



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

Youth Homelessness: Statements . . . . .	260
Ceisteanna - Questions . . . . .	275
Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions . . . . .	275
National Children's Hospital Expenditure. . . . .	275
National Broadband Plan . . . . .	278
Action Plan for Housing and Homelessness. . . . .	281
Public Procurement Regulations . . . . .	283
Ceisteanna Eile - Other Questions . . . . .	285
Small and Medium Enterprises . . . . .	285
Defence Forces Remuneration. . . . .	286
Brexit Preparations . . . . .	288
Public Expenditure Policy . . . . .	290
Housing Policy . . . . .	291
Departmental Budgets . . . . .	293
National Children's Hospital . . . . .	295
Ceisteanna ó Cheannairí - Leaders' Questions. . . . .	297
Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation . . . . .	307
Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters . . . . .	316
Finance (Office of Tax Simplification) Bill 2018: Second Stage (Resumed) [Private Members]. . . . .	316
Public Transport: Motion (Resumed) [Private Members]. . . . .	318
Aircraft Noise (Dublin Airport) Regulation Bill 2018: From the Seanad . . . . .	329
Gnó na Dála - Business of Dáil . . . . .	355
Ireland's Position on the Future of Europe: Statements. . . . .	355
Saincheisteanna Tráthúla - Topical Issue Debate . . . . .	363
Special Educational Needs . . . . .	363
Health Services Funding . . . . .	367
Community Banking . . . . .	369
Housing Policy . . . . .	374

## DÁIL ÉIREANN

*Déardaoín, 18 Aibreán 2019*

*Thursday, 18 April 2019*

Chuaigh an Leas-Cheann Comhairle i gceannas ar 9.30 a.m.

***Paidir.***

***Prayer.***

---

### **Youth Homelessness: Statements**

**Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy):** I thank Members for the opportunity to speak again about this important issue.

Homelessness is one of the most urgent issues facing the Government and it is one we are committed to resolving. The situation of children in emergency accommodation is particularly disturbing. This morning, we have a report by the Ombudsman for Children's office on family hubs. This report gives a voice to very young children living in family hubs, which is very valuable. I will take the particular recommendations on board and bring the report to the attention of the Minister for Children and Youth Affairs, Deputy Zappone.

Family hubs are a more appropriate first response than hotels. However, they must be run to the highest possible standards and they must remain a temporary response for families living in them. My Department is already moving on some of the priorities identified in the report. Notably, we recently issued instructions to local authorities nationally on the extension of the national quality standards framework for homeless services. The framework, which has been fully implemented in the Dublin region, has been designed to ensure that the services we provide to individuals and families experiencing homelessness are well organised, co-ordinated and focused on moving people out of homelessness into sustainable housing solutions as quickly as possible. The framework recognises the rights of children and provides that children are consulted regarding their needs. I will be in contact with the local authorities and our service providers that are operating family hubs, which includes Crosscare, Focus Ireland, the Good Shepherd, the Peter McVerry Trust, Respond, the Salvation Army and Sophia Housing to ask them for their response to this important report. Those responses will guide the further measures that must be taken.

My role, as Minister for Housing, Planning and Local Government, is to fix our broken system but it is also to ensure there are sufficient homes available for all of those who need them. While we are committed to ensuring that those families experiencing homelessness are provided with the best possible emergency accommodation as they are supported to identify

18 April 2019

and secure an independent home, we recognise that there is always more work to do in this most important area. No one wants any children to be in emergency accommodation and no one wants any child to be in such a precarious position.

The approach to supporting families and children experiencing homelessness involves a wide-ranging approach in which a number of Departments and agencies are responsible, in particular, the Department of Children and Youth Affairs, Tusla, the HSE and the Department of Education and Skills.

In September 2017, I established the homelessness inter-agency group to ensure that services to individuals, families and their children were provided in a coherent and co-ordinated manner and, importantly, in a caring and compassionate manner. The number of Departments and agencies with key roles in the provision of supports and services to children experiencing homelessness demonstrates both the complexity of the issue and also the determined commitment from all of Government to address this issue.

I will briefly outline some of those supports. The Department of Children and Youth Affairs is responsible for policy development and implementation with regard to issues that affect children, in particular, childhood care and education, child welfare and protection. Tusla, the Child and Family Agency, is responsible for supporting and promoting the development, welfare and protection of children and the effective functioning of families and it delivers a range of services to support families and children experiencing homelessness. Its educational welfare service works with schools to put supports in place to assist families experiencing homelessness. That includes support through transport, books and uniforms. It also supports families in their interactions with their schools.

The educational welfare service also examines the impact of homelessness in the context of school attendance and participation as well as retention. Guidance has been developed for families to support them also in this area. Tusla works closely with existing local structures such as the children and young persons services committees and community based services such as the family resource centres, FRCs, to ensure that adequate supports are available to families in homelessness to enable children and young people to continue to attend, fully participate as well as progress in school.

A range of resources from the Department of Education and Skills are also available to support schools in dealing with identified additional educational needs, including needs which may arise for children experiencing homelessness. This includes the National Educational Psychological Service, NEPS. Psychologists in that service can provide advice and guidance to principles and teachers regarding individual students' needs and in the development of whole-school approaches to support inclusion, participation and integration. In addition, the psychologists support schools to implement early intervention and prevention programmes.

Additional support is provided to the delivering equality of opportunity in schools, DEIS, school support programme to schools identified as having the highest concentrations of pupils from disadvantaged communities. Schools use those additional resources to meet the identified needs of their pupils, including the additional needs that may arise for pupils experiencing homelessness. Schools designated as DEIS can also avail of a home school community liaison and school completion support provided by Tusla's educational welfare service to assist with school attendance, retention and progression, which can be areas of particular challenge to those children who are experiencing homelessness living in hotels and bed and breakfast ac-

commodation or in family hubs.

With Healthy Ireland we are enabling the running of a successful health and nutrition pilot aimed at families and children in emergency accommodation. One group recognised as being particularly vulnerable to homelessness are those young people leaving State care. Tusla co-ordinates the overall service response in this area. These individuals require additional supports to ensure a smooth transition from State care and that they are not put at risk of homelessness.

Funding is in place under my Department's capital assistance scheme which enables approved housing bodies, AHBs, to acquire residential units to accommodate young people exiting State care. Work is ongoing between Tusla, my Department and the local authorities to ensure the acquisition of properties for approved housing bodies for the accommodation of care leavers are progressed as quickly as possible.

A Dublin area co-ordination forum for AHBs and the Dublin Region Homeless Executive, DRHE, has been established by Tusla as well as a national co-ordinating forum for AHBs to ensure coverage in all areas and efficient implementation of the scheme, with an emphasis on forward planning to anticipate and plan for demands in 2019 and 2020. Approximately 40 properties have thus far been or are in the process of being purchased under this scheme.

My Department's focus is on ensuring that we deliver housing solutions for families and children experiencing homelessness. We are making some progress, with over 5,000 adults exiting homelessness into tenancies in 2018. To date, Rebuilding Ireland has increased the active social housing stock by over 21,000 homes, with 8,420 of these delivered in 2018 alone. A further 10,000 social homes will be delivered before the end of this year.

As we increase the supply of social housing, we face an unacceptable number of families accessing emergency accommodation and an unacceptable situation of families in hotels and bed and breakfast accommodation. The Government is committed to supporting these families to identify and secure their own homes. However, until homes can be secured, we must provide the best supports possible in emergency accommodation. In the budget for this year, we increased the funding provided to local authorities for homeless services to €146 million, an increase of over 25% on the 2018 allocation. This funding will ensure that local authorities can provide the best possible supports to those individuals and families experiencing homelessness until they can be assisted to secure a more sustainable housing solution that is best suited to their needs.

One of the key priorities for my Department is preventing the flow of families and children into homeless services. We know many of those families presenting have previously resided in private rented property. I am committed to strengthening and improving security of tenure for tenants through the Residential Tenancies (Amendment) Bill 2018, which was published in December and which is now making its way through the House.

