procurement officer and the Government contracts committee in closely invigilating capital projects. The Minister refused, however, to answer my questions about how and why the National Paediatric Hospital Development Board had sought and obtained a derogation from national procurement rules to permit a two-stage procurement process for the hospital project. He just would not deal with them. That disastrous decision was made in May 2014 and I understand it was reiterated in January 2016 because there was a January 2017 time limit. Given the projected size of the earlier estimates for the hospital project, was that decision approved by the then Cabinet, the Minister, Deputy Donohoe, and the four person steering committee of the Tánaiste, the Taoiseach and other Ministers in the 2011 to 2016 Government? That is what we would like to know.

The astonishing decision made by the Minister for Health not to inform his Cabinet colleagues clearly would be a resigning matter in most democracies, despite the vote earlier today. The Minister, Deputy Donohoe, could not explain why his management board with its quarterly agenda item of high level risks had not picked up on the cost explosion for the national children's hospital. I looked at the minutes of meetings of his management committee and it is unbelievable that he would not have known what was happening in August and September 2018. We have been following politics at Westminster closely in the past couple of years and there is no question that, if this was the Westminster Parliament, both Ministers, Deputies Harris and Donohoe, would have had to go. Unfortunately for them, they would have had to resign.

Constituents suspect that the Taoiseach and his colleagues intended to call a general elec-

tion last November. The call was with the Taoiseach before Christmas and it was clearly the intention that the fact that spending was out of control on the children's hospital project would not be revealed until after the general election. My constituents in Dublin Bay North are deeply concerned about further delays and the failure to progress major capital projects in the constituency. A few weeks ago Dublin City Council approved the long hoped for 20-bed cystic fibrosis unit at Beaumont Hospital, but now there are fears that there will be further delays. When we were both in opposition, the Minister of State, Deputy Finian McGrath, and I met the management and staff of Beaumont Hospital to discuss the urgently needed new modern emergency department at the hospital. After three years of sitting in the high chair at the Cabinet table, the Minister of State, Deputy Finian McGrath, has been unable to get the project beyond design stage. Designers were to be appointed. There are other long promised primary care centre projects in the north fringe, in Belmayne, Clongriffin and Raheny, which are not happening. We heard the itemisation of current expenditure and about what had happened. The Parliamentary Budget Office has been very critical of health spending and accountability for it. The Further Revised Estimates represent a disgraceful failure by the Minister, Deputy Donohoe's Department. Unfortunately, both Ministers should go.

**Deputy Thomas Pringle:** Fine Gael is very creative when it comes to finding money and especially justifying the removal of €100 million from other capital projects by using words such as "rescheduling", "re-profiling" and "adjustments". Let us call them what they are: cuts. If one reschedules funds for a project, essentially one is delaying the provision of funding for that project for at least another year. That is a cut. Not only is it a financial loss, it is also a loss of time dedicated to the project. The people who were to benefit are directly affected by the delay and, economically, when a project is delayed, the economic development of the region is also affected negatively. I would not even call them cuts but daylight robbery. My constituency of Donegal will be affected disproportionately by the removal of €100 million from capital project funding. It was targeted disproportionately during years of austerity and is still reaping the consequences. The trend of targeting the county continues today. The so-called rescheduling of €27 million from the A5 motorway project in Northern Ireland is a dramatic blow. With many others, I have been campaigning for the project for a number of years. The upgrade was badly needed years ago and we cannot afford to have it rescheduled, as the Minister calls it. Will he tell us what the new schedule will be and if a guarantee will be put in place to ensure no further rescheduling will take place, although we cannot know what those guarantees would be worth?

My other concern is the mysterious cuts or rescheduling of €24 million to be spent on other health facilities in County Donegal. The Minister for Finance, Deputy Donohoe, has not yet specified which health projects will be affected by the need to reschedule the spending of this money. Some have raised concerns that Sheil Hospital in Ballyshannon might be affected, but we do not know for certain. I pay tribute to the board in Limerick for coming out and indicating what was happening, whereas, unfortunately, the HSE in County Donegal was playing the game and covering up the cuts for the Government. I am concerned about other long sought after projects such as those at St. Joseph's community hospital in Stranorlar and the community hospital in Ramelton. People cannot deal with the uncertainty which the cuts have fuelled further. The list goes on.

County Donegal will also be affected by the proposed re-profiling or cutting of €3 million from investment under the flood risk management programme in the Office of Public Works. Constituents are worried that funding will be removed from the flood relief scheme plan for Buncrana which is sorely needed. If it is flooded this year, will we tell them that it was not

cut but that the funding was just re-profiled? The Minister has not been able to tell us how the re-profiling of payments of €4 million under certain programmes of investment in the areas of communications, climate action and environment will affect the meeting of Ireland's climate action obligations, both internationally and domestically, and its overall transition to a low carbon economy.

It is always baffling how easily the Government can find €100 million in Departments when it wants to do so, but when it is asked to fund mental health services, the recruitment of nurses or increases in homeless services, suddenly there is no money available. The saddest thing of all is that Fine Gael is taking the money from other projects to cover its inability to manage large-scale projects. That shows an incredible level of incompetence.

**Deputy Catherine Connolly:** Language takes on a new meaning in the Minister's and the Minister of State's speeches on the Further Revised Estimates. It may be more accurate to say their language takes on no meaning. That is the worst message being sent to the people. They can put up with mistakes as long as we learn from them. They can put up with waiting if things are done in a just and fair way. The Minister for Finance has said there are no cuts. He used words such as "rescheduling", "revising" and "re-profiling" and told us that they did not mean cuts. If they do not, it begs the question why he did not come in before now, not with reference to the national children's hospital but to address the issue of there being so much scope for re-profiling, rescheduling and revising. Why did he not come here to use that money? My colleague Deputy Boyd Barrett mentioned money. A lot less money, €70,000, is needed for the Galway Autism Partnership which will go under if it does not receive it. I do not have time to go into the details, but it begs that question. The Minister talked about putting procedures in place. We were told at the Committee of Public Accounts that all procedures were in place. We were told that as we could not rely on the public service, something with which I do not agree, private people were brought in because of their expertise. It beggars belief the Minister is coming forward and telling us that this will not happen again.

In 2015, before my time, the board appeared before the Committee of Public Accounts and stated there had been "learnings", the lovely word we keep using here. Nobody knows what it means. I never liked the word and it never meant anything to me. In 2015 the board stated there had been learnings from the previous debacle. What really hit me at the Committee of Public Accounts was what had been paid on spin. If the Minister answers nothing else tonight, how can he stand over the payment of €800,000 to a spin company, a public relations company, over three years? Not only that, he decided to renew the contract for a further two years. That brings the figure to approximately €1.4 million. The Minister has come into the House tonight with this disgraceful speech and Further Revised Estimates that do not deserve the name because that is not what is happening. The Minister is continuing to fool and mislead the people, but they will not be misled. The strongest message at doors during the last election was that Members should speak honestly to people, say it as it is, provide services in return for tax payments and stop the ridiculous games with spin companies to mislead people.

**Deputy Mattie McGrath:** I am glad to speak to the motion on the Further Revised Estimates for public services 2019. Quite simply, some of the revised figures are astonishing. I note, in particular, the health Estimates. In 2015 the health budget was €13.2 billion; in 2016 it was €14 billion; in 2017, €14.8 billion; and in 2018, €16,051 billion, while this year it is €16.953 billion. On that basis and with that level of expenditure, a person would think we would see some value for money and accountability. Earlier we debated a motion of confidence in the Minister for Health who arrogantly tweeted today, thinking he was John Wayne or some-

one else riding into the High Chapparral. He is just punch drunk. He has no experience and is not accountable to anyone, but he will be accountable to the people of County Wicklow, where, please God, he will get his just reward. He is responsible for almost €17 billion in expenditure, for which there is zero accountability.

I thank all of the front-line workers, nurses, doctors, paramedics and cleaners, who go into work every day to try to do an excellent job and a fair day's work for a fair day's pay. They are mistreated and disrespected by the Minister for Health and the Minister for Finance. They were forced onto the picket line in all weather conditions. The disrespect shown to them by the Minister for Finance was appalling. The arrogance is gobsmacking. It is just unbelievable, but there will be a day of reckoning and it might not be that far away. When the Brexit baby falls from the cradle and shatters like a little vase, the Government will have no place to hide. I am not diminishing the importance of Brexit or how serious it is, but the Government and Fianna Fáil are hiding behind the Brexit baby. When it grows up, they will have nothing to hold in terms of the confidence and supply agreement. As I said last week, it is all supply and no confidence, as we saw again tonight. Six minutes before the vote was called the Minister of State, Deputy Jim Daly, was goading the Opposition.

**Deputy Thomas Byrne:** He did. It was a disgrace.

**Deputy Mattie McGrath:** He was goading the Opposition, on which the Government is depending on for the confidence and supply agreement. Does he have any respect for Teachtaí Dála who are duly elected? To be fair to him, he is not normally like that. I knew his predecessor, an Teachta Sheehan, who was a grand old man. Deputy Jim Daly is reasonable and I believe he is making efforts to deal with the appalling mess in mental health services and under the so-called A Vision for Change, but he was goading the Members who were going to vote with him six minutes later. I never stood in a polling station, when we were allowed to stand near them, to canvass and goad someone who might have been going in to vote for me. Such arrogance is breathtaking. I do not know who wrote the script for the Minister of State, as he is not normally like that. It was the spin doctors and the Government has so many it cannot account for them.

With that level of expenditure a person would think there would be some realistic accountability. Instead, we have one of the most dysfunctional health services in western Europe. The situation is no better when we look at the Further Revised Estimates for housing. Some €3.95 billion has been spent, yet there are still record levels of child and family homelessness and everything else.

Last week I said the Minister for Health could not run a sweet shop. The Government could not run the reception desk in any run-down hotel. It is fruitless, toothless and useless, which I hate saying to the Minister and the Minister of State. I have nothing personal against them, but they are so inexperienced and inept in dealing with and tackling the problems in the country that it is not funny. The Minister of State, Deputy D'Arcy, should know something because he comes from County Wexford in rural Ireland. I would not expect the city slickers to know anything because all they think about is Dublin and to hell with anybody outside the Pale. I would expect no better from them. I dealt with the Minister for Finance at the talks on the programme for Government when I saw his breathtaking arrogance.

**Acting Chairman (Deputy Eugene Murphy):** Please, Deputy.

**Deputy Mattie McGrath:** No, bhí me ann.

**Acting Chairman (Deputy Eugene Murphy):** The Deputy should not get personal.

**Deputy Mattie McGrath:** I am not being personal.

**Acting Chairman (Deputy Eugene Murphy):** The Deputy is.

**Deputy Mattie McGrath:** I am just saying that after 25 or 30 days when he came in with a programme for Government, he slapped it down in front of us and said, “Read that. You have three hours to come up with a decision. Back us or else.” Unfortunately, some people did back them, but it will prove to be expensive because it is not possible to write a blank cheque for anyone. However, that is what happened.

People want houses, but the Government will not allow the people who want to build for themselves to do so because of its 2040 plan. They cannot build houses in the countryside. There are at least ten couples in my small area in south Tipperary who could build their own house and received planning permission with great difficulty, but they cannot receive a mortgage. The Government will not let people who want to do it for themselves to do so and if they cannot help themselves, the Government will not help them. It could not be written in a fiction film. It cannot be done for the want of trying. Is this supposed to represent value for money for the taxpayer?

I have mentioned health and housing, but let us look at another Vote, that for the Irish Human Rights and Equality Commission, IHREC. Out of a total budget of €6.662 million, €5.6 million went on salaries - pay the lads and promote them also - wages and expenses, while another €500,000 was spent on office expenses, probably on tea and coffee. A total of €300,000 was spent to pay consultants. I ask, in the name of God, how can the Minister sit there and allow this charade to continue? There are consultants for everything and enough advisers. The Government might as well get them to make the tea and coffee because they would be more useful doing that, rather than giving advice because they give the Government the advice it wants them to give. It is the same in the case of the national children’s hospital. The Government should bring in forensic construction contract consultants – I hate using that term – from Switzerland or somewhere where they have real teeth, who would be fair and not connected or contaminated, unlike most of them here, to give us some results. Instead, it pays a certain company, the name of which starts with a “P” and ends with a “C”, €450 million, a figure which will grow because the Taoiseach told us that he has expanded the terms of reference. Therefore, we can be sure it will be €600 million. They are to tell it what it wants to know, what it thinks it can pour down our throats.

Ministers may think the people are fools, but they are not. Thankfully, we have an educated electorate which is waiting for the Ministers. It is waiting for them in the long grass, with a peann luí, a pencil, in polling booths. This is a democracy and the people have a right to put the Ministers out of their cosy bunkers, from which they will be run out quicker than snow off a ditch. Last year the snow came quite late in March and was gone in two days. The Ministers will be gone in a couple of hours. They will melt and wilt away, as they deserve to. I warned them about this in 2011 when Big Phil the Enforcer, the gang and the cabal were here terrorising people. They told us all in rural Ireland that we had dirty septic tanks that were polluting the water supply. He got his answer and fled to the European Union. The Ministers had no place to run or hide. It is worse now because they were given a fair warning and should be a



little contrite, but they did not listen, na cluaisaí dúnta. My God, they will be made to listen and will not be back here. They will come back in a minibus which will not be a big one; it will be a 20-seater at most and they deserve no better. Is the IHREC not supposed to be the Government's consultant on human rights? The Ministers do not respect rights, whether human or otherwise. That has many connotations and the disrespect shown is so intimidating. What on earth is going on? When it comes to spending public money, there seems to be no end to it for consultants and it started several Governments before this one. We pay Ministers enough to do what they are supposed to do. They are either able to do it or they are not. If not, they should not hire consultants and spend money like confetti. Last week I called on the Department of Public Expenditure and Reform to review its instructions to personnel officers in respect of ministerial appointments and cut out the consultants. It followed information provided for me in the replies to several parliamentary questions which showed that at least €6.5 million had been paid for the retention of special advisers and press officers in all Departments since 2017. Are Ministers not able to spell, read or listen? Are they not able to work? What jobs did members of the Government have before they came in here? They were elected on promises. Surely to God they know something. They have advisers, press secretaries, spin doctors and the whole shebang. They will need more than that when they go to meet the public. They will need skin massagers because the public will unleash vengeance on them for their reckless spending, their disgraceful arrogance, and their inept control. I did not even mention the children's hospital because everyone knows about that. It is a big black hole. It is barely out of the ground and the Government is continuing in the same vein. The Government should listen to the people. It is the wrong decision, the wrong place and the wrong site. The Minister should listen to the sick children because he may have grandchildren himself and they may fall sick. No sick child from any part of rural Ireland will ever go into that black hole.