Under the homeless HAP place finder service, all local authorities are being provided with the option to pay deposits and advance rental payments for any households in emergency accommodation in order to allow them to secure accommodation via the HAP scheme. Local authorities may, depending on demand, offer households in emergency accommodation the option to source accommodation themselves or with the assistance of the local place finder offices. Dedicated HAP place finder positions are also being funded by my Department, with 23 local authorities having place finder officers in place. To the end of last year, over 6,100

18 April 2019

households have been supported through homeless HAP nationally, including almost 900 in the Dublin region.

My Department is also funding Threshold's tenancy protection service. This service provides advice and support to individuals, couples and families living in private rented accommodation who are experiencing tenancy problems. It has been instrumental in preventing homelessness in the first instance and supporting people to remain in their homes.

Where families require emergency accommodation, we are working to minimise the use of hotels and have been delivering family hubs to provide a more suitable form of accommodation. To date, 27 family hubs have opened nationally since 2017, offering 650 spaces of accommodation for families in the key urban areas where the issue of family homelessness is most pressing. Further family hubs are being developed this year. Family hubs have not only been shown to provide a more suitable environment for families experiencing homelessness, but also have been proven to allow families to exit emergency accommodation far more quickly than would be the case if they were staying in a hotel or bed and breakfast. While these facilities provide more security and stability for homeless families than is possible in hotel accommodation, it is important to note that these facilities are not intended to be seen as a housing solution. Our fundamental objective remains to provide homes for the families concerned. As supply becomes available, families will move into houses and apartments that will be provided under the various social housing supports. As soon as the family go into a hub, they are immediately met by a support team whose main aim is to exit them from homelessness into appropriate accommodation as swiftly as possible.

For those families in hotels and bed breakfast accommodation, the DRHE requires all private emergency operators to have a safeguard statement and staff who are Garda vetted and trained in child protection. The DRHE, supported by Tusla, has set up a mandatory one-day training course in child protection for private emergency accommodation, PEA, staff and the contact details of the dedicated liaison person must be on display in each PEA.

A national standards quality framework for the delivery of homeless services has been developed for my Department by the DRHE. The objective of this framework is to improve the quality of services provided to individuals, families and children who are accessing emergency accommodation. As I said, this is being rolled out on a pilot basis for all of Dublin and will now be rolled out nationally. It is very important that we have this framework in place to make sure we are delivering the best possible emergency accommodation to families in need, and that accommodation is delivered not just in an efficient way but with care and compassion, and with the necessary supports to exit families from emergency accommodation as swiftly as possible.

As already stated, the delivery of supports is being addressed on a multi-agency and multi-departmental basis. In June of last year, the chair of the homelessness inter-agency group submitted a report to me setting out a range of recommendations across a number of policy areas. The latter is in addition to the work that is already happening in regard to quality standards and frameworks. The Government endorses these recommendations in the report. The chair of the group will be submitting a further report to me in the coming weeks setting out the progress that has been made. Where progress has not been made or further actions are identified, I will be engaging with my Cabinet colleagues to ensure that we are delivering the most appropriate supports.

I know everyone will join me in acknowledging the exemplary work undertaken by all of

those working with families, children and young people who find themselves needing to access emergency accommodation, whether that be an NGO, a local authority or officials of the various Government Departments involved. They all play an essential role in ensuring the required support and services are provided to those who are most vulnerable in this crisis. All of these individuals face a difficult job and they work tirelessly to provide supports to the individuals and families who are experiencing homelessness and who are our first concern.

**Deputy Pat Casey:** Before I proceed, I wish to place on record the fact that my family business in Glendalough has been used previously to house children in family homelessness.

During my previous contribution on child and family homelessness in our Republic, I concluded by pleading to the Government to immediately declare homelessness a national emergency. Our homelessness national emergency needs a massive response from Government that should include daily targets and reports. We must declare that the common good of our people dictates that the Government ensures a minimum standard of housing for all our people.

I wish I could state that there is a better reality to report but the facts remain the same. In February 2016, the homelessness report figures indicated that 1,881 children and 795 families were living in emergency accommodation. In February 2019, there were 3,784 children and 1,707 families living in emergency accommodation. This is in the three years since the Government, which claims that it is on top of the situation and that Rebuilding Ireland is working, came to office. The Government spin machine is of the view that a 101% increase in child homelessness and an 87% increase in family homelessness are acceptable. What about the former Minister's pledge to end the use of hotels and bed and breakfast accommodation for homeless families by July 2017? Today, as 900 children are being accommodated in family hubs - another failed policy - there are still 1,903 living in hotels. There are now more children living in hotels than was the case when the then Minister made his pledge in 2017.

The lifelong damage being inflicted on children from their experience of homelessness will mirror the trauma of children and families across the globe. What it says about this crisis in child homelessness that we are putting tourists into homes in Dublin while Irish families are crammed into hotel rooms throughout our capital city? The report by the Ombudsman for Children, which gives witness to the lived experience of homelessness by children living in family hubs, should be read by every Minister and by every other Member of this House. The contents of the No Place Like Home report should be seared into the brain every policy influencer in Ireland. On a day when we are considering history's place as a subject on the school curriculum, this report is a living historical record of the shameful failure of the Government's response to family homelessness. In it, Noah, aged ten, writes, "I hate everything". Róisín, aged nine, when asked about what was good about the hubs, wrote, "Nothing." The parents of three-year old Oisín and one-year old Niamh speak honestly about raising children in this environment:

We have two rooms, but every single night he comes in with us, whereas before he would just go off to bed. He has become very clingy to me. I've put a lot of work into him now... to help him manage his emotions... At night-time you have to try to keep them quiet, everything to do with parenting, it is so hard in this environment.

Children's wisdom and sense of injustice is also recounted. Five-year old Darragh, who informed his parents that he was packing his clothes and leaving, stated simply about the lack of housing, "It is not fair." Rachel, aged ten, says, "Visiting arrangements are not fair." The shame and embarrassment felt by our homeless children is expressed by ten-year old Kim, "I



18 April 2019

don't like to tell my friend that I live in a hotel, because they might make fun of me." Kim and her family should not feel shamed and embarrassed. Everyone in this Chamber should feel shamed and embarrassed.

Every Minister should feel ashamed and embarrassed. If Government policies are not working, they need to be changed or dumped immediately.

I have been vocal on the impact of short-term letting platforms and in my first contribution to the Joint Committee on Housing, Planning and Local Government three years ago, I was the first Deputy to raise the impact that these platforms were having on the rental market in Dublin and to highlight that homes that could be used for families were being used for tourists. Three years ago, I warned about this and at the time I was accused of scaremongering and attacking short-term letting platforms by vested interests. It is important that all changes to this industry take into account that family and child homelessness cannot continue in this way.

As we approach the summer tourism season the capacity of hotels will increase and the availability of accommodation for families will decline. There are warnings from around the world about how cold governments can be about families that are homeless and looking for shelter. We cannot be here patting ourselves on the back for our international responsibilities and solidarity on issues such as Brexit, while thousands of Irish children are homeless. As the Easter break approaches, the time for Government soundbites is over. Ministers with solemn faces and press briefings to get over the local and European election cycle will not work either. This Government needs to deliver.

The Joint Committee on Housing, Planning and Local Government has worked in a positive manner to assist and help regulation through this Dáil in the interest of the common good. The committee has carried out a comprehensive review of the impact of short-term lettings and issued a full report. Fianna Fáil has introduced a Bill regulating this sector. It is clear and not questioned that there are thousands of properties, excluding homeshare properties, available for letting on the short-term letting platforms. There are significantly more than are required to house the 1,707 families and 3,780 children who are in emergency accommodation. This requires a definition of what short-term letting is, which the Minister is working on in the Residential Tenancies (Amendment) (No. 2) Bill 2018 and by introducing amendments to the Planning and Development Act. I have spoken openly on this. What the Minister is doing is required but it will not regulate the short-term letting industry, and we need regulation. This requires the Minister for Transport, Tourism and Sport to introduce the regulation. The Minister, Deputy Murphy, has clearly stated that he is the Minister for Housing, Planning and Local Government and that he does not have responsibility for tourism.