**Acting Chairman (Deputy Eugene Murphy):** I was only pointing out, as is put down before me, that debate should be relevant to the terms of the motion.

**Deputy Mattie McGrath:** Was it not?

**Acting Chairman (Deputy Eugene Murphy):** Some of it was not.

**Deputy Mattie McGrath:** I believe it was all very relevant.

**Acting Chairman (Deputy Eugene Murphy):** The Deputy has used his ten minutes. That is fine.

**Deputy Mattie McGrath:** I believe it is very relevant.

**Acting Chairman (Deputy Eugene Murphy):** We did not interrupt the Deputy. I call on the Minister.

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** I thank all the Deputies for their contributions this evening. I will provide some figures that did not get mentioned. I will make reference to some of the Government Departments that have been touched on. The capital allocation for the Department of Education and Skills for this year will be €941 million. Last year it was €745 million. The allocation for the Department of Rural and Community Affairs for this year is €138 million. Last year it was €87 million. The capital budget for the Department of Housing, Planning and Local Government is increasing from €1.75 billion last year to €2.1 billion this year. Finally, the capital budget for the Department of Culture, Heritage and the Gaeltacht is increasing by more than a third. As I emphasised in my speech,

we are seeing a very large amount of overall additional capital expenditure for this year, an increase of €1.4 billion. This represents an increase of more than a fifth on last year. The changes being made in these Revised Estimates have to be seen in the context of that increased spend. The amount of money involved in the changes is a really small percentage of that increase and an even smaller percentage of the total amount of money that will be spent on capital projects this year.

I was asked why I would ask the House to support the passage of these Revised Estimates to committees. Deputies Thomas Byrne and Cowen asked me the details of projects that might be changed. To answer both Deputies, and other Deputies, the reason I believe we will still be able to honour our commitments in respect of key projects is that as we move through every year we experience underspends in our capital programme. That is even more likely to happen this year because our capital programme has grown by so much. Normally the money arising from those underspends is used across the summer period to respond to other issues or priorities. I am doing that now. If I told the House that I was going to increase the value of the Estimates, the charge made by Deputies Boyd Barrett and Pringle that I am able to find money out of nowhere could have real effect. In effect, I would be saying that, at this point in the year, a further €100 million is available that was not available to me when I put the budget together. If I did that the charge put to me regarding pulling money out of nowhere would have real potency, but that is not what I am doing. The total amount of capital spend for this year will be unchanged but we will reallocate that spend far earlier in the year than we normally do.

The reason I am asking the House to bring these Estimates to committee is that the level of detailed questioning some Deputies will have on the matter can best be handled there. The amount of money many different Government Departments are contributing to deal with this difficulty represents a really small portion of their overall capital expenditure. My experience suggests that it is only as we move through the year, and particularly as we move into the summer as that is when our capital expenditure significantly increases, that the reprofiling, towards which some colleagues are derisory although they would be equally venomous if I was to use the language of cuts, and some of the changes that could happen in respect of when payments are made will become clear.

Deputy Boyd Barrett is right. As I have said to all Deputies, I am glad that this debate has happened because it has allowed me to point to the fact that the overall levels of expenditure in these Revised Estimates are far higher than we have had in previous years and that they respond to the needs for investment that Deputy Boyd Barrett and other Deputies continually champion. If we did not manage capital money within the figures about which I talked on budget day, the Deputies would now be laying the charge at Government that we are able to pull money out of nowhere in order to respond to issues such as that of the national children's hospital, where I have acknowledged things went wrong. We are not able to pull money out of nowhere and, because we are not, we have to make choices. This is why we have brought Revised Estimates before the House. Deputy Burton was right when she put her question to me. I wish I did not have to do this. If I did not do it however, I would face the charge from Deputies who understand this process, as I know all of the Deputies present do-----

**Deputy Joan Burton:** It would also be a breach of the Constitution.

**Deputy Paschal Donohoe:** -----that there is not integrity in the figures I have put before the House this evening. That is not a situation in which I want to put myself or the House and it is why I ask that the House support the referral of these Revised Estimates to the relevant

committees.

Question put and agreed to.

### **Data Sharing and Governance Bill 2018: From the Seanad**

The Dáil went into Committee to consider amendments from the Seanad.

Seanad amendment No. 1:

Section 7: In page 10, to delete lines 25 to 27.

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

**Minister of State at the Department of Public Expenditure and Reform (Deputy Patrick O'Donovan):** I thank the House for making time available for the Data Sharing and Governance Bill 2018 and to consider the amendments made by the Seanad Éireann. As I have told the House already, the legislation is key to delivering on our public service reform commitments to expand the digital delivery of services and to make greater use of data to plan, deliver and evaluate public services. The Bill also provides for stronger governance and transparency by the public service in the way it shares and manages data. I look forward to the support of the House in passing the Bill.

I propose to take amendments Nos. 1 to 3, inclusive, together. Amendment No. 1 proposes to delete section 7(6) of the Bill. Amendment No. 2 seeks to amend the text of section 13(2)(a)(ii)(I) and amendment No. 3 will have the effect of removing section 37(5) of the Bill. The amendments all concern the use of the public services card and the public service identity.

These amendments reverse previous amendments made by this House during Committee and Report Stages. The House inserted provisions into the Bill that require that presentation of a public services card or access to a person's public service identity may not be the exclusive basis by which the public body may verify a person's identity and that public bodies shall provide alternative means for identity verification. I opposed these amendments at the time for the following reasons. The public service identity is essential to the provision of services to the public and comprises the following: PPS number; surname; forename; date of birth; place of birth; sex; all former surnames, if any; all former surnames, if any, of the person's mother; address; nationality; date of death, if applicable; certificate of death, where relevant; a photograph of the person, where required, unless deceased; the person's signature, unless deceased; any other information that may be required for identification purposes that is uniquely linked to or is capable of identifying the person; and any other information that may be prescribed, which in the opinion of the Minister for Employment Affairs and Social Protection is relevant to and necessary for the allocation of a PPS number.

The Attorney General has advised that if any of this information is collected by a public body, it is considered to be public service identity data. This applies whether the data is collected by a public body directly from the person or through data sharing. Accordingly, the consequence of retaining these provisions is that Government would have to provide services

to citizens who choose not to provide basic information like their name, address or date of birth. The question before the House is how this could possibly be done. There is no way to provide services to people who refuse to provide this level of information. This would place an impossible obligation on public bodies to provide an alternative method of identity verification which does not involve the public services card or the public service identity. The problem is that there is no possible alternative way to identify people without using a public service identity because, by definition, this alternative identity data becomes public service identity data also.

People would be able to use the legal loophole created by these provisions, for instance if they were to refuse to co-operate with essential but unpopular public services like the recouping of overpayments or jury duty. The Seanad, on consideration, has accepted these arguments and has accordingly amended the Bill to remove these provisions. I ask the House to support these amendments from the Seanad.

**Deputy Mick Wallace:** Amendments Nos. 1 to 3, inclusive, seek to overturn amendments which were submitted by Deputy Clare Daly and myself and successfully passed on Committee and Report Stage in the Dáil with the support of Sinn Féin, Fianna Fáil and others. The Bill went back to the Seanad the week before last and Fianna Fáil Senators very strangely voted to overturn our amendments, despite their party's full support for them on both Stages in the Dáil. Perhaps the Minister of State intimidated them or something. I am not too sure what happened over there.

**Deputy Paschal Donohoe:** I would not do that now, Mick, would I?

**Deputy Mick Wallace:** We really hope that Fianna Fáil Deputies will not do a U-turn on this and that they do not hide behind this wonderful contraption called confidence and supply. The public services card project is a ticking time bomb for the Government as far as we are concerned. If by chance Fianna Fáil Deputies were to do a U-turn on it, it might not look great on their record when the trouble hits the fan at a later stage.

The State is storing up problems for itself by pursuing a data sharing programme that fundamentally contravenes EU law. In the Seanad debate on 6 February, the Minister of State said our amendments would mean that the entire public service would grind to a halt. I think he was being a little bit over-dramatic. He said that the advice of the Attorney General in respect of our amendments is that any of these data that are collected are public service identity data. If the Attorney General actually said that, we will have to disagree with him.

The public service identity is a very particular dataset. It has a specific definition under section 262 of the Social Welfare Consolidation Act, which states: “‘public service identity’, in relation to a person, means the information specified in subsection (3) and the person's personal public service number”. It is not the case that one's name, date of birth, address, nationality or other data parts that make up the public service identity dataset exist only as part of that public service identity dataset, which is the logical extension of the Attorney General's argument. He is saying, at least according to the Minister of State, that data elements that make up the public service identity dataset do not, indeed cannot, exist independently of that dataset. That is a bit scary. The State does not have a monopoly on these pieces of data. The Attorney General's definition of the public service identity here is bordering on authoritarian.

Our amendment provides that a specified body, such as the Department of Employment Affairs and Social Protection or the Passport Office, must provide an alternative to the public

services card as a way for a person to verify their identity. These amendments also go further, precisely because the public services card itself is not the problem. It is merely the manifestation in plastic card form of the large-scale data sharing to which, at present, one simply has no choice but to agree in order to access basic public services. We added the clause in respect of providing an alternative to accessing one's public service identity dataset to strengthen the protection for those who do not want to agree to *ad hoc* sharing of their data and do not want to be coerced into doing so. Our amendments provide that a person has an alternative means to verify his or her identity with a particular specified body, other than that body accessing his or her public service identity dataset via the single customer view.

If the only ways to verify a person's identity to access services are via the presentation of a public services card, or by accessing that person's public service identity via the single customer view, then public services and welfare payments will be denied to those who do not agree to the sharing of their data. Our fundamental point is that withholding such services in order to coerce consent to such data sharing is not permitted under the GDPR or under pre-existing EU law. I appreciate that this is administratively difficult for the Government and relevant specified bodies. I appreciate the obvious need to verify people's identities. I appreciate the need for cost-saving measures and the need to increase efficiency. Of course all that is a good thing, but that does not solve the legal conundrum I have outlined repeatedly during debates on the Bill. The public services card may well turn out to be the most expensive administrative error in the history of the State when GDPR fines and compensation are factored in on top of the €60 million we have already spent on the card. It is a ticking time bomb.

Even if only one person in the entire country wants to avail of an alternative to this sharing of his or her data, legally we have to provide that one person with an alternative. I fail to see how something like a combination of a birth certificate, utility bills or a passport could not be used to verify identity for those who do not want to consent to the kind of data sharing we are talking about. One can get a driver's licence without a public services card. After wasting more than €2 million on the project to make the card mandatory, the Department of Transport, Tourism and Sport realised it had no legal basis to coerce consent to data sharing and abandoned the project. The Government and the Minister of State's Department in particular are engineering a situation where access to a person's public service identity dataset is the exclusive way to verify one's identity but there are clearly other options that do not require consent to *ad hoc* data sharing. Various public bodies are already using those alternatives and have been using them for decades.

**Deputy Clare Daly:** February seems a little bit early for flip-flops but we have another one tonight from our good friends in Fianna Fáil. I am absolutely sickened but not surprised. This follows what bordered on abuse that was meted out to Deputy Jack Chambers the last time around. Having fully engaged in all of the discussions around this issue, he listened to the arguments and convinced his party to vote with us. In the aftermath he was effectively surrounded by a mob. The position held for the night, but in the intervening period the powers that be have been at work and Fianna Fáil has done yet another flip flop. This is not the first time it has pulled this type of stunt and it is not the first time it will be embarrassed by it either. In June 2017 we received its support at the Select Committee on Justice and Equality for a scheme of mandatory open disclosure in our health services that would have provided that, where serious mistakes were made in hospitals, the person injured as a result would get an explanation as to what had happened and why. The Fianna Fáil Deputies on the committee listened to the arguments and the evidence and accepted that it would make the health service happier and better



for all concerned. That was on Committee Stage.

Over the summer, the Government and the Department of Health got to them, and the party machine swung into action so that by Report Stage those Deputies had yet another Damascus-like conversion and decided to vote against us. Of course, six months later the scandal over the failures of open disclosure around the cervical cancer issue broke and mandatory open disclosure then suddenly became the flavour of the month. Everyone wanted it then. The Minister of State was speaking about it earlier; he still wants to bring it in. The point is that we had it then, with Fianna Fáil's support, on Committee Stage, before it rolled over again and voted against us on Report Stage. The Deputies looked pretty ridiculous, yet the same thing is going to happen again.

I want to put this on the record of the House, because I know the way this vote is going to go. Whether it is Ireland's Data Protection Commissioner or a European court, the State coercion that our amendments tried to do away with will not be allowed to stand. We do not want to be like Cassandra, coming into the House to point out obvious problems, but sometimes that is the role that is handed to us. We have to point to the road we are going down.