The Minister reaches across this Chamber looking for support from Opposition parties which he receives with regard to significant regulation that will help to deal with the housing crisis. Where is the collective responsibility of Cabinet? It is simply not good enough for the Taoiseach, the Minister and his Cabinet colleagues to blame a minority Government all the time. His own Cabinet cannot act in a collective manner. The Minister's colleague does not accept that there is a child homelessness crisis that needs a whole-of-Government response. Who is driving the bus and controlling Government policy? It definitely does not look like the Minister or the Taoiseach.

Fianna Fáil has tried repeatedly to urge this Government to act radically on child and family homelessness. We have given this Government every opportunity to give this crisis the atten-

tion it deserves. The lifelong damage being inflicted on Irish children from their experience of homelessness in Ireland will mirror the trauma of children and families around the world. Governments throughout the world pay far too much lipservice to caring about families experiencing homelessness, and not enough action to resolve it. This Government is currently part of the problem in tackling child and family homelessness. A national emergency should be declared now before Ireland joins an international list of shameful responses to those in need of shelter, help and a place to call home. I will conclude with the wisdom and grace of Irish children. Eight year old Hanna said, “I need a house”, while nine year old Róisín said, “Get a house.” The Minister must deliver more homes.

**Deputy Denise Mitchell:** The number of young people experiencing homelessness has doubled in the past three years. That is before we get into the hidden homeless - those who have not presented as homeless to a local authority and who are staying on the couches of relatives or friends. We do not know how many young people are homeless but it is much higher than the number officially reported in February. I want to focus on those young people who leave State care, whether foster care or some type of residential care, and find themselves unable to secure accommodation. I have raised this with the Minister for Children and Youth Affairs. While I acknowledge that many of these issues fall under the remit of that Department, including aftercare supports which are supposed to ensure that care leavers are helped in their transition to independence, a much greater responsibility rests with the Minister for Housing, Planning and Local Government.

A recent report from Empowering People in Care, EPIC, highlighted the difficulties faced by these young people. I found it very worrying that the report showed that 12% of those who have left the care system are homeless. Approximately 450 children leave care each year and this is challenging without stable accommodation. EPIC and other organisations are looking for more co-operation from the Departments of Children and Youth Affairs and Housing, Planning and Local Government to deliver solutions for these young people. Young people leaving care are at a higher risk of homeless than their peers, simply because they lack the stability in their lives that many others take for granted. This was recently highlighted in the figures from Focus Ireland, which showed that of 119 care leavers the organisation worked with in Dublin, 14 were homeless and 22 were at risk of homelessness. I acknowledge that the Minister said he secured 40 units but it is simply not enough. I hope that he will examine this issue in a cross-departmental way and ensure that young people leaving State care have the supports and certainty that they need.

**Deputy Donnchadh Ó Laoghaire:** Following Deputy Mitchell’s contribution, I highlight that at least 910 young people are homeless and there are perhaps many more in overcrowded accommodation. With regard to the aftercare issue and children leaving care, as Deputy Mitchell said, 12% of young people leaving care are homeless, and one third are at risk of homelessness. The Child Care (Amendment) Act 2015 that Senator James Reilly authored had some valuable elements but there were also significant shortfalls. The Act provided for an entitlement to an aftercare plan, drafted while in care, but it did not provide any entitlement to the actual care. That is a significant difficulty. A plan is very well and good on paper, but if there are not resources and designated people to put that in place, then it is just a piece of paper.

In 2017, I drafted legislation, the aftercare entitlement Bill. I was unable to introduce it due to Standing Orders as it would incur a charge on the Exchequer but I sent it to the Minister, Deputy Zappone, and I will send it to the Minister, Deputy Murphy, after this debate. It proposes designating a named person on behalf of Tusla to oversee the implementation of an



aftercare plan and entitlement to supported accommodation for care leavers immediately after leaving the care system, implementing a system of review and engagement with the care leaver on a routine basis, and extending the age of entitlement to 27. That is supported by EPIC and the Irish Aftercare Network. I hope the Minister and the Minister for Children and Youth Affairs will consider it. Aftercare is vitally important. In the grand scheme of things, this is a relatively small cohort but it is a cohort who are at much heightened risk of poverty and homelessness. They need greater support. Everybody should have an aftercare plan but there need to be supports.

I will address the report on family hubs.

I want to take this opportunity to highlight a case. We have to be honest about this and I recognise that family hubs are preferable to what was there beforehand, namely, bed and breakfast accommodation, hotels and so on. The difficulties with them if they become a long-term solution for people and if they become where people end up for extended periods of time are obvious from the Ombudsman's report, with children describing them as being like a prison and so on. It is extremely upsetting and when one deals with these families and talks to the parents, they are so upset at how embarrassed and traumatised the children sometimes are by all this.

I want to give the example of a constituent of mine, Stephanie McSweeney. She has been on Cork City Council's housing list for almost 11 years. She was made homeless a few weeks ago. She was in a family hub but as of today she has had to leave the family hub because I suppose the council is saying that somebody of higher need needs that room. She is now being sent to Kinsale almost 20 miles away. She does not drive, she works in the city and her children go to school in the city, so she will have to get the bus in and out from Kinsale every day. This is a family with two children. She has been failed by not being offered a house after nearly 11 years, she has been failed by the inability of this Government to put legislation in place to prevent people being evicted into homelessness and she has been failed because she is not being allowed to stay in the emergency accommodation that has been provided to her in that family hub. That is unacceptable, there are many families in similar situations and they are being failed desperately.

*10 o'clock*

**Deputy Kathleen Funchion:** On my way up from Kilkenny today, I was listening to a number of news reports on children and young people describing their family and living situation in hubs and bed and breakfast accommodation as like being in prison. As a society, we have completely failed when young people are describing their living arrangements as being like prison. I honestly do not know how many debates we have to have in this Chamber. I said the exact same thing last year about how many debates we will have before the Government realises that this has gone beyond a crisis and an emergency situation given the number of homeless people and the really negative impact this is having on children and young people and on their mental health, on how they see themselves in the world and on their self esteem. They describe themselves as being ashamed and embarrassed and it is not good enough. To be honest, I really do not think the Minister gets it because if he did, he would be doing a lot more about it.

I have very limited time so I want to talk in particular from the education point of view of kids going to school who are forced to live in emergency accommodation. We know that one in every four primary schools has children who are experiencing homelessness and teachers are at the forefront in dealing with the impact of this on the children they are teaching. Where a school has identified a homeless child in a class, it is not the duty of the teacher or school alone to cater for that child. The State must recognise that teachers and schools in these instances

must be better resourced and provided with additional wrap around supports to assist homeless students, particularly those undertaking exams, where suitable study spaces and accommodation are critical to their outcomes. They must be able to draw on additional financial supports to provide for the needs of students such as transport, school books and uniforms. Where homelessness has been identified they should be able to provide meals, homework clubs and supervised study. This would tackle the issue of no access to study time or study spaces which Focus Ireland highlights. While not justifying this situation, because when we talk about services we are sometimes justifying the homeless situation, let us at least make it a little bit better for those children who are forced into that situation.

Another measure that we should look at, which has not been explored enough, even though it is often mentioned by Ministers when they speak about the supports that are available for children, is the school completion programme. Its funding has been cut over the last ten years and it has not been increased. It provides a great service to many children and if that programme was better resourced and better financed, it would be able to do an awful lot more. We also cannot just rely on classifying the children who are in the DEIS schools for supports. There are homeless children all over the country, not only in DEIS schools, so we need to ensure that the supports are following the children but at the end of the day, we need to build homes and we need to look at any sort of emergency measures that can be put in place in terms of compulsory purchase orders, CPOs, on properties.