In the Seanad the Minister of State made a very strange argument. He suggested that our amendments would mean that organisations could not ask for a person's name or address in order to verify one's identity. That is absolute nonsense. The argument is based on the idea that once one's name goes into the public service identity dataset it is no longer one's own. It is supposed that it belongs to the dataset only. This is clearly utter nonsense. The end point of that argument is that the only way for an organisation to get access to one's address is through the public service identity dataset. If that was the case every organisation on earth would have to be signed up to it. They are not signed up to it at the minute, meaning that many organisations are able to verify people's identity without exclusively using the person's public service identity to do so. The Minister of State's argument would make sense if our amendment to section 7 said that a specified body may not make presentation of a public services card or access to any given element of a person's public services identity the exclusive basis by which a person may verify his or her identity in order to conduct a transaction or access a service. It does not say that. It says: "A specified body may not make presentation of a public services card or access to a person's public services identity the exclusive basis by which a person may verify their identity in order to conduct a transaction or access a service." By our amendment I mean the amendment that was accepted in the Dáil and which is now being taken out by the Seanad. We want it to be upheld and re-inserted into the Bill to undo that situation.

A person's public services identity is actually a collection of specific pieces of information held together in a specific database that has particular characteristics. It is something that, when created, may be shared between one public body and another, whether the person involved likes it or not. It is quite a distinct thing, with its own characteristics and functions. It is not just a name and address. Notwithstanding that point, if the Minister of State really had genuine concerns about our amendment, which was adopted by the Dáil, it was entirely open to him to use the huge resources at his disposal in the form of the Office of the Parliamentary Counsel and the Office of the Attorney General to come up with a different wording. If he was worried about the avoidance of any doubt as to what our amendment applied to, there was nothing stopping the Minister of State using those offices, but he did not do that. To me, that shows that the whole argument made in the Seanad was totally disingenuous and redundant.

The issue here is not that the Minister of State is worried that our amendment could have

unintended consequences. We should be honest and say that the Minister of State or, no disrespect, the civil servants want to maintain the powerfully coercive elements in the public services card. They want to maintain a situation where people have no choice whatsoever but to get a card and have no choice but to consent to their data being shared around between organisations even if they do not want to or strenuously object. They want to coerce people in this way. It is illegal and the Government will find that out in due course. Fianna Fáil knows that. Vast sums of money have been wasted and more will be wasted clearing up this mess. Despite this, it is really clear that the Government's approach to this issue is exactly the same approach it took to our illegal data retention regime. It will keep operating illegally until a court somewhere stops it. We have done that before in issues such as this, and we are being frog marched into doing exactly the same thing all over again. It is an absolute disgrace, and even at this late hour I would appeal to Fianna Fáil to save itself from further embarrassment.

**Deputy Barry Cowen:** I can put the previous speakers out of their misery by confirming that we did initially have concerns about the public services card being the sole means to identify oneself.

**Deputy Thomas Pringle:** Fianna Fáil does not have those concerns any more.

**Deputy Barry Cowen:** That is not the case. A separate process on this specific issue is now under way involving the Data Protection Commissioner. The Attorney General's advice has to be taken on board as well. It might be easy for some not to do that, or to disregard it, but precedent demands that we do.

**Deputy Jonathan O'Brien:** Has the Deputy seen them?

**Deputy Barry Cowen:** We cannot ignore the precedents and their potential impacts. For those reasons we will be supporting the amendments as they are laid before the House today. I make no apologies for that. I respect and appreciate the input of others on this issue, and accept their bona fides and commitment. I am merely outlining our response to the amendments before us and the assurances that have been sought and given. We will vote accordingly, as is our right.

**Deputy Joan Burton:** I want to take the opportunity to ask the Minister of State about a serious data breach I read about at the weekend and which deeply shocked me. A story was carried on the front page of *The Sunday Times*, Ireland edition, in which all of the details of an asylum seeker's stay in Ireland, various applications made and travel between Ireland and other countries were disclosed in detail. This information may have emanated from a public body. I have honestly never seen such a disclosure of information before. It should be borne in mind that staff in the Department of Employment Affairs and Social Protection, for example, and perhaps staff in other Departments, have actually been brought before the courts, charged and found guilty of breaching the privacy of individuals. That this has happened in the wake of the GDPR legislation is really shocking.

The Minister of State is responsible for data matters and I am surprised that the Department of Justice and Equality, which is the line Department for people in the asylum process, has not mentioned this matter. I have been waiting all week for the Minister for Justice and Equality to announce an investigation into this story. It is actually a disgrace. It concerns an asylum seeker who is standing for the local elections in the north inner city, something she is perfectly entitled to do having been resident in Ireland for a long period while her case is being addressed.

From the story, she appears to be still in direct provision. All of the details of her movement between Africa, Ireland and the United Kingdom over many years are set out in great detail in a way I have never seen before. I am simply astonished. I want to ask the Minister of State in the House who is responsible for data protection about it. It cannot have escaped the attention of the civil servants and of members of the Government who read newspapers that this is an extraordinary story of a data breach relating to an individual. Will the Minister of State have an inquiry carried out into this story? Will the Minister of State ask his colleague in government, the Minister for Justice and Equality, to undertake the inquiry?

As a matter of confidence it is really important for people to know that their data is treated with seriousness, respect and confidentiality. That is vital and it should always be the case.

I am unsure where the story came from, but it is extraordinarily detailed in a way that indicates some of the details must have come from files held somewhere about this individual. I believe she is owed an apology in this regard. Otherwise, the matter needs to be clarified in light of all the rhetoric of the Government about data protection and the protection of the rights of individuals under the general data protection regulation. I find it astonishing and I would like the Minister of State to address the matter. He must be aware of this story about a woman called Ellie Kisyombe. Apparently, she is originally from Malawi but has been an asylum seeker in Ireland and in direct provision for a period with her family. She is running for one of the political parties in this House – the Social Democrats – in the north inner city in Dublin. Her personal data has been disclosed in the article. I simply cannot believe that this could happen. There is no point in all this talk about data protection and data respect and so on unless some kind of explanation is forthcoming.

As a matter of correction, I wish to point out that when the public services card was introduced it was brought in by the then Department of Social Protection. It is not an identity card. There was no requirement in law on anyone to provide it under a range of circumstances.

When the current Minister came to office in the Department of Employment Affairs and Social Protection she decided it may be required. It was never required previously. Let us consider this. The people who use the public services card most are those over 66 years of age who use it for free travel. The public services card has allowed people who use free travel privately to get on a bus, train or any other form of public transport that qualifies. They can use their card without anyone else on the bus being aware of the person's private details. That is as it should be. It allows significant numbers of retired people, pensioners and people who have travel passes because they are ill or have long-term illness conditions to move around on public transport in Ireland with a great deal of personal dignity and privacy. That was not always the case previously when other arrangements were in place.

A particular idea seems to be creeping in to the effect that the public services card is some kind of identity card. I agree with the comments made by previous speakers to the effect that this is not its legal function. It seems some people are trying to pretend that since the Department of Expenditure and Reform has taken over the card, it can basically be a catch-all card for everything and anything in the State.

Obviously, passports or driving licences are used for identity purposes. All I can say is that common sense should prevail in how people are asked to use and register for the card. For example, there are many people who have various illnesses or conditions or who may be of advanced years. They may wish to deal with the different offices in a particular way and there

is nothing wrong with that. The card has to be used by public consent. There should be no coercion of people. Other identity mechanisms have been referred to.

The Department of Public Expenditure and Reform took over the card. It may be better left to Departments that deal with large amounts of public data, for example, the Revenue Commissioners, the Department of Employment Affairs and Social Protection or the health authorities. They probably have far more experience of the range of citizens and other people who present for different services and how their needs should be dealt with by public officials. They know this should not be done in a coercive way but in an inclusive way. The approach should provide them with the services that, as citizens of the State or people living here, they are entitled to access. Respect is the key point in that regard. There should be some consideration by the Minister of State of how respect for citizens is made clear and is at the core of how citizens are dealt with by public bodies, especially when it comes to use of their data. There is a long tradition of this approach among those in the Revenue Commissioners and in Departments like the Department of Employment Affairs and Social Protection.

This may be something that the staff taking over this function might like to consider. There are many people in Ireland who have no access to their data. I am referring to people who are adopted. They cannot access their data. They are not allowed to access their data by law. We are one of the few countries in the world that does not have an access policy for adopted people to access to their own information. The Government should be a little less preachy and a lot more practical in terms of demonstrating respect for citizens and their data, their rights to access data and how public bodies and authorities approach people and share data.

I am glad to see an oversight board is provided for in the Bill. That is a good development. In any event, I hope that ordinary citizens with a range of qualifications and ages are on that board so that they can give voice to how people should be treated properly when they approach public offices for services.

**Acting Chairman (Deputy Eugene Murphy):** Thank you very much, Deputy Burton. You raised an individual case. I am unsure how much information the Minister of State and his officials have but I am sure the Minister of State will deal with it when he comes to speak. As there are no other speakers offering, I call on the Minister of State to reply to all the questions, including those from Deputy Burton.

**Minister of State at the Department of Public Expenditure and Reform (Deputy Patrick O'Donovan):** I will deal with the last contributor first. First, I am not the Minister responsible for data protection. That is a matter for the Department of Justice and Equality. My officials will refer the matter raised by Deputy Burton to the Department of Justice and Equality.

**Deputy Joan Burton:** Sorry, the Minister of State is not responsible for what?

**Deputy Patrick O'Donovan:** I am not the Minister responsible for data protection. This is about data-sharing.

**Deputy Joan Burton:** The Department of Justice and Equality is not the relevant Department.

**Deputy Patrick O'Donovan:** The issue the Deputy has raised on-----

**Deputy Joan Burton:** This is part of the legal confusion relating to this learned discussion.

**Deputy Barry Cowen:** The Minister of State is right.

**Deputy Patrick O'Donovan:** Acting Chairman-----

**Acting Chairman (Deputy Eugene Murphy):** I am the Acting Chairman and I believe I am very fair to everyone. We will allow the Minister of State to respond and I will then allow the Deputies to come back in. That is fair to everyone. I call the Minister of State.

**Deputy Patrick O'Donovan:** I was speaking to the amendments in the first instance and on those specific issues. My officials advise that as this matter is not pertinent to the Bill, it referred to the Minister for Justice and Equality. Rather than me discussing an issue with which I am not familiar - this is the first I have heard of it - my officials will refer it to the Minister.

On the point made by the previous speaker, this Bill relates to data-sharing and governance. It is about the sharing of information between public bodies. We have had a great deal of interaction on the legislation in this House, at the relevant committee and in the Seanad. My officials were available to discuss the Bill long before it was brought before the Dáil. It was  
*9 o'clock* discussed at length with Opposition spokespersons and other Members, including Deputies Cowen, Calleary, Jonathan O'Brien, Wallace and Clare Daly. I am unsure whether Deputy Burton availed of the opportunity to be briefed on the Bill. We have not had any interaction with her on the floor of the Dáil in respect of it.

To be clear, I am not taking responsibility for public services cards. That matter is not dealt with in the Bill. The Department of Public Expenditure and Reform is not assuming responsibility for public services cards. Responsibility for these cards remains with the Department of Employment Affairs and Social Protection, as was the case when Deputy Burton was Minister. We are making no changes in respect of public services cards. These cards are not referred to in the Bill, with the exception of a reference in section 7 to the Social Welfare Consolidation Act 2005. We are not changing the latter either.

As to some of the other contributions, the Bill does not dilute the GDPR in any way. As I have stated in both Houses previously, the GDPR is specifically acknowledged and referred to in a number of sections. In any event, everything that we do in the context of data-sharing must have regard to the GDPR.

I am amused in some ways by Deputy Wallace's summation of my powers and what I, like Mystic Meg, might have been able to do in the context of bringing the Bill back to the House. My powers do not extend to what he was referring to a while ago when he stated that it is somehow miraculous that we are here again.

There has been a great deal of interaction and engagement since the previous occasion on which the Bill was debated in the Dáil. That is a good thing because it provided me with an opportunity to go through the implications of the amendment to section 7 to which Deputy Clare Daly, who obviously read the transcript of the debate in the Seanad, referred. Section 7(6) states, "A specified body may not make presentation of a public services card or access to a person's public service identity the exclusive basis ...". We had to take the advice of the Attorney General on that matter. The Deputy acknowledged previously that some people may not choose to engage with the system. As I informed her at the time, if a person chooses not to engage with the system - for example, in the context of interaction with the Revenue Commissioners, matters relating to penalty points or accepting jury duty - I have to be confident that the system which will come into place upon enactment of this Bill will not have a negative consequence in



respect of any other service for which there is a necessity to verify people's identities. If I was to allow the Bill to proceed in its current format, I could not do that. I have to take cognisance of the impact it could potentially have on the delivery of services, whether that is in the calling up of a jury - where a person may not choose to engage with the system - or in the delivery of basic social welfare payments. There was acknowledgement in the Seanad that the Attorney General's advice, which is predicated on section 262(5) of the Social Welfare Consolidation Act 2005 and which I have relayed to the Dáil and the Upper House, is based on that.

The reason we are bringing forward this Bill is because of the data regime and the potentially illegal way in which data is currently handled. We did not want a situation where there would be any question of illegality or any semblance of an issue where the Government or the State would not be able to stand over it. As I pointed out previously, data is currently being shared between organisations but there is not legal basis for this.

The Bill also provides for the data portal whereby people can access their data to see how it is being handled and who else has accessed it. This matter was discussed in detail on Committee Stage and on Report Stage.

The public services card is still the same today as it was yesterday; there is no change to it whatsoever. Responsibility for public services cards has not migrated to the Department of Public Expenditure and Reform.