We have to stop talking about this situation in this Chamber and stop normalising it. We have to create solutions. Countless solutions have been put forward. There was a cross-party committee in 2016 on the housing and homelessness situation where we had all-party agreement on many different measures. Let us start implementing some of these. We are constantly told it is not an issue of funding, so if it is not, let us start putting the measures in place. Three years down the road, the situation is getting worse.

**Deputy Jan O’Sullivan:** These statements are on youth homelessness and I will come back to that issue in the second part of my contribution. However, I cannot stand up in this House today without addressing the crucial report from the Ombudsman for Children on family hub accommodation for homeless families and the harrowing accounts and direct voices of children who are in family hubs.

Before the end of the debate today, I would like the Minister to commit to implementing the recommendations in the Ombudsman’s report. There are a number of specific recommendations and I would like the Minister to commit to implementing them. The Minister said in his contribution that he set up a homeless inter-agency group. That group needs to have an emergency meeting in response to the report of the Ombudsman for Children and to set out an urgent plan of action to address the issues that these children have expressed so graphically in the Ombudsman’s report.

They expressed feelings of shame, guilt and anger for circumstances that are totally outside of their control. When Deputy Casey was quoting some of the voices of the children, I noted that a number of them said that it was not fair. Children have a strong sense of justice and they want to see matters being fair but because this is outside of their control, they cannot make it fair. There is nothing they can do to make it fair and that sense of anger is bound to grow in those children because they are in a frustrated situation and they are powerless to do anything about it. Some of them said it felt like a prison. They are in this prison situation with their family and with other families that they do not know and they have to all live together.

18 April 2019

The family itself is in one room, with an en suite, but they are all in there together in this one room. One might say that was the situation for many families in the past but in the past they were in their own community, they could go out and play in the street and there was a whole community around families at that time. It was not acceptable anyway but now they are in a situation in the family hubs where there are fights going on outside.

A woman who comes to see me regularly is trying to get out of this situation. She has two children who are both going to school and she talks about trying to shield her five year old daughter from what is going on outside the door because her child can hear it. She told me that the teachers in the school are saying that while she was a very quiet child she is now becoming aggressive. That is the kind of psychological damage and scarring that literally thousands of children in the next generation will bear. We have to see something being done about it. Before I came in here, I looked at the table in the appendix to Rebuilding Ireland. The first pillar was on addressing homelessness and there are a series of actions that are meant to be implemented. This is going back almost three years. Action 1 is as follows:

We will accelerate and expand the Rapid - Build Housing Programme to provide, in the first instance and as a priority, more suitable accommodation for families that are currently residing in commercial hotels, while more permanent tenancies are secured. Units delivered over and above the number needed for families in hotels will be used as standard social housing. In addition, the Housing Agency will acquire 1,600 vacant housing units.

That was the very first action. I know the Minister did not publish it but he was in that Government and he is the Minister now. That action has not been implemented. The action on taking families out of hubs by the following summer has not been implemented either and while many families have been moved into hubs, there are still significant numbers of families in hotels. The whole supply issue is nowhere near as fast as it was meant to be or as it needs to be. That is the fundamental problem because the private rental sector simply cannot and should not be expected to deal with this societal problem.

It is a Government and State responsibility to provide homes for people who cannot provide them for themselves. The fact that families are so affected and it is so graphically described in this report has to result in a reflection on the policy position outlined by Government and defended consistently. We have to see a change. I have said many times that we have to see much more focus on using State land to quickly build social and affordable housing.

**Deputy Ruth Coppinger:** The Deputy was the Minister of State with responsibility for housing.

**Deputy Jan O'Sullivan:** Sorry, please-----

**An Leas-Cheann Comhairle:** Deputy O'Sullivan, without interruption.

**Deputy Ruth Coppinger:** It is just that she was the Minister of State with responsibility for housing.

**Deputy Gino Kenny:** It is hypocrisy.

**Deputy Jan O'Sullivan:** I am entitled-----

**An Leas-Cheann Comhairle:** Hold on Deputies. We are having a reasonable debate and there is no need to interfere. The Deputy has minutes to interrupt. She is here long enough to

know-----

**Deputy Ruth Coppinger:** We will call out the Deputy's hypocrisy then.

**An Leas-Cheann Comhairle:** The Deputy can wait.

**Deputy Jan O'Sullivan:** A Leas-Cheann Comhairle, I am going to answer this. I was Minister of State with responsibility for housing in the worst economic crisis and crash the country ever had.

**Deputy Ruth Coppinger:** She started the housing assistance payment, HAP, scheme.

**An Leas-Cheann Comhairle:** Deputy Coppinger should restrain herself.

**Deputy Jan O'Sullivan:** The troika would not let us spend any money but we actually did. I started a social housing programme with very little money. I started a voids programme that has brought-----

**Deputy Ruth Coppinger:** The Deputy brought HAP in.

**Deputy Gino Kenny:** The Labour Party has sold out.

**Deputy Jan O'Sullivan:** -----thousands of homes into use. When Deputy Kelly was Minister he announced €4 billion for housing so Deputy Coppinger should not give me that nonsense.

**Deputy Gino Kenny:** Hypocrisy.

**An Leas-Cheann Comhairle:** If Deputy Kenny's group gives him an opportunity to respond, then he will have an opportunity.

**Deputy Jan O'Sullivan:** We are dealing with a crisis situation and all Deputy Coppinger can do is make political points while children are living in hubs.

**Deputy Ruth Coppinger:** This is a political Chamber, I do not know if the Deputy has noticed that.

**Deputy Gino Kenny:** Absolute hypocrisy.

**An Leas-Cheann Comhairle:** I am not going to accept any more interruptions from either of the Deputies. If their group gives them an opportunity-----

**Deputy Gino Kenny:** It is hypocrisy every time.

**Deputy Ruth Coppinger:** We will answer her yet.

**Deputy Gino Kenny:** It is absolute hypocrisy.

**An Leas-Cheann Comhairle:** Apart from abusing Deputy O'Sullivan, the Deputies should not abuse the Chair-----

**Deputy Ruth Coppinger:** He is not abusing it.

**Deputy Gino Kenny:** The Labour Party was part of it. It is sickening hypocrisy.

**An Leas-Cheann Comhairle:** Deputy Kenny, please.

18 April 2019

**Deputy Gino Kenny:** It is absolutely sickening.

**An Leas-Cheann Comhairle:** I will adjourn the House, if necessary. If the Deputies want to be responsible for adjourning the House then so be it.

**Deputy Ruth Coppinger:** Sorry, a Leas-Cheann Comhairle, are we not allowed to open our mouths?

**An Leas-Cheann Comhairle:** The Deputy has no opportunity to question me at this stage.

**Deputy Ruth Coppinger:** We are not allowed to open our mouths.

**An Leas-Cheann Comhairle:** The Deputies will have an opportunity but they know the democratic process here. Deputy O’Sullivan is to speak without any more interruption otherwise I will adjourn the House.

**Deputy Gino Kenny:** It is absolutely nauseating.

**Deputy Jan O’Sullivan:** Practically everybody in this House is taking this issue extremely seriously. It is a crisis for families. There is one group in this House that consistently thinks it is more important to score political points than to solve a huge crisis for children around this country. Let us please get back to the seriousness of this situation. I am using up my time on this but I want to focus on this issue.

**An Leas-Cheann Comhairle:** I will give the Deputy a bit of injury time.

**Deputy Jan O’Sullivan:** I am asking the Minister to implement the recommendations, first, for a constitutional right to housing which is supported widely in this House and is called for in the report of the Ombudsman for Children. My Housing Homeless Families Bill 2017 is stuck waiting for a money message. That is about respecting the needs of children whenever the family becomes homeless. Focus Ireland has said that the Bill if it was implemented would make a huge difference to the way in which families are treated when they enter homelessness. Will the Minister do something about this money message so that we can move this Bill on?