I have covered most of the points raised. The final comment I wish to make relates to the basis upon which we have made our decision - this is extremely important decision, in respect of the specified bodies that are referred to. We must ensure that what we are seeking to do is not in conflict with the Social Welfare Consolidation Act 2005 in any way. We have been very clear that this is not our intent. As stated previously, both here and in the Seanad, the Bill does not specify how Departments or agencies should do their business. It is a matter for them and their line Ministers, in the context of individual items of legislation, to decide how they will collect information in the future and to address how they collected it in the past. The Bill is purely about dealing with how that information, when it is collected, is relayed from public body A to public body B, the level of oversight that will be in place and how people can access their data in order to see what is being done with it. The Bill does nothing other than that. It does not change the position relating to public services cards. It does nothing with regard to altering responsibility for those cards, diluting the position in respect of them, specifying their use in the context of the free travel scheme or anything of that nature.

Having reflected on the matter with the Attorney General and taken soundings from the Department of Employment Affairs and Social Protection, it has been necessary for us to make these amendments. I have had a lot of engagement in respect of the Bill. The officials in the Department have opened their doors to everybody. Some have chosen to engage while others have not, which is their prerogative. I have nothing further to add.

**Deputy Clare Daly:** The Minister of State is right because the only point on which I would agree with him is that this has been a long road. I am not going to repeat the points *ad nauseam*. The Minister of State's understanding of what our amendments meant is fundamentally flawed. The fact is that all he has relied upon is the Attorney General's advice, which we cannot see. The latter is a bit "old hat" now and is the perennial excuse for absolutely everything. It is the great opt-out to allow the Government to get whatever it wants. That is not really satisfactory at all. Nothing that the Minister of State said has changed my mind, no more than anything that

I have said has probably changed his.

The other matter on which I will agree with him is that our amendments would not mean the end of the public services card. He is 100% right. It would not be the end of the public services identity. All of those things will continue to exist. Our amendments would just provide a simple opt-out. That is all that is involved. It is not something that is desirable, it is something that is necessary. Without it, the whole system is illegal. I find it incredible that the Government and Fianna Fáil are rejecting our chance to make this Bill legal. We are offering them a rope to climb out of the hole and I just cannot believe that they are not accepting it.

Sadly, history will probably tell the story on that. I remind the Minister of State that the excuse to the effect that everything is grand and that it has all been checked is the same one that was used in respect of the data retention regime, which turned out to be not legally robust at all. I am very sorry to say that this Bill will go the same way if we do not revert to the position the Dáil adopted originally.

**Deputy Joan Burton:** I am sure the Minister of State will agree that this legislation is the vehicle for data-sharing. A key element of the available databases is the database that is acquired via the public services card. Prior to there being such a card, data were acquired in different ways through the direct collection of information and multiple uses of the data were allowed. However, this Government has been different in its desire to utilise the card for a whole set of other transactions and interactions with bodies and data. The point that was made in the debates months ago and, indeed, when the public services card first came into operation was that there would inevitably be people who, for various reasons such as incapacity, might not be able to utilise the card. Therefore, some of the controversies have been downright silly.

On the principle of ensuring data protection for citizens to the maximum extent, particularly post-GDPR, the Minister of State is receiving sensible advice from Deputy Clare Daly regarding the card and this data-sharing Bill, which utilises the card and other potential sources of data, including from other Departments.

I brought to the Minister of State's attention a notorious case but, if I may say so, the Government is allowing itself to become arrogant concerning an horrific story that the Minister of State, whose remit covers data-sharing, should make it his business to find out about and perhaps raise with his colleagues, for example, the Taoiseach, the Minister for Finance or the Minister for Justice and Equality. However, the Minister of State has now been put on notice and, in the context of this Bill, cannot just say that he will ignore what seems to have been an extraordinary breach of data privacy in one of our national newspapers just a couple of days ago. There is no need to be arrogant about it.

**Deputy Patrick O'Donovan:** May I respond?

**Acting Chairman (Deputy Eugene Murphy):** I want to let Deputy Burton-----

**Deputy Patrick O'Donovan:** That is completely unfair.

**Acting Chairman (Deputy Eugene Murphy):** Briefly, please.

**Deputy Patrick O'Donovan:** I am seeking the protection of the Chair. I never said that I would ignore anything, so I ask the Deputy to withdraw that remark.

**Deputy Joan Burton:** I am sorry. If the Minister of State is now saying that he will pay

attention to it, I welcome that clarification.

**Deputy Patrick O'Donovan:** I ask that the Deputy withdraw her remark. I specifically said that I was not aware of the case and that I would ask my officials to relay it to the Department of Justice and Equality. Having twice asked the Deputy to withdraw her remark, I will do so again.

**Deputy Joan Burton:** I welcome the Minister of State's clarification.

**Deputy Patrick O'Donovan:** I have asked the Acting Chairman to ask the Deputy-----

**Acting Chairman (Deputy Eugene Murphy):** One minute, please.

**Deputy Joan Burton:** Do I understand the Minister of State correctly, if I may speak-----

**Deputy Patrick O'Donovan:** I have asked the Acting Chairman to ask the Deputy-----

**Acting Chairman (Deputy Eugene Murphy):** One second, please. Let the Deputy answer.

**Deputy Joan Burton:** May I speak?

**Deputy Patrick O'Donovan:** This is important. I have asked that the Dáil record-----

**Acting Chairman (Deputy Eugene Murphy):** I will deal with it. She is-----

**Deputy Patrick O'Donovan:** We are going down another cul-de-sac now.

**Acting Chairman (Deputy Eugene Murphy):** Will the Minister of State resume his seat, please? Deputy Burton has been asked to withdraw something she said. I am now giving her an opportunity to do that.

**Deputy Joan Burton:** Do I now understand the Minister of State to be saying that he accepts this case has been brought to his attention and he will exercise his functions and contact his colleagues?

**Acting Chairman (Deputy Eugene Murphy):** That is correct.

**Deputy Patrick O'Donovan:** That is what I said the first time.

**Deputy Joan Burton:** This is potentially an egregious breach of data protection.

**Acting Chairman (Deputy Eugene Murphy):** The Deputy has clarified-----

**Deputy Patrick O'Donovan:** I am taking this matter very seriously and I will ask the Ceann Comhairle to be called in if necessary. I said in my initial reply that I would bring the matter to the Minister for Justice and Equality through my officials. I did not say that I was ignoring the matter. I want the Dáil record corrected or else I will ask that the Ceann Comhairle be brought in.

**Acting Chairman (Deputy Eugene Murphy):** Resume your seat for a minute, please. As far as I understand Deputy Burton, she is accepting what you have said-----

**Deputy Patrick O'Donovan:** I want that said.

**Acting Chairman (Deputy Eugene Murphy):** -----about this matter being taken up and

addressed.

**Deputy Patrick O'Donovan:** I want the record of the Dáil to be corrected before this continues. I did not say that I was ignoring this issue.

**Acting Chairman (Deputy Eugene Murphy):** The Minister of State can go back over the record of the Dáil, but my understanding from the Chair is that Deputy Burton is clearly saying that she is satisfied that the Minister of State is taking up the issue. That satisfies me, and I am sure it satisfies-----

**Deputy Patrick O'Donovan:** With the greatest of respect, it does not satisfy me. This is a serious issue. The Deputy has said that I ignored the matter. I did not say that and I want it withdrawn from the record.

**Acting Chairman (Deputy Eugene Murphy):** Is Deputy Burton saying that she is satisfied with the Minister of State's reply?

**Deputy Joan Burton:** I have said that I am satisfied with the Minister of State's response that he is potentially going to pursue the matter. I understand-----

**Deputy Patrick O'Donovan:** I am not satisfied with that.

**Acting Chairman (Deputy Eugene Murphy):** Hold on a minute.

**Deputy Joan Burton:** May I speak?

**Deputy Barry Cowen:** The Deputy is happy now.

**Acting Chairman (Deputy Eugene Murphy):** Will Deputy Burton continue, please?

**Deputy Joan Burton:** I welcome the Minister of State's taking an interest in this publication. Given that we are debating data protection, this matter requires investigation. The Minister of State has now acknowledged and agreed to that. In that sense, I am very happy with what he has said.

**Deputy Patrick O'Donovan:** I am not happy. The Deputy said that I had ignored the matter. I want that withdrawn from the record.

**Acting Chairman (Deputy Eugene Murphy):** May I say something? I am trying to be helpful. You are rather childish in your approach. My understanding-----

**Deputy Patrick O'Donovan:** That is completely unfair.

**Acting Chairman (Deputy Eugene Murphy):** My understanding is that Deputy Burton is now satisfied with your response.

**Deputy Patrick O'Donovan:** I am not satisfied.

**Acting Chairman (Deputy Eugene Murphy):** I think-----

**Deputy Patrick O'Donovan:** A personal charge was made against me by the Deputy, who said in respect of a serious matter-----

**Acting Chairman (Deputy Eugene Murphy):** She has clarified the situation.

**Deputy Patrick O'Donovan:** No, she has not. The Deputy said that I had ignored what she had brought to the House's attention.

**Acting Chairman (Deputy Eugene Murphy):** No. My understanding-----

**Deputy Patrick O'Donovan:** I notified my officials immediately and asked them to bring it to the attention of the Minister.

**Acting Chairman (Deputy Eugene Murphy):** She is accepting that.

**Deputy Patrick O'Donovan:** Will she correct the record of the Dáil?

**Acting Chairman (Deputy Eugene Murphy):** I am sorry, but hold on a minute. If you are not happy, you can refer your complaint to the Committee on Procedure. I am moving on.

**Deputy Patrick O'Donovan:** I want it noted on the record that I am not happy with this. A personal charge has been made against another Deputy in the House. The Chair has an obligation to protect a Deputy against whom a personal charge is being made.

**Acting Chairman (Deputy Eugene Murphy):** I am doing so.

**Deputy Patrick O'Donovan:** I believe that the Chair is not acting appropriately.

**Acting Chairman (Deputy Eugene Murphy):** No, you are absolutely incorrect. I have given you every opportunity. My understanding - I have a fair understanding of the English language - is that Deputy Burton is now saying that you have clarified the situation. To me, that is acceptance that what she said initially is not on the record as such and she is happy as long as you investigate the matter raised.

**Deputy Patrick O'Donovan:** Hold on a second.

**Acting Chairman (Deputy Eugene Murphy):** No. I am not allowing the Minister of State to interrupt further.

**Deputy Patrick O'Donovan:** The Acting Chairman is suggesting that I clarified the situation. I did not make anything ambiguous.

**Acting Chairman (Deputy Eugene Murphy):** No. I said that Deputy Burton-----

**Deputy Patrick O'Donovan:** Other Deputies will agree that the charge levelled against me is grossly unfair.

**Acting Chairman (Deputy Eugene Murphy):** In my opinion-----

**Deputy Patrick O'Donovan:** I am sorry, Chair, but the Deputy said that I had ignored a matter that had been raised. I did not.

**Acting Chairman (Deputy Eugene Murphy):** I have given the Minister of State ample opportunity.

**Deputy Patrick O'Donovan:** I want the record of the Dáil to be corrected.

**Acting Chairman (Deputy Eugene Murphy):** In my opinion-----



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**Deputy Patrick O'Donovan:** In that case, I will ask-----

**Acting Chairman (Deputy Eugene Murphy):** No, please.

**Deputy Patrick O'Donovan:** I will finish on this.

**Acting Chairman (Deputy Eugene Murphy):** I ask the Minister of State to resume his seat.

**Deputy Patrick O'Donovan:** I will finish on this. I want the matter referred as the Acting Chairman outlined-----

**Acting Chairman (Deputy Eugene Murphy):** That is fair enough.

**Deputy Patrick O'Donovan:** -----and I want it investigated. I will be seeking an apology on the floor of the House.

**Acting Chairman (Deputy Eugene Murphy):** The Minister of State can refer it to the Committee on Procedure. I think that Deputy Burton has clarified the situation. Let us move on from that. We can deal with it that way.

**Deputy Jonathan O'Brien:** She said he ignored it.

**Acting Chairman (Deputy Eugene Murphy):** Does Deputy Wallace wish to make a contribution?

**Deputy Mick Wallace:** We accept and are not querying the need to verify people's identities, but the process will enable the creation of a massive database of citizens' data. That database may well improve the administration and delivery of public services, but it is also important to state that increased data-sharing does not necessarily lead to increased data quality. The streamlining of services and the reduction of costs, while important, are separate issues.

We submitted amendments to try to address the problem of coerced consent, which is prohibited under GDPR. The fundamental fact remains that, according to Article 4 of GDPR, consent when required for data processing must be freely given and cannot be coerced. There may well be a legal basis for the public services card and the data chain that goes with it in the Social Welfare Consolidation Act 2005, but there is no legal basis for withholding public services from a person who does not agree to this large-scale sharing of his or her data. We know most people do not have a problem with their data being shared these days on various Internet sites and social media outlets but it does not change the fact that privacy is a human right and we cannot be selective in how we observe human rights. The Minister of State made the point that the Bill will give data-sharing a legal basis but it will not if it is illegal under EU law, so we will see about that.

**Deputy Patrick O'Donovan:** Regarding Deputy Wallace's point on the coercion of data, it does not state anywhere in the Bill or in any other legislation that information will be coerced from somebody, but to avail of services and to be able to interact with the State, I am sure the Deputy will accept that the State must be able to verify who a person is and it must be able to verify identity. That is key to this. As a State, we must be able to stand over how we verify a person's identity.

**Deputy Mick Wallace:** I am not arguing against that.

**Deputy Patrick O'Donovan:** I know the Deputy is not. To suggest that we might have an opt-out or a soft opt-in, there is a risk that people will opt out of the unpopular services or the unpopular interactions with the State. That is the point I made earlier, the point I made on the last occasion we debated the legislation in the House and the point I made during the debate in the Seanad. That is also the point we reflected on with the Attorney General bearing in mind the Social Welfare Consolidation Act 2005. I thank the Deputy for acknowledging this Bill does not do anything with respect to the public services card. I also acknowledge the fact that with respect to the legal basis issue, the Deputy is right in what he said. There are European instruments in place but we have an obligation to put our own instrument in place, having regard to the GDPR. That is what we are doing here. I do not have anything further to add on that.