I want to see the homelessness inter-agency group meet because there is a silo issue. The Minister spoke about how the Department of Education and Skills is responsible for one thing and the Department of Children and Youth Affairs is responsible for another and Tusla is responsible for something else but we need to make sure that there is joined-up action from these Departments.

I want to focus now on youth homelessness, in particular an issue to which two Sinn Féin speakers referred, namely, young people coming out of care. Earlier this week there was an article in *The Irish Times* by Kitty Holland who said that more one third of young people coming out of State care end up in homeless services. There is a proposal in Rebuilding Ireland to increase the number of Housing First homes for young people exiting homelessness. One of the actions states “we will triple the targets for tenancies to be provided by Housing First teams in Dublin.” We need to see more Housing First for young people and that is one of the recommendations of the Irish Coalition to End Youth Homelessness. Many of us attended the launch of that group very recently. It includes organisations like Barnardo’s, BeLonGTo, the Peter McVerry Trust, the National Youth Council, Focus Ireland, Threshold, NOVAS, the Union of Students in Ireland, USI, St. Vincent de Paul and several others. This is a coalition to address the problem that is often hidden, of young people who do not necessarily present as homeless



as they may be couch surfing or they may be with family. Nevertheless, they are extremely vulnerable and their needs must be addressed. In many cases they have had adverse childhood experiences, mental health issues, etc. They really need the support of a Housing First-type response, which is a wraparound service addressing the variety of their needs. I urge the Minister to consider this report and its recommendations. The primary recommendation concerns Housing First and providing appropriate accommodation for these young people. It specifically refers to communities and accommodating these young people within their communities. There are several recommendations that I urge the Minister to consider.

It is important to address this issue when 3,784 children are identified as homeless. The central issue is how we treat people in this country when they are most vulnerable, and these children are at their most vulnerable. There needs to be permanent solutions for these families. The recommendations of the Ombudsman need to be implemented.

I am reluctant to return to the barbs from across the Chamber but the number of homeless families and children was miniscule when I published that 84 page report, the intention of which was to end long-term homelessness by the end of 2016. It had several specific implementation recommendations and actions but at that time there was not a crisis in family homelessness as there is now. There is now a very acute crisis affecting many children around the country and that needs an urgent and a focused solution. The recommendations in the report of the Ombudsman for Children point to many practical ways in which this can be addressed. It has to be addressed and treated as a crisis.

**Deputy Gino Kenny:** Behind the statistics there are people and behind the people are children. The report of the Ombudsman for Children, published today, gives a glimpse of what life is like for children in hubs. A hub is an unnatural environment for children. Their environment should be a home setting, where they can close the door after them and go to school. When the abnormal becomes normal we have a serious problem. This constitutes the institutionalisation of children in the 21st century. In the past there were mother and baby homes, now there are hubs, bed and breakfast accommodation, and hotels where children live. The report states that 800 children live in hubs in Dublin alone and 900 nationally. That does not include over 3,000 children living in emergency accommodation, bed and breakfast accommodation, hotels, and hostels around the State, which is absolutely shameful. We have debated this so much that I feel I am hitting my head against a wall because the Government does not seem to be acting.

At the moment, there are 1,800 children in direct provision, a very unnatural environment for them and their families. That has to be a shameful stain on our society. Other Deputies have mentioned young people coming out of care and trying to find accommodation, which is probably next to impossible. There is a dearth of accommodation, particularly one bedroom apartments around the State. If a person is coming out of care, there a danger that he or she will become homeless or, even worse, enter the criminal justice system because there is no place for him or her to sleep at night and to call his or her own. It is a pretty awful position for that cohort of society.

I want to get to the crux of this matter. As I and other Deputies have asked, why is the State in a position where 10,000 people are in emergency accommodation and why have “social” and “housing” become dirty words? It was the policy of Fianna Fáil, the Labour Party and Fine Gael over the past 15 years. They have dirtied the words “public housing”.

**Deputy Jan O’Sullivan:** I might be entitled to interrupt to tell the Deputy that it has not

been the policy of the Labour Party.

**Deputy Gino Kenny:** I asked the Deputy two months ago if the Labour Party would sell public land in Clondalkin and she stated that it would not.

**An Leas-Cheann Comhairle:** It is customary to make remarks through the Chair.

**Deputy Gino Kenny:** What happened? The public land was sold to a private developer. That was absolute treachery.

**Deputy Jan O'Sullivan:** I did not sell any land.

**Deputy Gino Kenny:** The crux of the matter is that we have commodified public housing. It is the reason we have a crisis on our hands. If the Government cannot provide shelter, it does not deserve to be in office. As I indicated to Deputy Jan O'Sullivan, as long as the Government has a policy of selling public land to private developers at the height of a housing crisis, that crisis will remain with us perennially until the policy changes.

**Deputy Ruth Coppinger:** I also want to use this opportunity to bring home to people the real plight of people by highlighting the horrendous cases of family homelessness that we have dealt with at my constituency office. I will pick three examples for the Minister in order to demonstrate the impact on families and young people in particular. The first involves a mother and her six children who have been living in one room for the past year and a half. Why is that happening? A mother with three boys and three girls must sleep in bunk beds and double beds, all in one room. How is that allowed to continue? They are one of the families dealing with Fingal County Council. They are eligible for HAP but the big problem is that there are no properties where the landlords will take the latter, especially in cases where families are slightly larger. Landlords do not want families or children.

I find it difficult to restrain myself because when I was elected five years ago, the first Bill to come through the Dáil that I was involved with was sponsored by Deputy Jan O'Sullivan, who was a Minister of State at the time. I refer to the legislation by means of which HAP was introduced.

**Deputy Jan O'Sullivan:** That was a labour activation measure designed to stop people losing their homes when they got jobs. It was never meant to be a supplement.

**Deputy Ruth Coppinger:** We made the point at that stage - it must be remembered that people are being evicted from HAP tenancies - that €23 billion extra would be spent over a 30-year period paying private landlords through HAP when social housing could be built instead. That has been proven by Maynooth University.

The second family I know of are living in a bed and breakfast establishment on Gardiner Street. All these families became homeless after leaving the private rented sector. Those are the reasons that were pointed out in the Bill introduced by Solidarity that the Minister will not accept. That legislation would impose a ban on evictions arising from sale of properties. Such evictions continue to happen every day, with the taxpayer footing the bill as a result of the Government's failure or unwillingness to take on private landlords. This family to whom I refer had their home repossessed by the landlord and lived in a car in the Phoenix Park for over a month because of the difficulty in trying to get Fingal County Council to accept that they needed hotel accommodation.

I want to speak about the harassment of homeless families. I have evidence to back this up and I will happily send it to the Minister's office. I do not know if it is the policy with other councils but it is certainly the case in Fingal. Families are only being given two weeks security of tenure in hotels. When that period elapses, they are informed by the management of the hotels that they cannot get Fingal County Council to renew the tenure. The family have to show the council all the evidence that they have been looking for HAP properties. Why is that? Is the Government suggesting that these families are enjoying living in single rooms in hotels? Why is this policy in place? It is as if the families involved are having fun being homeless. There are no HAP properties so this is a real British Tory-style policy of forcing families to show the impossible.

The family in question asked for a meeting with somebody from the housing department of Fingal County Council in order to discuss their position. However, the truth is that families have been abandoned. If they do not let the council know their position, they are just left there. The family were asked why they want a meeting. Why does the Minister think they want a meeting? They would like to see if there is any prospect of emerging from their current situation. I have all the emails to prove this. These families have to pay for storage facilities for possessions and also for the takeaway food on which, it seems, they must live forever. This was going on five years ago in Blanchardstown and I highlighted umpteen cases at the time. It is not new. The Government knew about it but it does not care. It will not do what needs to be done.

I will highlight the plight of a third family who have been homeless since July 2018. The family had rented a house for eight years but it was absolutely vital for the landlord to sell so the family were kicked out. They were sent to Drogheda for some reason and ended up in Ashbourne. This was despite the fact that the children attend school in Blanchardstown. There are five children and they are one of the families lucky enough to have two rooms, not just one. Again, there are no cooking facilities and they live on takeaway food. When the parents drop their children to school, they cannot afford the petrol to drive back to Ashbourne and all these places each day so they must stick around the Blanchardstown area. They go to one of the community centres, such as Parslickstown, to avail of some of the help that people give there. They must stay in the area.

Why are families being harassed into proving that are seeking accommodation? Does the Minister seriously think they are having a great time in these bed and breakfast establishments and hotels? Will he commit to contacting councils to ask that this should not be done, particularly as it causes real distress for people? I was in my constituency office yesterday afternoon and spoke to a man with whom councillors and people working with me have dealt. He was angry and frustrated because of his experience living in a car in the Phoenix Park. I should say something about period poverty, as his wife and his daughter were having their periods in the car, leaving blood on the seats as the vehicle was in the Phoenix Park. That is an example of period poverty. Is the Government ever going to build public homes on public land to the scale needed in order to take these families out of their misery?

**Deputy Joan Collins:** Like everybody else here, we are exasperated by the fact that we are back again to speak about homelessness and frustrated by the sight of people walking into our constituency offices, including with children in prams, because they have been served with notices to quit and their landlords are selling the properties in which they live. There is no tangible response from the Government on these matters. The Minister stated that Rebuilding Ireland is leading to homes being built but in the region of five of every ten homes built are being bought by investors. We do not even have the official figures for the number of homes and

18 April 2019

estates on top of this being bought by real estate investment trusts. Rebuilding Ireland may be delivering homes but they are being bought by speculators and will not be used by people who need homes in which to live. The level of building is not sufficient to deal with the number of people becoming homeless. However, these properties are still being grabbed by vulture funds and investors. Unless these fundamental matters are dealt with, men, women and children will continue to face this nightmare of homelessness.

I cannot really say much because I only have two minutes. I refer to today's report from the Ombudsman. It is very disingenuous of the Minister to make reference to the report. We know that this has been happening for so long. It has been going on for years now, and the situation is not being resolved. Seventy-five per cent of council tenancies are now HAP tenancies. This is an incredible figure, and the Minister calls this putting people into homes. There is no security of tenure. We know there are enough public lands in the country to build social homes using the cost-rental model.

**An Leas-Cheann Comhairle:** I ask the Deputy to move the adjournment of the debate.

**Deputy Joan Collins:** The Minister has failed, his Government has failed, and in some ways many people here on the left have failed because we have not held them to account. I am really looking forward to a general election to challenge the Government on these issues.

Debate adjourned.

## **Ceisteanna - Questions**

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

#### **National Children's Hospital Expenditure**

1. **Deputy Barry Cowen** asked the Minister for Public Expenditure and Reform the level of engagement his Department will have in developing an implementation plan for the recommendations from a report (details supplied) on the cost overruns on the national children's hospital; and if he will make a statement on the matter. [18078/19]

2. **Deputy Jonathan O'Brien** asked the Minister for Public Expenditure and Reform the number of quarterly progress reports submitted to the Department of Health for the national children's hospital that have been audited by his Department; and if he will make a statement on the matter. [18076/19]

**Deputy Barry Cowen:** Regarding the national children's hospital, we might have had an apology on the part of the Government but we have not definitively had accountability on its part for the debacle that was, and is, the children's hospital. The PricewaterhouseCoopers, PwC, report concluded that the definitive business case did not adhere to the public spending

code. What can the Minister and his Department do, if anything, when the public spending code is breached, first before the finalisation of a definitive business case and, second, after the business case has been finalised? What level of accountability exists between him, his Department and other Departments in similar cases?

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** I propose to take Questions Nos. 1 and 2 together.

The management, delivery and oversight of individual investment programmes and public services within the agreed allocations are a key responsibility of every Department and Minister. With this in mind, the monitoring of the national children's hospital project, including regular progress reports, is a matter in the first instance for the Minister for Health and the Department of Health.

On 9 April, the Government published the report on the independent review of the escalation in national children's hospital costs carried out by PwC.

The report acknowledges that the national children's hospital is a project which is unique in scope, scale, and complexity in comparison with any other health infrastructure project in Ireland's history and is explicit in stating that the project's complexity should not be understated. However, the report did identify a series of weaknesses in set-up, planning, budget, execution and governance.

The PwC report made 11 recommendations to address issues of planning, budget execution and governance relating to the national children's hospital, and the Government has accepted these recommendations.

Nine of the recommendations relate to the specific execution, oversight and governance of the hospital, on which my colleague, the Minister for Health, is currently preparing an implementation plan. The other two have a wider application to capital infrastructure projects generally.

My role is to oversee the national development plan, NDP, up to 2027 and to maintain the national frameworks such as the public spending code, within which Departments operate to ensure appropriate accounting for and value for money in public expenditure.

To support the efficient implementation of the NDP, we have put in place the following measures: the establishment of a construction sector working group; a Project Ireland 2040 delivery board of Secretaries General; the establishment of an investment projects and programmes office; the publication of a capital projects tracker; and a capability review of public sector bodies. The public spending code is being reviewed in tandem with the review of the construction procurement strategy as part of the ongoing reform of our capital management systems. The reviews of the public spending code and the construction procurement strategy will strengthen existing guidelines on key areas of project delivery, including cost estimation; development of business cases; governance and project roles; and quality of information, risk identification and mitigation.

The revised central elements of the public spending code relating to the appraisal and management of public capital projects will be published before the summer. Further technical guidance building upon these central elements will follow in the second half of 2019 and into next year.



**Deputy Barry Cowen:** I thank the Minister for his response. I have not seen it in written form yet, and there is much detail contained in it regarding various groups and bodies he has put in place in his efforts to seek to adhere to the likes of the recommendations contained in the report. Focusing on recommendations Nos. 10 and 11, which relate to other capital infrastructure projects, is he convinced now that the standards to which business cases must adhere are more clearly defined? Has he reviewed or audited which business cases were in place? Does he now have criteria such that he is convinced that these business cases will be more robustly enforced, as indicated and sought by the PwC report?

**Deputy Paschal Donohoe:** My answer, when the Deputy sees it in written format, will slightly fill out some of the points I have made to him. I am clear that with business cases being developed now, particularly in the aftermath of the great challenges and difficulties we had with the national children's hospital, I am seeing two features in place more and more. First, I am seeing the costs in place refer to projects after they have been tendered or with far greater certainty and clarity as to what the likely cost will be. The second factor I am seeing is more and more recognition, particularly for very big projects, of the complexity and risk and, because of this, the contingency cost. I am seeing more of this in place but I also believe we need to keep on challenging ourselves to see whether both these factors are as realistically in place as they need to be. This work is under way.

**Deputy Barry Cowen:** Is the Minister satisfied that he will more robustly challenge, analyse or scrutinise the recommendations that emanate from various groups to these boards? Ultimately, it is his decision as a member of Government to make the recommendation for Government to accept a recommendation that emanates from these boards. They are supposedly at arm's length from political decisions, and I understand that, but the Minister has a responsibility on behalf of the taxpayer and the Government to ensure that taxpayers' money is well spent and that those who represent the taxpayer on these boards have a line of communication for which, ultimately, he is responsible. This was clearly lacking in the case of the children's hospital, as became clear during the course of the investigation.

**Deputy Paschal Donohoe:** My Department and I play a role in appraising and further understanding cost-benefit analyses that come into our Department. However, this is the case not just with analyses that come in from independent boards, but also with those that come in from Departments.

To respond to the Deputy's second question about the participation of officials of mine on boards, we have seen a greater clarity now regarding the roles and responsibilities that individuals should have when they are on these boards. I have a small number of officials who may serve on boards of other projects. I continue to be of the view that their first line of reporting should be to the line Minister for a given project. My experience of the national children's hospital project has reaffirmed that to me. We have all drawn many lessons from the difficulties that have developed with that project, however.