Amendment put:

<i>The Committee divided: Tá, 72; Níl, 32; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Aylward, Bobby.</i>	<i>Adams, Gerry.</i>	
<i>Bailey, Maria.</i>	<i>Brady, John.</i>	
<i>Breen, Pat.</i>	<i>Broughan, Thomas P.</i>	
<i>Brophy, Colm.</i>	<i>Buckley, Pat.</i>	
<i>Browne, James.</i>	<i>Burton, Joan.</i>	
<i>Bruton, Richard.</i>	<i>Collins, Joan.</i>	
<i>Burke, Peter.</i>	<i>Connolly, Catherine.</i>	
<i>Butler, Mary.</i>	<i>Crowe, Seán.</i>	
<i>Cahill, Jackie.</i>	<i>Daly, Clare.</i>	
<i>Calleary, Dara.</i>	<i>Doherty, Pearse.</i>	
<i>Canney, Seán.</i>	<i>Ellis, Dessie.</i>	
<i>Cannon, Ciarán.</i>	<i>Ferris, Martin.</i>	
<i>Carey, Joe.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Casey, Pat.</i>	<i>Funchion, Kathleen.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>Howlin, Brendan.</i>	
<i>Coveney, Simon.</i>	<i>Kenny, Martin.</i>	
<i>Cowen, Barry.</i>	<i>McGrath, Mattie.</i>	
<i>Creed, Michael.</i>	<i>Mitchell, Denise.</i>	
<i>D'Arcy, Michael.</i>	<i>Munster, Imelda.</i>	
<i>Daly, Jim.</i>	<i>Murphy, Catherine.</i>	
<i>Deering, Pat.</i>	<i>O'Brien, Jonathan.</i>	
<i>Doherty, Regina.</i>	<i>O'Reilly, Louise.</i>	
<i>Donohoe, Paschal.</i>	<i>O'Sullivan, Jan.</i>	
<i>Doyle, Andrew.</i>	<i>O'Sullivan, Maureen.</i>	
<i>Durkan, Bernard J.</i>	<i>Ó Broin, Eoin.</i>	
<i>English, Damien.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>Fitzgerald, Frances.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Flanagan, Charles.</i>	<i>Pringle, Thomas.</i>	
<i>Grealish, Noel.</i>	<i>Quinlivan, Maurice.</i>	

<i>Griffin, Brendan.</i>	<i>Ryan, Brendan.</i>	
<i>Harris, Simon.</i>	<i>Stanley, Brian.</i>	
<i>Heydon, Martin.</i>	<i>Wallace, Mick.</i>	
<i>Kehoe, Paul.</i>		
<i>Kelleher, Billy.</i>		
<i>Kyne, Seán.</i>		
<i>Lahart, John.</i>		
<i>Lawless, James.</i>		
<i>MacSharry, Marc.</i>		
<i>Madigan, Josepha.</i>		
<i>Martin, Micheál.</i>		
<i>McConalogue, Charlie.</i>		
<i>McEntee, Helen.</i>		
<i>McGrath, Finian.</i>		
<i>McGrath, Michael.</i>		
<i>McHugh, Joe.</i>		
<i>McLoughlin, Tony.</i>		
<i>Mitchell O'Connor, Mary.</i>		
<i>Moran, Kevin Boxer.</i>		
<i>Moynihan, Michael.</i>		
<i>Murphy O'Mahony, Margaret.</i>		
<i>Murphy, Dara.</i>		
<i>Murphy, Eoghan.</i>		
<i>Murphy, Eugene.</i>		
<i>Naughten, Denis.</i>		
<i>Naughton, Hildegarde.</i>		
<i>Neville, Tom.</i>		
<i>Noonan, Michael.</i>		
<i>O'Brien, Darragh.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Phelan, John Paul.</i>		
<i>Ring, Michael.</i>		
<i>Ross, Shane.</i>		
<i>Scanlon, Eamon.</i>		
<i>Smith, Brendan.</i>		
<i>Smyth, Niamh.</i>		
<i>Stanton, David.</i>		
<i>Troy, Robert.</i>		

<b>Zappone, Katherine.</b>		
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Tellers: Tá, Deputies Seán Kyne and Tony McLoughlin; Níl, Deputies Clare Daly and Mick Wallace.

Amendment declared carried.

Seanad amendment No. 2:

Section 13: In page 14, to delete lines 15 to 19 and substitute the following:

“(I) to verify the identity of a person, where the first or second mentioned public body is providing or proposes to provide a service to that person;”.

Amendment put:

<i>The Committee divided: Tá, 73; Níl, 32; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Aylward, Bobby.</i>	<i>Adams, Gerry.</i>	
<i>Bailey, Maria.</i>	<i>Brady, John.</i>	
<i>Breen, Pat.</i>	<i>Broughan, Thomas P.</i>	
<i>Brophy, Colm.</i>	<i>Buckley, Pat.</i>	
<i>Browne, James.</i>	<i>Burton, Joan.</i>	
<i>Bruton, Richard.</i>	<i>Collins, Joan.</i>	
<i>Burke, Peter.</i>	<i>Connolly, Catherine.</i>	
<i>Butler, Mary.</i>	<i>Crowe, Seán.</i>	
<i>Cahill, Jackie.</i>	<i>Daly, Clare.</i>	
<i>Calleary, Dara.</i>	<i>Doherty, Pearse.</i>	
<i>Canney, Seán.</i>	<i>Ellis, Dessie.</i>	
<i>Cannon, Ciarán.</i>	<i>Ferris, Martin.</i>	
<i>Carey, Joe.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Casey, Pat.</i>	<i>Funchion, Kathleen.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>Howlin, Brendan.</i>	
<i>Coveney, Simon.</i>	<i>Kenny, Martin.</i>	
<i>Cowen, Barry.</i>	<i>McGrath, Mattie.</i>	
<i>Creed, Michael.</i>	<i>Mitchell, Denise.</i>	
<i>D’Arcy, Michael.</i>	<i>Munster, Imelda.</i>	
<i>Daly, Jim.</i>	<i>Murphy, Catherine.</i>	
<i>Deering, Pat.</i>	<i>O’Brien, Jonathan.</i>	
<i>Doherty, Regina.</i>	<i>O’Reilly, Louise.</i>	
<i>Donohoe, Paschal.</i>	<i>O’Sullivan, Jan.</i>	
<i>Doyle, Andrew.</i>	<i>O’Sullivan, Maureen.</i>	
<i>Durkan, Bernard J.</i>	<i>Ó Broin, Eoin.</i>	
<i>English, Damien.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>Fitzgerald, Frances.</i>	<i>Ó Snodaigh, Aengus.</i>	

<i>Flanagan, Charles.</i>	<i>Pringle, Thomas.</i>	
<i>Grealish, Noel.</i>	<i>Quinlivan, Maurice.</i>	
<i>Griffin, Brendan.</i>	<i>Ryan, Brendan.</i>	
<i>Harris, Simon.</i>	<i>Stanley, Brian.</i>	
<i>Heydon, Martin.</i>	<i>Wallace, Mick.</i>	
<i>Kehoe, Paul.</i>		
<i>Kelleher, Billy.</i>		
<i>Kyne, Seán.</i>		
<i>Lahart, John.</i>		
<i>Lawless, James.</i>		
<i>MacSharry, Marc.</i>		
<i>Madigan, Josepha.</i>		
<i>McConalogue, Charlie.</i>		
<i>McEntee, Helen.</i>		
<i>McGrath, Finian.</i>		
<i>McGrath, Michael.</i>		
<i>McHugh, Joe.</i>		
<i>McLoughlin, Tony.</i>		
<i>Mitchell O'Connor, Mary.</i>		
<i>Moran, Kevin Boxer.</i>		
<i>Moynihan, Aindrias.</i>		
<i>Moynihan, Michael.</i>		
<i>Murphy O'Mahony, Margaret.</i>		
<i>Murphy, Dara.</i>		
<i>Murphy, Eoghan.</i>		
<i>Murphy, Eugene.</i>		
<i>Naughten, Denis.</i>		
<i>Naughton, Hildegarde.</i>		
<i>Neville, Tom.</i>		
<i>Noonan, Michael.</i>		
<i>O'Brien, Darragh.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Keeffe, Kevin.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Phelan, John Paul.</i>		
<i>Ring, Michael.</i>		
<i>Ross, Shane.</i>		
<i>Scanlon, Eamon.</i>		
<i>Smith, Brendan.</i>		



<i>Smyth, Niamh.</i>		
<i>Stanton, David.</i>		
<i>Troy, Robert.</i>		
<i>Zappone, Katherine.</i>		

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

Amendment declared carried.

Seanad amendment No. 3:

Section 37: In page 33, to delete lines 25 to 27.

Amendment put:

<i>The Committee divided: Tá, 72; Níl, 32; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Aylward, Bobby.</i>	<i>Adams, Gerry.</i>	
<i>Bailey, Maria.</i>	<i>Brady, John.</i>	
<i>Breen, Pat.</i>	<i>Broughan, Thomas P.</i>	
<i>Brophy, Colm.</i>	<i>Buckley, Pat.</i>	
<i>Browne, James.</i>	<i>Burton, Joan.</i>	
<i>Bruton, Richard.</i>	<i>Collins, Joan.</i>	
<i>Burke, Peter.</i>	<i>Connolly, Catherine.</i>	
<i>Butler, Mary.</i>	<i>Crowe, Seán.</i>	
<i>Cahill, Jackie.</i>	<i>Daly, Clare.</i>	
<i>Calleary, Dara.</i>	<i>Doherty, Pearse.</i>	
<i>Canney, Seán.</i>	<i>Ellis, Dessie.</i>	
<i>Cannon, Ciarán.</i>	<i>Ferris, Martin.</i>	
<i>Carey, Joe.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>Funchion, Kathleen.</i>	
<i>Coveney, Simon.</i>	<i>Howlin, Brendan.</i>	
<i>Cowen, Barry.</i>	<i>Kenny, Martin.</i>	
<i>Creed, Michael.</i>	<i>McGrath, Mattie.</i>	
<i>D'Arcy, Michael.</i>	<i>Mitchell, Denise.</i>	
<i>Daly, Jim.</i>	<i>Munster, Imelda.</i>	
<i>Deering, Pat.</i>	<i>Murphy, Catherine.</i>	
<i>Doherty, Regina.</i>	<i>O'Brien, Jonathan.</i>	
<i>Donohoe, Paschal.</i>	<i>O'Reilly, Louise.</i>	
<i>Doyle, Andrew.</i>	<i>O'Sullivan, Jan.</i>	
<i>Durkan, Bernard J.</i>	<i>O'Sullivan, Maureen.</i>	
<i>English, Damien.</i>	<i>Ó Broin, Eoin.</i>	
<i>Fitzgerald, Frances.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>Flanagan, Charles.</i>	<i>Ó Snodaigh, Aengus.</i>	

<i>Grealish, Noel.</i>	<i>Pringle, Thomas.</i>	
<i>Griffin, Brendan.</i>	<i>Quinlivan, Maurice.</i>	
<i>Harris, Simon.</i>	<i>Ryan, Brendan.</i>	
<i>Heydon, Martin.</i>	<i>Stanley, Brian.</i>	
<i>Kehoe, Paul.</i>	<i>Wallace, Mick.</i>	
<i>Kelleher, Billy.</i>		
<i>Kyne, Seán.</i>		
<i>Lahart, John.</i>		
<i>Lawless, James.</i>		
<i>MacSharry, Marc.</i>		
<i>Madigan, Josepha.</i>		
<i>McConalogue, Charlie.</i>		
<i>McEntee, Helen.</i>		
<i>McGrath, Finian.</i>		
<i>McGrath, Michael.</i>		
<i>McHugh, Joe.</i>		
<i>McLoughlin, Tony.</i>		
<i>Mitchell O'Connor, Mary.</i>		
<i>Moran, Kevin Boxer.</i>		
<i>Moynihan, Aindrias.</i>		
<i>Moynihan, Michael.</i>		
<i>Murphy O'Mahony, Margaret.</i>		
<i>Murphy, Dara.</i>		
<i>Murphy, Eoghan.</i>		
<i>Murphy, Eugene.</i>		
<i>Naughten, Denis.</i>		
<i>Naughton, Hildegard.</i>		
<i>Neville, Tom.</i>		
<i>Noonan, Michael.</i>		
<i>O'Brien, Darragh.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Keeffe, Kevin.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Phelan, John Paul.</i>		
<i>Ring, Michael.</i>		
<i>Ross, Shane.</i>		
<i>Scanlon, Eamon.</i>		
<i>Smith, Brendan.</i>		
<i>Smyth, Niamh.</i>		

<i>Stanton, David.</i>		
<i>Troy, Robert.</i>		
<i>Zappone, Katherine.</i>		

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

Amendment declared carried.

Seanad amendment No. 4:

Section 75: In page 51, to delete lines 12 and 13 and substitute the following:

“by the substitution of “An Oifig Náisiúnta um Sheirbhísí Comhroinnte” for “Oifig Náisiúnta Seirbhísí Comhroinnte”.”.

Seanad amendment agreed to.

Seanad amendments reported.

### **Aircraft Noise (Dublin Airport) Regulation Bill 2018: Report Stage (Resumed)**

Debate resumed on amendment No. 42:

In page 9, lines 27 and 28, to delete “*sections 9(9) and 10(16)*” and substitute “*section 9(9)*,”.

- (Minister for Transport, Tourism and Sport)

**An Leas-Cheann Comhairle:** Amendments Nos. 42 and 43 are being discussed together.

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** Amendments Nos. 42 and 43 deal with the same issue. On Committee Stage an amendment was made to section 6 which introduces two processes for making regulations.

Under the first process, regulations are made and laid before each House of the Oireachtas, with the provision that either House may pass a resolution within 21 days to annul such regulations. This is a standard provision and common across the Statute Book. Under  
10 o'clock the second process, regulations are first laid in draft form before both Houses and may only be made if a resolution approving the draft regulations is passed by both Houses. In both cases the Oireachtas has an oversight role, but the second process is more detailed and lengthy.

The Committee Stage amendment provides that while the majority of regulations made would follow the first or familiar process, regulations made under subsection 9(9) and subsection 10(16) would follow the second process. The regulations envisaged to be made under subsection 10(16) are to deal with purely administrative and procedural matters relating to An Bord Pleanála processes already in place under the planning code appeals process. Under existing planning law, these are typically subject to the first regulation-making process I mentioned.

Therefore, under amendments Nos. 42 and 43, I propose to remove reference to subsection 10(16) from section 6. The effect is that subsection 10(16) regulations will be made and laid before each House of the Oireachtas, with the provision that either House may pass a resolution within 21 days to annul such regulations. I am leaving section 9 regulations, relating to dispute resolution, where they are, as amended on Committee Stage.

**Deputy Clare Daly:** I had this amendment passed on Committee Stage, and I welcome that it was passed. I appreciate the input of the officials who tidied it up a little for this Stage. It is as technical as the Minister says. I think it is fine.

Amendment agreed to.

**Deputy Shane Ross:** I move amendment No. 43:

In page 9, line 36, to delete “*sections 9(9) and 10(16)*” and substitute “*section 9(9)*”.

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendments Nos. 44, 54, 67 and 73 are technical drafting amendments and will be discussed together.

**Deputy Shane Ross:** I move amendment No. 44:

In page 10, line 13, to delete “Environmental Noise Regulations 2006 (S.I. No. 140 of 2006)” and substitute “European Communities (Environmental Noise) Regulations 2018 (S.I. No. 549 of 2018)”.

This amendment updates a reference to the latest environmental noise guidelines, which implement the 2002 directive into Irish law and which came into effect in December 2018. I wish to clarify that this amendment is required because when the Bill was initiated in November, SI 140 of 2006 was in effect at the time. That statutory instrument was replaced in December 2018 with SI 594 of 2018. This amendment simply updates that reference.

**Deputy Clare Daly:** The Minister has only dealt with amendment No. 44, but-----

**Deputy Shane Ross:** I will deal with the others. Does the House want me to discuss the rest of them first?

**Deputy Clare Daly:** They are all grouped together, so yes.

**Deputy Shane Ross:** I will discuss the others then.

**Deputy Clare Daly:** It is a weird grouping.

**Deputy Shane Ross:** I will discuss them all together.

**An Leas-Cheann Comhairle:** They are all grouped together.

**Deputy Shane Ross:** We had an extended debate last week on the World Health Organization, WHO, guidelines, which is probably what Deputy Daly is concerned about. In that debate I explained that it was not possible to introduce amendments which have the effect of changing EU regulations, even if I wanted to do so. In coming to this amendment, I understand that there might be some confusion that I am doing precisely that. I am not. The amendment simply updates a cross-reference to another key EU provision related to noise.

I also wish to clarify that under the Interpretation Act 2005, should the EU environmental noise directive change in the future, giving rise to new implementing guidelines, when those changes are given force to an updated statutory instrument, that update will have direct applicability to this legislation.

Amendments Nos. 54, 67 and 73 merely reword and clarify Opposition amendments carried on Committee Stage. The competent authority will notify elected members of Fingal County Council and Members of Dáil Éireann in whose constituency the airport is located. The amendments are tabled purely for drafting reasons and make no substantive change to the Bill.

**Deputy Darragh O'Brien:** I agree with Deputy Daly that this grouping is rather strange. Taking amendment No. 44 separately, amendments Nos. 54, 67 and 73 arise out of work we did on Committee Stage. I am glad the Minister has incorporated that work into his amendments because this is what we sought in respect of the consultation process and the provisions concerning elected members of Fingal County Council. Those amendments are fine. I would like the Minister to come back to amendment No. 44, however. I mentioned this amendment to him, and Deputy Daly and I discussed it with his officials at length in advance of Report Stage. It was also debated on Committee Stage at length. I refer to the WHO noise guidelines of 2018 and their insertion into the definitions section of the Bill. We were told at the time - Deputy Daly might back me up on this - that these guidelines would be put into the definitions section of the Bill. With amendment No. 44, that does not appear to be what the Minister is proposing. Is it his intention to use the updated 2018 WHO European noise guidelines and put them into the Bill? I know that is what we all want. What is the Minister's aim with amendment No. 44? We understand the other amendments. They arise out of changes we sought on Committee Stage and I am glad they are incorporated. However, I would like further clarification on amendment No. 44.

**Deputy Thomas P. Broughan:** I am not a member of the Joint Committee on Transport, Tourism and Sport so I did not get a chance to follow this debate but I sought to do something similar with amendment No. 45. The Minister spoke to me about this earlier, I think. I refer to the references to SI 549 and the fact that the statutory instrument is the Irish enactment of Directive 2002/49/EC. I think the concern constituents have is that the statutory instrument would take precedence over the EU directive. This is more or less what I think my colleagues are referring to. If the EU intends to change Directive 2002/49/EC to take account of the WHO guidelines, which is what we all want to see, will we then have to issue a new statutory instrument? Will we be left behind in this regard? I think the Minister refers to this in amendment No. 78 as well. There is concern that there is not explicit reference to SI 549 of 2018. The Minister has locked us into this until it is replaced by a future statutory instrument to take account of changes to Directive 2002/49/EC. If there are those changes enforcing WHO guidelines, are we in fact being left out because we are not including the latest revision of Directive 2002/49/EC? We have all had emails, and this is a concern I have heard from residents and my constituents in Dublin Bay North. How does the Minister explain this? Is there a lacuna here? Are we leaving residents and everyone on the flight path in the lurch in this regard?

**Deputy Clare Daly:** This grouping is problematic. Amendments Nos. 54, 67 and 73 are fine, as has been said. They concern the consultation with the local representatives in the area and are purely technical changes to improve the Bill. However, amendments Nos. 44 and 45 and probably amendments Nos. 47 and 48 in the next grouping all deal with the health issue, and the problem is precisely as Deputy Broughan has said. We made the points the last day we were here to discuss the Bill, and I will not repeat them. There is a perception that by our



specifying this statutory instrument, we are in effect not updating or improving the situation, as the Minister said. The belief is rather that we are actually introducing a delay into the process, that rather than the automatic updating, which would come through EU Regulation No. 598, by specifying this statutory instrument there will be a delay and we will have to change the statutory instrument to bring us up to date with EU Regulation No. 598. I think we need the groupings changed because there are a number of amendments concerning health matters that are dependent on one another. Could we get some guidance on this?

**An Leas-Cheann Comhairle:** The Minister might wish to explain the matter. We are discussing the amendments together but we will vote on them one by one. Does the Minister wish to clarify?

**Deputy Shane Ross:** Yes. In answer to Deputy Broughan, a statutory instrument will not take precedence over any EU directive. All developments at EU level will apply to the Bill.

To respond to Deputy Darragh O'Brien, I considered the issue of how best to include the health references, which I will speak about in more detail when we come to amendment No. 59, and where in the Bill such references had most meaning. One option included seeking to have references made in the interpretation section of the Bill. The amendments follow considerable deliberation and have had regard to legal advice from the Office of the Attorney General. Reflecting that deliberative process, I have put forward amendments to be placed under the relevant parts of the Bill which provide that the noise regulator will ensure that health aspects are assessed in accordance with the relevant legislation when considering noise at the airport.

When taken with the assurance that the 2002 directive and the noise regulations of 2018 will apply, the amendments will allay any fears that health aspects have been ignored.

**Deputy Darragh O'Brien:** While I accept that we will vote on the amendments individually, the grouping is slightly problematic because the Minister also referred to amendment No. 59, which would be a helpful amendment because it states, "health aspects shall be assessed in accordance with the Environmental Noise Directive and European Communities (Environmental Noise) Regulations 2018". Therefore, that amendment would update the regulation. Will that amendment have the same effect that we discussed before Report Stage? Will the Minister and his officials clarify that the environmental noise directive of 2018 will be included in the Act insofar as it pertains to any health or noise directives? Will it be included in the Act when the noise regulator makes assessments? It is important that it would be.

**Deputy Shane Ross:** Yes, it will be included.

**Deputy Clare Daly:** The situation remains a little confusing and we should be discussing the amendments collectively. On the Minister's point that the statutory instrument would not take precedence over EU regulation, legislation or whatever, the specific point is being made by referencing the statutory instrument in our primary legislation. We are giving it a legislative effect that would, in essence, negate the point. I do not know if that is an inaccurate interpretation of the point being made. The belief is that if it was just a statutory instrument, it would certainly not take precedence. That it is a statutory instrument which we will transpose into our primary legislation, however, will give it the primacy that could result in a delay when updating the regulations.

In the briefings that we agreed to have between Committee and Report Stages, we discussed how we could incorporate a consideration of the health impacts and how it would be mandated

upon the new competent authority to take that into account based on the most up-to-date scientific information and WHO guidelines. While it is true that it will have that effect if we agree to the 2018 regulations, the problem is that there is a reference to the statutory instrument.

I am not sure if my interpretation is correct but, having listened to the Minister's answer, I am none the wiser.

**Deputy Thomas P. Broughan:** Deputy Clare Daly has essentially made the point that I had intended to make. People want the competent authority, Fingal County Council, to rigorously adhere to the latest noise regulation, which is what we are trying to achieve. The concern among people was that without a direct reference to SI 598 in the text, there seemed to be a lacuna because our own legislation could lag behind. Given that we are legislating for such an important aspect of the airport's operation and given that we want to adhere to the latest WHO guidelines, is it not incumbent on the Minister to spell out the matter carefully? There is grave concern that we could be left behind as people seek to change night-time limits and so on for aircraft movements. People living on the flight path or, for example, in the neighbourhood of St. Margaret's could again be the losers.

**Deputy Robert Troy:** My understanding is that the amendment is an insertion into Part 2 under section 23. Part 2 of the Bill clearly relates to the "Process of Aircraft Noise Regulation" but the amendment will insert the new, up-to-date statutory instrument, which will be of benefit to residents who live in close proximity to the airport because it refers to the newest and most up-to-date regulation. The section also refers to the appropriate assessment of the environment in accordance with the habitats directive. Importantly, the amendment which we requested in deliberations between Committee Stage and Report Stage will insert, "In this Part, health aspects shall be assessed in accordance with the Environmental Noise Directive and the European Communities (Environmental Noise) Regulations 2018".

Will the Minister clarify that the amendment is of benefit to the Bill, that it is an improvement to the Bill and, most importantly, that it will alleviate the concerns of the residents who have genuine fears that the health aspects of the Bill have been somewhat diluted? At the previous session in which we debated the Bill, the Minister's defence of many amendments that he had submitted was quite poor. There needs to be greater clarity and assurance. The Minister must take the opportunity during the debate to answer some of the questions I have asked about the resources, openness and transparency as to why he has opted for Fingal County Council. Unfortunately, at the previous session the Minister tried to play silly party politics and take pot shots at Deputy Mattie McGrath rather than answering serious questions that I had raised. Will the Minister take the opportunity of this debate to address not my concerns but those of many residents? He should forget about the silly politics of his public spats with his former friend and colleague, Deputy Mattie McGrath.

I wish also to set out my party's rationale for supporting Deputy Clare Daly's amendment in respect of the WHO. To be fair, the Minister's officials have led the debate on the matter and have been more helpful. Sometimes I wonder how much understanding of the legislation the Minister has. In our discussions with the officials, it was noted that the final page of the EU regulation 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". It is up to Deputy Clare Daly to explain her rationale but my understanding is that her reason for using a carbon copy of those words was the Minister's indication that he could not change anything that was not stated in the regulations. I recently

informed the Minister that it was stated in the regulations and that, therefore, we would support Deputy Clare Daly's amendment to include it in the definitions. The Minister gave an undertaking to me on the night that he would have that revisited and see whether he is able to do that. In his response to our concerns here, will he say whether that can be done or, in his opinion, if this insertion in section 9(23) will give effect to what we are seeking?

**An Leas-Cheann Comhairle:** If there is nobody else, the Minister will have just two minutes for a final contribution, so may need to focus on it.

**Deputy Robert Troy:** It is a yes or a no.

**Deputy Shane Ross:** I would like to reply to everybody individually but do not have time. I will reply to everybody generally. The EU directive is implemented by way of statutory instrument. That should be clarified. The reference to SI 594/2018 is not about delaying, as Deputy Troy says. It is an improvement.

**Deputy Robert Troy:** I did not say that.

**Deputy Shane Ross:** There is no attempt to cause delay to developments on health at an EU level. There may be a misunderstanding here. I will address this again with regard to amendment No. 59 if necessary. Health is fully referenced in regulation 598, the 2002 environmental noise directive and the 2018 regulations implementing that directive. The competent authority is required to have regard to each of these documents when assessing the noise situation at the airport and making any decision on measures to mitigate a noise problem. All developments at EU level will apply to this Bill.

**Deputy Robert Troy:** That is all we wanted to clarify.

Amendment agreed to.

**Deputy Thomas P. Broughan:** I move amendment No. 45:

In page 10, line 13, after "2006)" to insert ", Regulation (EU) No 598/2014 of the European Parliament and of the Council of 16 April 2014".

Amendment put and declared lost.

**Deputy Robert Troy:** I move amendment No. 46:

In page 10, line 14, to delete "and the Environmental Noise Directive" and substitute the following:

"the Environmental Noise Directive, and the Environmental Noise Guidelines for the European Region (2018)".

Amendment put and declared lost.

**An Leas-Cheann Comhairle:** Amendments Nos. 47, 48, 53, 59, 60, 78 and 79 are related. No. 79 is consequential on No. 78. Amendments Nos. 47, 48, 53, 59, 60, 78 and 79 will be discussed together. Amendment No. 47 is in the names of Deputies Coppinger, Murphy and Barry.