**Deputy Jonathan O'Brien:** Turning to the quarterly progress reports that are going to be forwarded to the Minister's Department for any projects costing more than €20 million, how will those reports be handled when they come into the Department? What will the process be? Will they be reviewed every quarter? If I recall correctly, the Minister stated last night that the reports will be put on a tracker on the departmental website. Will the Minister give us some information on what happens when those progress reports come into the Department and where they go from there?

**Deputy Paschal Donohoe:** As I stated to Deputy Jonathan O'Brien in our debate last night on the national children's hospital project, when information comes into the Department regarding the delivery of the project it feeds into an online tracker. That is available but we are going to publicise it further in the coming weeks. I have to decide whether we need to go beyond that. Having quarterly reports come into my Department for every single project costing more than €20 million would result in a vast number of reports coming in. I do not mean to diminish the point made by the Deputy. I would be concerned, however, that having so many reports coming in would diminish the responsibility of the line Departments which, first and foremost, have responsibility for projects. I have to make a final decision on this matter but in the interim we are feeding everything into the tracker. That tracker will be available to the public and it will include information on what is happening with a project, when and the current status of planning and construction.

**Deputy Jonathan O'Brien:** I agree that the Department would be crippled if progress reports came in for every single project costing more than €20 million. To have some confidence, however, in the progress reports coming in and being put on the tracker, we have to ensure there is sufficient expertise within line Departments to ensure all relevant information is forwarded. If there is an issue, a red flag should be raised and that should be brought to the attention of the Minister. We would at least know then that a difficulty, or a potential for difficulty, with some projects will be raised with the Minister's Department at the earliest opportunity.

**Deputy Paschal Donohoe:** I appreciate the Deputy recognising the scale of information that might come into my Department. I expect that any red flags regarding a project will be flagged to my Department. Many different difficulties develop with many projects along the way, however, though none on the scale of what we are now dealing with in respect of the national children's hospital project. It is first and foremost the responsibility of Ministers who receive budget allocations from the Department of Public Expenditure and Reform to make sure they live within those allocations and deal with issues regarding projects for which they are responsible. As I will state in a later response to a parliamentary question from Deputy Cowen, my Department plays a major role at the start of the project, particularly in the cost benefit analysis aspect. Once that is approved by Government, it is then up to individual Departments to deliver on their commitments.

### **National Broadband Plan**

3. **Deputy Barry Cowen** asked the Minister for Public Expenditure and Reform the role his Department is playing in relation to the tendering process for the national broadband plan; if the role of his Department when it comes to the tendering and construction of major capital projects will change in the future; and if he will make a statement on the matter. [18079/19]

**Deputy Barry Cowen:** There is great disappointment, dismay, frustration and even anger at the Government's and Fine Gael's collective failure to deliver on the commitment made by the then Deputy and former Minister, Mr. Pat Rabbitte, to deliver broadband to every household in the country at a cost of €500 million. The Taoiseach's mutterings in recent days suggest that will not now be the case. What role have the Minister and his Department played in seeking to ensure that commitment could be lived up to? What processes are in place to ensure due diligence and evaluation during the awarding of a contract to protect the best interests of the taxpayer? The Taoiseach is failing to live up to the commitment he made. He stated this was a

personal crusade. This project has the potential to unravel in a similar fashion to the national children's hospital project, unfortunately. I want the Minister to allay that fear.

**Deputy Paschal Donohoe:** Under the public spending code, before any tender process is run, the relevant procuring Department must first undertake a project appraisal to help inform whether the project should be approved to proceed to procurement or not. At that stage, my Department is involved in conducting a technical review of the cost benefit analysis undertaken by the line Department. In this case it is the Department of Communications, Climate Action and Environment. It reviews the methodology and compliance with the requirements of the public spending code in advance of any decision being taken by the line Department on whether to proceed to procurement or tender stage.

The public spending code further requires that the project appraisal is continually updated as the procurement process evolves and as actual tender costs, as opposed to cost estimates, become available. My Department may be consulted to review technically the updated cost benefit analysis. That is the case with major projects such as the tender for the national broadband plan. While my Department is not involved in the assessment of the tenders for individual projects, if it emerges that the cost of a project is not capable of being met within the agreed multi-annual capital allocation of the procuring Department, then that Department should engage with my Department to explore how to proceed with the project. That is what is happening now with the national broadband plan process.

In addition, the Office of Government Procurement was represented in an advisory role on the procurement board for this project. The primary aim of this board is to independently review the Department of Communications, Climate Action and Environment's oversight of the evaluation stages of the procurement process but has no decision making or due diligence role in the procurement process. That is a matter for the Department of Communications, Climate Action and the Environment.

**Deputy Barry Cowen:** I think that is quite amazing, unfortunately, especially considering we have spoken about the lessons we expect to learn from the recommendations of the PwC report regarding the national children's hospital. The Minister is, essentially, stating he has no role regarding evaluation or due diligence, apart from the Vote provided funding in a given year. The Minister has stated, however, that his role crystallises when spending costs get out of control. I refer back to the Minister's answer. It is similar to an answer he gave me in response to a parliamentary question earlier this month: "The Office of Government Procurement was represented in an advisory role on the procurement board for this project". The primary aim of the board is to review independently, as the Minister rightly states, the Department's oversight of the evaluation stages of procurement. No decision-making responsibility, however, lies with the Minister's Department.

That brings us back to the Office of Government Procurement. The Minister's Department has a representative on that, as it had in regard to the same office and its role regarding the national children's hospital project. The spending there went out of control to the extent that it was six times the original spending that the Government estimated would be needed to deliver the project. Was the Minister not informed? What oversight role does the Department of Public Expenditure and Reform really have? What prudence can it engender in other Departments? We do not seem to have learned lessons from the recommendations of the PwC report because the Office of Government Procurement, with a representative from the Minister's Department, is again not informing a line Minister.

**Deputy Paschal Donohoe:** Deputy Cowen is making many assumptions regarding how this project is going to develop and those assumptions have yet to be tested. The Deputy's view is underpinned by an assumption that I am not aware or not involved in what the cost of this process will be or decisions that will be made regarding it. I am actively involved in all of that. I have laid out what the process is to the Deputy and I think it is an understandable one. My Department is involved in the cost benefit analysis and the estimation of costs at the start of the project. My Department will also be involved if there are any developments regarding the cost benefit analysis. The key difficulty regarding the national children's hospital project was the development in the cost and complexity of the project.

Regarding where we are with the broadband plan, it is fair to say the complexity and challenge in delivering the project has been identified in an exhaustive tendering process.

**Deputy Barry Cowen:** I ask for a final clarification on the role of the Department of Finance in the delivery of the broadband plan and contract, ultimately to homes. There was a cost-benefit analysis in the first place, which the Minister acknowledged was in the region of €500 million in respect of the Government's contribution. According to the Taoiseach, it now transpires that the level of expenditure on the part of the State will be more in line with €3 billion, which is six times the original estimate. Am I to believe the Minister's representative on the Office of Government Procurement, OGP, has not yet informed him of the likely overrun in this area? Surely, the Minister was informed given that the Taoiseach can say it will be €3 billion over 25 years. What level of discussion, thinking or process was involved to allow him to give that answer in the Dáil the other day? I just want to be sure and certain, as taxpayers should be, that the Minister and his Department are on top of this and aware of what is going on and that they acknowledge the difficulties within the procurement process which mean it is now six times the original estimate provided by Government. Is the Minister actively engaged in resolving this issue?

**Deputy Paschal Donohoe:** As the Deputy will be aware and as the Taoiseach said yesterday in the Dáil, the €500 million indicative figure that previously existed in respect of this project was for a completely different level of coverage from the level we are now looking to deliver.