Amendment No. 47 not moved.

**Deputy Imelda Munster:** I move amendment No. 48:

In page 10, between lines 21 and 22, to insert the following:

“(c) the likely effect of the identified noise mitigation measures and operating restrictions (if any) is thoroughly evaluated in relation to its projected impact on the well-being and health of local residents;”.

Amendment No. 48 would ensure the inclusion of the well-being and health of local residents in decision-making on noise at the airport. Amendment No. 53 ensures that the onus is on the authority to report on the effect its decision had on local residents and how their requirements were taken into consideration. From the start, local residents felt completely left out of the process and have legitimate concerns about the planning issues. These amendments encourage consultation with local residents. Trust in the noise regulator and other related authorities has taken a battering and there are serious concerns about retrospective changes to planning for flights and other developments at the airport. That is the main fear of residents with regard to retrospective changes that will be made hereafter. The health of local residents is being put at risk and it is imperative that consultation takes place with them and that their health and wishes are taken on board by the competent authority, An Bord Pleanála and the airport. The amendment will provide for that input from residents and I hope that other Members will support it.

I understand that the Department and its lawyers are saying that health is covered by EU regulations and it is not required to include it again. The Minister said that including it in legislation would somehow give it precedence over other matters but at the end of the day, it is entirely appropriate for health to be given that precedence. The health of people in the vicinity of the airport is given precedence. We should ensure that human health is a priority in the legislation, given all of the concerns about residents. I believe this amendment would achieve that.

**Deputy Clare Daly:** This is a substantial part of the Bill and health has been a considerable part of the discussions that we have had during the passage of this legislation. We have to be honest that the directive provides for consideration to be given to health implications. Nobody on this side of the House has ever denied that that is the case. It is provided for and there are references to the 2018 guidelines and so on. However, we have to be cognisant that there is a significant trust issue. Spelling it out is necessary in the context of some other decisions that the Minister has taken.

Sadly, those are decisions such as the one taken last week to appoint Fingal County Council as the competent authority. People believe that their interests are jeopardised by that decision. Their confidence is not strengthened by the reports that they read in the media during the week of the release of communications between the director of services and planning in Fingal County Council with the Minister and his Department, spelling out to the Minister that they did not feel they were best-placed for the gig. We made the point here that Fingal County Council did not want it but the director of planning there was in communication with the Minister's Department last November, after his decision to appoint the council as the authority, and she stated: “[We have] an extensive remit in both shaping and determining the strategic direction of Dublin Airport through its land-use planning and associated functions.” She said that the council was also responsible for determining applications for planning purposes. She stated: “In light of the existing complex and varied role that Fingal County Council plays as outlined above, it is considered that the council may not be best placed to act as the competent authority.” She said that the council does not have the requisite competencies available in areas of aviation operations, noise and economic feasibility assessments. She suggested that other bodies would be better for the job. We found out that it will have to contract in specialist services to monitor noise at

an approximate cost of €1 million per year, in a council €200 million in debt, with no idea where the money to fund this regulation will come from other than the reference to collecting a levy from the DAA, an organisation which has similarly borrowed hundreds of millions to fund the next runway. Taking all of that into account, one can understand and realise that those who will do the monitoring will be private consultants who are outside the scope of freedom of information and Oireachtas scrutiny. It is then pretty understandable why residents would be concerned and would say that they need to be sure to have a reference relating to health, because past performance does not give much confidence. While I fully accept, and it is totally true and I have no problem in saying it, that health is referenced in the directive it is a directive brought in to mitigate the dangers of noise and by implication to benefit human health. The hazards of noise and its implications in early deaths, sleep disruption and heart and cancer issues - all of the research on its impact - mean we have to have a robust system in place. If the only reason these amendments cannot be included, and they have not been ruled out of order so they are obviously valid, is that we do not need them because it is already covered I have no problem supporting them to give that extra layer of assurance. I have tabled an amendment specifying that the World Health Organization, WHO, decibel guidelines should be the denominator for the competent authority. That also will protect human health because the guidelines as set out by the WHO are based on scientific research, best medical practice, of the health implications. We need to have that quantified. There is merit in it. That is why it needs to be included.

**Deputy Darragh O'Brien:** As we debated on Second and Committee Stages we are left with a Bill very late in the day that had been flagged for nearly two years. We are dealing with an imperfect situation. On Committee Stage I spoke to an amendment tabled by Deputy Troy, our transport spokesperson, about a separate unit within Fingal County Council, to try to find a mid-point. We could not use the Irish Aviation Authority, IAA, because of legal advice the Minister said he had received. The Commission for Aviation Regulation, CAR, was resisted. We got a briefing document to say that if my mid-point suggestion was moved the Government would withdraw the Bill. We are trying to find a balanced approach, recognising the fact that I and many residents live in close proximity to the airport and want to make sure that any development of the airport will not have an adverse effect on residents, while also recognising that the airport is an important economic driver for the region, employing over 20,000 people, providing over 100,000 indirect jobs, and is worth approximately €8 billion to the economy. It is not a question of stopping any development but of a balanced approach. When we are left with the imperfect scenario of having Fingal County Council it is even more important at that stage to ensure that additional assurances are given.

We have further amendments to take noise insulation away from DAA which is a sensible approach and to make sure the independent regulator actually has an independent function. When Deputy Munster talks about the likely effect of noise mitigation measures and operating restrictions I am happy that they will be a matter for An Bord Pleanála. We sought this on Committee Stage and it is very specifically mentioned in the Bill. I do not think anyone in this House questions An Bord Pleanála's independence particularly given our experience of it. The board is crucial. I and my party would be completely and utterly opposed to unrestricted night flights. Last week was the first time we heard the Dublin Airport Authority, DAA, give an idea of what it was considering. Whoever the noise regulator is those flight restrictions and noise amelioration measures will end up with An Bord Pleanála. A noise regulator and the EU Directive are good for the future development of the airport. If that happens to be Fingal County Council it should be a separate unit within the council, at the very least with a separate chief executive officer, CEO. The different items that the noise regulator should have regard to



should be added to the Bill along the lines of Deputy Munster's amendment.

Any future changes will go to An Bord Pleanála. I am better assured now by the insertion of WHO 2018 noise guidelines. That is crucial. That is a big step forward. The clarification given this evening is important because it may have been lacking before now. The noise regulator must have regard to WHO 2018. While it is kind of vague I understand the spirit of the amendment and if it is included I would see no major difficulty unless it has an unintended effect on any other subsections of section 2.

**Deputy Brendan Ryan:** If Fingal County Council is to be the competent authority we need to include in detail the various health aspects. There is a real sense from people that Fingal County Council should not be the competent authority. As we debated amendments last week about who that should be we all had a sense that Fingal County Council did not want the gig. Deputy Clare Daly alluded to a report by Jennifer Bray in yesterday's *The Irish Times* which quotes a letter from AnnMarie Farrelly to Mr. Towey explaining that the council has "an extensive remit in both shaping and determining the strategic direction of Dublin Airport through its land-use planning and associated functions". When I spoke last week I referred to Fingal County Council and the DAA as economic partners. This letter reflects my view. It is a pity we were not in possession of this letter that the Department officials received at the time we were debating those amendments. In proposing this to Cabinet did the Minister bring this letter from Ms AnnMarie Farrelly to the attention of the Taoiseach, who is in a neighbouring constituency to the airport and whose constituents will be affected by all of these issues? Did he bring it to the attention of other Cabinet members? Were they aware of this letter which says, to quote the headline on the article "Council warned Government it could not be noise regulator for Dublin Airport runway". I would be amazed if the Taoiseach and Cabinet would sign off on this if they had this information.

**Deputy Thomas P. Broughan:** I support Deputies Clare Daly and Munster and her Sinn Féin colleagues on this. It was shattering to find in that report, to which previous speakers referred, Fingal County Council's clear desire not to be the noise regulator for all the reasons we laid out last week. If we had known about that letter last week, the debate in that regard would have been even more vigorous. Obviously there were issues about the resources the council would have but, as I said last week, clearly the officials in Fingal County Council, whom I hold in high regard, had great reservations about the course upon which the Minister is embarking because of issues down the line and the possibility that the council would be left open to legal challenge.

A report released only today or yesterday told us that the airport had its busiest January ever this year with more than 2 million passengers passing through. We are heading towards the cap as an annual figure of 40 million passengers might not be far away. There were many reports involved in the Fingal County Council consultation. In June 2016, RPS Group produced the environmental impact statement scoping report on the north runway proposal. Chapter 3.3 of that report is entirely devoted to human health and the impact of aviation noise thereon. It noted issues such as potential changes in concentration exposure to ground-borne emissions, airborne emissions, community disruption and the potential for bad health outcomes. It also lists annoyance, academic performance, sleep disturbance, risk of injury and so on as issues.

The evidence raised in the Fingal consultation with regard to environmental noise, including aircraft noise, which includes evidence from the European Environment Agency, EEA, and the World Health Organization, lists a wide range of medical conditions and other issues. These

include cardiovascular disease, including hypertension, coronary heart disease and myocardial infarction; cognitive impairment, including impacts on children's reading and education; the deep impacts sleep disturbance can have on people's daily lives; tinnitus; hearing loss; the sheer annoyance of being bothered by relentless aircraft noise; and impacts on quality of life and well-being. That is the other side. That is why amendment No. 60 in my name, echoing what colleagues have said, seeks to introduce an absolute requirement, under the EU directive or otherwise, for a longitudinal study over a number of years on the impacts of noise on residents. The amendment proposes to include this requirement in the legislation in black and white, as I know my colleague, Deputy Clare Daly, has done in respect of the 45 dB and 40 dB levels. It should be specified in the legislation.

The balanced approach is in the directive. People talk about a balanced approach which would include quieter aircraft and all kinds of noise abatement measures but, as I said the last day, one of the problems we have in our legislation is that there is no comprehensive noise legislation regime or national regulator. We have not established one so far. Local authorities have to deal with the matter day in, day out. In that context, I ask the Minister to try to address this by including this specific measure in the legislation. Such a measure is laid out very clearly in amendments Nos. 6 and 53. The Minister could also provide for some version of my amendment No. 60, which would make abating and ameliorating health impacts arising from noise a high priority for us.

**Deputy Joan Burton:** Anybody who represents residents of areas close to Dublin Airport will know that the airport is critically important to the economic life of the area and the whole Dublin region. It is one of the major factors in the region's growth. It is also a major cash cow for Fingal County Council in terms of the rates base it constitutes. Anybody who was a member of Dublin County Council, as it was known, and subsequently Fingal County Council will know that much of the council's economic strategy is based on the development of the airport.

I do not know how familiar the Minister is with Dublin Airport or its economic progress and plans. For some time, it has been making itself into a hub, particularly for people from the United Kingdom but increasingly for passengers transiting from many different parts of the world. People are catching a flight to Dublin, hopping off and then travelling onwards on a second flight. The consequence of this is that for some years now Dublin Airport Authority has been keen to increase the number of hours during which flights in and out of Dublin Airport are allowed. Everybody here knows that one of its objectives is to commence flights much earlier in the morning, perhaps two hours earlier, with perhaps one additional hour of flights at night. As the Minister knows, the DAA is allowed to breach the current times in a number of exceptional circumstances and has availed of these to the maximum. Many residents believe it has exceeded the maximum. That has consequences in a country in which there is little or no protection against noise pollution. It is a very poorly served area in Irish law. Anyone who has been on a county council will be aware of that, even in respect of relatively simple problems people have with noise.

It also has to be borne in mind that all of the medical evidence shows that bad noise pollution is a very serious health issue for a cohort of people. Noise affects people in different ways. It does not bother some people that much while it can turn other people's lives upside down and make their lives a misery. If the Minister was reading newspapers, magazines or books over Christmas, or if he visited any bookshops, he will know that bookshops are loaded with books about the necessity of a good night's sleep for people's health.

Fingal County Council has a vested interest in the success and expansion of Dublin Airport. Over a long period it has, in its role as a planning authority, sought to facilitate the airport. We all understand that. The Minister is now appointing that entity to be the regulator of noise, which is a significant problem for a number of communities around the airport. Over the past ten to 20 years there has been some noise mitigation, for instance, soundproofing measures have been implemented. In many cases, people have had triple glazing installed which has significantly reduced the noise problem, without eliminating it. It appears the game plan is to extend significantly the hours of flying at the airport. In its letter to the Department late last year the council basically said it was not equipped to perform the noise regulation function. It was right. What will it do now? Will it simply appoint consultants and outsource this function to some commercial organisation? That would not be a satisfactory outcome. This function should be carried out by a public body. While Fingal County Council has many very good attributes - I was a member of the council several times - it is not suited to this particular role.

As many others have advised the Minister, if he proceeds with this proposal without listening to the people who represent areas near Dublin Airport, he will ultimately end up in the courts here and in Europe. I have no doubt about that. It is to be hoped that the courts will eventually provide for proper regulation. On many occasions, both as a journalist and in his political career, the Minister has noted the requirement that Ministers and others act with probity, concern and care where the rights of individual citizens are at stake. What is at stake here is people trying to deal with noise, trying to get a good night's sleep because they have to go out to work the next day or simply need a good night's sleep if they are retired. The Minister is being foolish in deciding to persist with a course of action on a proposed regulator that does not fit the bill for proper regulation in any ordinary sense of the word. I support the amendments tabled by Deputies Clare Daly and Munster. The Minister can correct me if I am wrong but I believe there is very little legislation in Ireland that really deals with noise pollution as it is dealt with in many of our counterpart countries. It just does not exist in Ireland. It is all over the place in different little bits of legislation and planning regulations. When somebody is seriously affected by noise it can literally destroy his or her life. I ask the Minister to take that into account and to accept some of the very sensible amendments that are being offered.

**Deputy Louise O'Reilly:** It is very regrettable that the information from Fingal County Council was not available last week when we were having this debate. Given that it is available now, I would be interested in hearing the Minister's views on the fact that Fingal County Council does not feel capable of being the regulator. There is serious concern among local residents. Those of us who represent them have spoken to them and they have told us they have concerns. Their concerns relate to the health and safety of the people who live in the environs of the airport. They are deeply concerned about the appointment of Fingal County Council as the regulator.

It turns out Fingal County Council is also deeply concerned about this. There seems to be some sort of faith placed in the council that it does not have in itself. The amendments tabled by Deputies Clare Daly and Munster relate to protecting the health of those who live in the environs of the airport. I cannot see that there would be a reasonable argument against them. One amendment calls for an evaluation of the likely effect on the well-being and health of local residents. Given what we know about the impact that noise has on people and their capacity to be healthy, I am not sure there is going to be any difficulty with recording that. I do not know how the Minister would be able to argue against it. Perhaps he has a good argument in his notes that he is going to share with us but I doubt it. What they are looking for are protections that

the Minister says he is willing to give anyway. There is no harm in being belt and braces about it if the residents are concerned, as they genuinely are. They are not foolish. They live beside the airport and are accustomed to it as their neighbour. They are equally aware of the contribution that Dublin Airport makes, not just to the local economy but to the broader economy as well. Nobody is trying to argue against that. We are simply proposing amendments that will assist in ensuring that the health and safety of the people who live in the environs of the airport is protected.

**Deputy Fergus O'Dowd:** I am speaking in my capacity as Chairman of the Oireachtas Joint Committee on Transport, Tourism and Sport. I could not be here last week. The committee's approach has been to work with the Minister, the Department and all the parties and Independents who attended our meetings. Our whole objective was to get the best deal for the residents and to make sure the regulator was properly appointed.

I expressed concerns about the capacity of Fingal County Council to take on the regulatory role but we went with what we were advised. We had two meetings with officials and a long committee meeting. Everybody wanted to facilitate the best possible outcome for all. However, the fact that the letter was not disclosed to us was wrong. It should have been disclosed. I ask the Minister why it was not disclosed. It was a germane point. A lot of people raised it. It is not about the letter itself; it is about the trust that people have in regulation itself, the trust I want to have in the regulator. Fingal County Council will not actually be doing it; I presume it will be providing the envelope, buildings, facilities or whatever. However, we need to get it spelled out. It creates questions in my mind.

At the very least, notwithstanding whatever views they may have at the end of the day, I want the residents to be happy that everything is totally above board and that nothing has been willingly kept from this Oireachtas committee. I would like to know why we did not see that letter. It would have required the Minister to make a different argument because knowledge of it would have informed people's opinions. It is very late in the day to be looking for it now but we have a right to ask that it be given to us, perhaps by way of a briefing note as to what arrangements Fingal County Council is going to make, what procedures are going to be in place, the expected cost and the location. We raised this point ourselves during the debate, in respect of the question of firewalls between anything to do with planning and the activities of Fingal County Council and the regulator itself.

A Deputy made a very important point about freedom of information and being able to get at the truth. People are entitled to know the full facts. They are entitled to have fair, objective and transparent regulation. I am not saying the matter is under a cloud. I will be voting for the legislation but the Minister needs to explain a bit more to us in the interests of transparency and accountability. It is an important point. I am thankful for the journalist who found it out because we were not told about it. There is a fundamental issue of trust here between Oireachtas Members and the Minister. There is no conflict. Even tonight nobody is saying they do not recognise the issues. That needs to be repaired and built on. I ask the Minister to do that.

**Deputy Shane Ross:** I will try to address the issue of health first. I will then address the issue of the freedom of information request and press coverage in my second reply. I understand I have seven minutes for my first reply and two for my second.

**An Leas-Cheann Comhairle:** I remind the House that we are adjourning at 11.15 p.m.

**Deputy Shane Ross:** On Committee Stage, we were all in agreement that the impact on health of noise is a very important element of effective noise assessment and noise regulation. To fully understand what will be required of the noise regulator, this Bill must be read along with the 2002 environmental noise directive and the environmental noise regulations implementing that directive. The noise regulator will be required to ensure that any noise assessment is in line with that legislation, which makes specific reference to the impact on human health.

My reservations about the Opposition amendments put forward in respect of health are not on grounds of principle but simply on grounds of legal drafting in respect of what we are allowed to do and what we are not allowed to do when giving effect to EU regulations. For that reason, regretfully, I will not be accepting amendments Nos. 47, 48, 53 and 60. Interested Deputies have been talking to my officials about what is possible here. My officials listened to Deputies on this one and they and I agree that the absence of any specific reference to health does look like we might be ignoring the issue entirely.

I am therefore tabling amendments Nos. 59, 78 and 79. In doing so, I wish to make it clear that I considered the issue of how best to include these health references, and indeed where in the Bill such references would have most meaning. Options included seeking to have references made in the interpretation section of the Bill, as suggested by Deputy Darragh O'Brien.

**Deputy Darragh O'Brien:** Could the Minister repeat that?

**Deputy Shane Ross:** The amendments I am tabling are accepted on foot of considerable deliberation. I have had regard to legal advice on the matter and the advice of the draftspeople in the Office of the Attorney General. Reflecting that deliberative process, I am tabling these amendments, to be placed under the relevant parts of the Bill which specifically set out that the noise regulator will ensure that health aspects are assessed in accordance with the relevant legislation when considering the noise situation at the airport. I believe these amendments, when taken with the assurances that the 2002 directive and 2018 environmental noise regulations will apply, will allay any fears that health aspects are being ignored.

I thank all of the Deputies for their contributions on this matter this evening, last week and on Committee Stage. In particular, I know that Deputies Troy, Darragh O'Brien and Clare Daly followed up with my Department after Committee Stage to reinforce the importance of this Bill clearly referring to health as a part of any noise assessment. Those Deputies pushed hard for a solution. We sought legal advice and found the best way forward. We have a much better Bill as a result of this engagement. I thank those Deputies, and indeed all Deputies who contributed to the Bill. It has improved specifically in the health area. We have all been pushing in the same direction. The main difficulty has been that some of the amendments tabled are not as legally robust as those we have tabled in order to meet the requirements of the Members of the Opposition.

**An Leas-Cheann Comhairle:** Perhaps the Minister could clarify for us the amendments he referred to.

**Deputy Darragh O'Brien:** I could not hear the Minister; I was not just interrupting.

**Deputy Shane Ross:** The amendments referred to were amendments Nos. 59, 78 and 79.

**An Leas-Cheann Comhairle:** We are only debating amendment No. 48 at the moment.



**Deputy Darragh O'Brien:** The Minister made reference to the insertion of those amendments and I could not hear it during his contribution. I would appreciate it if he could circulate that note so that we could read it.

**An Leas-Cheann Comhairle:** We are dealing with amendment No. 48 only. We can have a second round of contributions.

**Deputy Brendan Ryan:** These amendments are grouped.

**Deputy Darragh O'Brien:** The amendments should be taken individually.

**Deputy Robert Troy:** The Minister could come back a second time for two minutes.

**Deputy Fergus O'Dowd:** What about the questions we raised?

**An Leas-Cheann Comhairle:** It is true that there were many questions. The clock is still ticking, but the Minister will only have two minutes for his next contribution. We still have three minutes.

**Deputy Shane Ross:** I believe many Deputies are anxious for me to address the issue of freedom of information, FOI, and press coverage. Fingal County Council is on record that it is satisfied that its concerns were addressed before recommendations were made by me to the Government. Deputies have said that that information on FOIs and press coverage should have come out earlier. There seems to be some sort of misconception around this, and I do not know why. Deputy Burton referred to last year. The letter dates from 2017.

**Deputy Joan Burton:** Why will the Minister not bring the letter to the House and give it to us?

**Deputy Shane Ross:** It is very important that we get the context of this. It was delivered at a very early stage, in 2017. The Deputy said it was last year, but it was not.

I am aware of the recent report in *The Irish Times* on issues raised by Fingal County Council in 2017 around its suitability for the job of noise regulator. To be clear, these concerns were raised during the exploratory process undertaken by my Department to identify a suitable State body to be the noise regulator when it became clear that the IAA was not suitable. There were initial concerns, all of which were addressed. I understand that the very same matter was reported by RTÉ last October following the pre-legislative scrutiny stage of this Bill. To my mind it simply reveals that there was a process which included exchanges of views, discussions of key issues and risks and, importantly, legal and policy advices on these issues. It also reveals that many of the issues raised in this Chamber and on Committee Stage about the suitability of Fingal County Council as the noise regulator were discussed and fully worked through before any firm proposal was put to me and before the Government was asked to make a decision on the matter. Moreover, I advised this House during the same period that the work to identify a suitable body to act as the noise regulator was going on behind the scenes at official level.

It is interesting that, in the context of this Bill, I have been accused of making it up as I go along and not thinking things through. The record actually shows that issues such as suitability, resources and potential conflicts of interests surfaced early on and were examined and addressed. There were no surprises. It is already a matter of public record that Fingal County Council had concerns at the outset. It shared those concerns, which is healthy. It certainly counters any suggestion that this was some sort of ready-up or that Fingal County Council has

some hidden vested interest in being the regulator, which has been the undercurrent in some contributions to this debate. This regulatory function is being assigned to Fingal County Council because of its experience of and existing responsibilities for environmental regulations, including environmental noise for planning and development, and in respect of managing large and effective public consultations, as I have outlined many times before. Due diligence was carried out by my Department and the Department of Housing, Planning and Local Government, Fingal County Council and the Office of the Attorney General. This was the correct approach. All issues were aired, analysed and examined in an objective, evidence-based manner. There is no issue of conflict - that has been legally tested - and the resource issue has also been addressed.

**Deputy Joan Burton:** I find the response of the Minister to be really disappointing. The Minister, in this Oireachtas, has railed against the Judiciary and described appointments to it as not being appropriate, yet he is now talking about a regulatory situation where the regulator, appointed and selected by the Minister, is absolutely mired in conflicts of interest. It is responsible for planning and for being the local authority partner of a major airport, which is of enormous significance to the economy and the country. The Minister has railed against everybody on the matter of judicial appointments, but he is now proposing something similar for the noise regulator. This is something that is really important in people's lives, and important to the life of the airport, which is important economically to the whole country. The level of conflict of interest is unbelievable, and he has not explained to us why the letter was not released. He sat on it while all of the discussions were taking place. If any of this had happened in a judicial context we would not hear the end of it, because the Minister would rail and roar and shout against it. The Minister is famous for his forthrightness. Most public servants in his previous books were wasters. That was the title of one of his books relating to the public service. The Minister is someone who has sought out areas where he has taken the view that wrong decisions were made with regard to public services. Now, we are pointing out to the Minister in a reasonable way on behalf of residents in the area that there are major unsustainable conflicts of interest, but he has simply decided to ignore them. Alternatives have been put forward by the Labour Party and other parties. They are before the House in the form of amendments. For someone who has gone on about justice in Ireland, I simply cannot understand the approach of the Minister.

**Deputy Robert Troy:** I welcome the opportunity to contribute again to this debate. I have asked about this on several occasions. I have acknowledged that the appointment of Fingal County Council is imperfect. We have facilitated the process by abstaining to allow the provisions through. We have worked tirelessly in and out of committee with the Minister and his officials to try to improve this legislation. I thank him for acknowledging that.

I am keen for him to clearly outline in one of his contributions the additional resources that will be allocated to Fingal County Council to ensure that the council can hire in competent capable staff who will be able to deal with this in an efficient manner. What measures will be taken to ensure that there will be robust transparency? Following our intervention, the Minister agreed that external consultants would be brought in to ensure the work of the competent authority was being done right. Certainly, that is not something he had advocated beforehand. That is something we have achieved now. It is important that we get this right. It is important for the people who do not have confidence in this authority at the moment. It is important that their confidence in the authority can be built over a period.

It is timely to appoint a competent authority. What some Members do not seem to think about in any way is the economic growth of the region and the country. They do not seem to

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think about the €8.3 billion that our airport contributes on an annual basis, the 117,000 jobs that the airport supports directly and indirectly and the thousands of families who rely on the airport in Fingal. Some people think that if the airport grows it is somehow wrong. Why are we building a second runway if we do not want the airport to grow? Surely it is good for our economy if we bring in more tourists and have greater connectivity between our country, mainland Europe and the world. I would have thought that was better. However, we have to do that in a sustainable manner. We have to ensure a balanced approach. That is why I have worked on this since the beginning, at a time other Deputies were not present for Second or Committee Stages and were mute in recent years on this issue.

This has been going on since the previous Government was in office. The EU regulation has been in force since 2014 but there had been no advancement until now. The beauty about this is that the final adjudicator for any appeal brought will be An Bord Pleanála, a statutory independent body. I know from dealing with several residents in the area that they have confidence in that body to ensure fairness and a balanced approach and that their concerns will be addressed.

**Deputy Brendan Ryan:** Should every decision go to An Bord Pleanála?

**Deputy Robert Troy:** That is not what I am saying.

**Deputy Darragh O'Brien:** We are talking about the night flight restrictions. Deputy Brendan Ryan knows that.

**Deputy Robert Troy:** I am talking about a difficulty.

**Deputy Darragh O'Brien:** Deputy Brendan Ryan knows that it will. That is all he is saying. He should let Deputy Troy speak.

**An Leas-Cheann Comhairle:** The Deputies can talk afterwards.

**Deputy Robert Troy:** Deputy Burton had 18 months as Tánaiste.

**Deputy Darragh O'Brien:** Someone is going to go to the board and the Labour Party Deputies know it.

**An Leas-Cheann Comhairle:** If Deputy Darragh O'Brien wants to have a chat afterwards, there will be plenty of time.

Debate adjourned.

The Dáil adjourned at 11.15 p.m. until 10.30 a.m. on Thursday, 21 February 2019.