**Deputy Barry Cowen:** That is where we differ.

**Deputy Paschal Donohoe:** As the Taoiseach indicated yesterday, the memorandum referred to how we were going to get to villages but this is now a project seeking to provide coverage for up to 500,000 homes.

**Deputy Barry Cowen:** That is a line the Government is throwing out there now.

**Deputy Paschal Donohoe:** If the Deputy is asking me whether I am aware of, and involved in, the process regarding where the costs stand, the answer is "Yes." When the decision goes to Cabinet, it will be on the basis of costs and complexities which are known and understood and I will continue to play a role as member of Government in the decision-making process at that point in particular.

### **Action Plan for Housing and Homelessness**

4. **Deputy Richard Boyd Barrett** asked the Minister for Public Expenditure and Reform

his views on the impact on public finances of the heavy reliance on leasing, housing assistance payment, HAP and the rental accommodation scheme, RAS, in the housing policy; and if he will make a statement on the matter. [18075/19]

**Deputy Richard Boyd Barrett:** We are talking about the potential for vast cost overruns in the hospitals sector. The Government's reliance on the private sector to resolve the housing crisis is not only a disastrous social failure, it means the cost will be extortionate. Private developers and landlords will have the State over a barrel for well in excess of €1 billion and perhaps €2 billion a year for the foreseeable future while costs simply go through the roof. Is this not economic madness?

**Deputy Paschal Donohoe:** To ensure an effective and efficient response to urgent social housing needs throughout the entire country, a variety of mechanisms are provided for under Rebuilding Ireland, the Government's Action Plan for Housing and Homelessness. These include build, acquisition, lease, HAP and RAS. There are a variety of objectives behind this mix of delivery mechanisms, including speed of delivery, the appropriateness and efficiency of support and value for money for the Exchequer. HAP and RAS utilise private rented tenancies to deliver speedy and efficient responses to social housing requirements. Under budget 2019, the current expenditure allocation for these programmes amounts to €557 million, which funding will deliver more than 17,000 units of much needed social housing solutions. In addition, just over 2,000 new social housing units will be provided by local authorities and approved housing bodies, AHBs, in 2019 through a variety of leasing initiatives. There is also provision of €155 million in current funding in 2019 for the ongoing costs associated with leasing. It is important to remember that leasing maximises delivery, offers a flexible and efficient response and optimises the use of available resources for the State.

While we have increased our build programmes significantly, it remains the case that more homes can be provided through leasing than could reasonably be expected to be delivered under construction and acquisition programmes alone. For this reason, 10,000 of the 50,000 new social houses to be delivered under Rebuilding Ireland will be leased from a range of different sources. Delivery of new build and acquisitions has been steadily increasing over the first three years of Rebuilding Ireland, with acquisitions rising from 2,000 in 2016 to 2,600 in 2018, while new builds have risen from 3,000 units to just under 5,000 over the same period. In recognition of the need to accelerate the delivery of additional homes, €1.25 billion has been allocated for the delivery of 10,000 new social homes in 2019. This includes an allocation of €747 million for the local authority housing capital budget, which is an increase of one third over 2018.

**Deputy Richard Boyd Barrett:** Rebuilding Ireland has a target of 137,000 social housing units. Of those, it is intended to source 104,000 from the private sector through acquisition, lease, RAS and HAP. The cost of that will be extortionate. Indeed, I ask whether the Government has massively underbudgeted for HAP in 2019. The Minister says €423 million is the allocation for an additional 16,700 HAP tenancies in 2019. However, the allocation for only 43,000 HAP tenancies the previous year was €417 million. That means there will only be €6 million in additional funding yet there will be an extra 17,000 HAP tenancies. In fact, the number of HAP tenancies will probably exceed significantly what the Minister suggests to compensate for the fact that Government has failed to meet its construction targets. Current and capital expenditure going to the private sector at extortionate cost will probably reach, when one throws in NAMA and everything else, €2 billion. It is madness when we could build the houses for a fraction of the price on public land.



**Deputy Paschal Donohoe:** We need to look at what the figures are at the moment and at the balance between what we are spending in schemes like HAP and RAS and what we are spending to directly deliver homes. I want to put those figures on the record. The amount being spent to make use of existing houses is €526 million for 2018.

**Deputy Richard Boyd Barrett:** That is purchases.

**Deputy Paschal Donohoe:** No. I will come to that. It is €143 million for RAS, €277 million for HAP and €106 million for leasing, which is a total of €526 million. To build new units, we provided for spending of €1.16 billion in 2018, of which €742 million is to build new homes and €420 million is to acquire homes that are being built across the State. Those are the figures. When the Deputy puts to me a charge in respect of the mix between HAP and new building, it is €1.16 billion for build and acquisition and €526 million for the various schemes he has raised.

As the Deputy may be aware, the plan is that, by 2020 or 2021, we will be housing more citizens in local authority and AHB homes than through the private rental scheme.

**Deputy Richard Boyd Barrett:** Let me state the obvious - we have a worsening housing crisis. Today's report from the Ombudsman indicates that. We are going to spend €100 million building new hubs this year. The average cost of keeping a household in a hub is €100,000 per year. Two years of such expenditure would build a council house on public land. In that light, the suffering of the children is also madness from an economic point of view.

I do not understand the overall current expenditure figures for this year. In the budget book, the Government has allocated €423 million for HAP, €155 million for leasing from the private sector, €134 million for RAS, which goes to the private sector, and €146 million for homelessness services. All of that adds up to €858 million. I cannot understand how the €423 million for HAP will be sufficient, given that the Government allocated €417 million for it last year and has claimed that we will have an additional 16,700 HAP tenancies this year. Despite that, there will only be an extra €6 million allocated to it. That does not add up.

**Deputy Paschal Donohoe:** At each point in the year, we try to ensure that we are able to provide the right level of funding for HAP. The reason we have HAP in the first place is to ensure that, while we continue our work on rebuilding homes and building new ones, the citizens who are waiting for that housing to become available have homes and access to accommodation. That is why we are using this funding. Were we not making use of that kind of funding to ensure that people had access to accommodation, the Deputy would be criticising us for that as well. He would say that we were not doing enough to support people while we were building new homes.

The Deputy made a point about our investment in the delivery of new homes, particularly within local authorities. This year, we are involved in spending €742 million on building new homes. In 2017, that figure was €334 million. We are investing more in building new homes. While they are being built by local authorities and AHBs, we are using funding to ensure that people have access to accommodation.

## **Public Procurement Regulations**

5. **Deputy Mick Wallace** asked the Minister for Public Expenditure and Reform the way in which he plans to strengthen, by legislation or statutory instrument, the procurement oversight role of his Department in view of the lacuna in his powers of oversight identified recently by the IMF and in view of the projected costs overrun for the national children's hospital; and if he will make a statement on the matter. [18004/19]

**Deputy Mick Wallace:** The Government said it is clear there are lessons to be learned from the overrun on the children's hospital and other projects, but are we going to find out what went wrong? Who made the decision to get accountants to check what went wrong with a construction project and its procurement process instead of a construction and procurement firm and quantity surveyor team from, for example, outside the State? According to PricewaterhouseCoopers, PwC, we should not retender, but can we have the analysis and proof of same? Mr. Robert Watt told the Committee of Public Accounts that commitments were given regarding the approximate bill of quantities underpinning the contract and how accurate it was. He said that it did not turn out to be accurate, but who gave those commitments? Many answers are required.

**Deputy Paschal Donohoe:** The Deputy was present for the Dáil debate on this matter last night. We explained why we had commissioned the PwC report and what work PwC could do to help us understand what went wrong with this project. The Deputy disagreed with us, but I pointed out to him that the PwC report went through the various elements that went wrong and what we could learn from it. The report made the point that the level of complexity involved was very significant and that, in light of the various options that were open to the Government at the time that this issue developed, there was no assurance that we could have done this any more cheaply or quickly. The Deputy and I differ on both views. He said so last night and I respect his expertise in and knowledge of this area, but I assure him that, based on the work we did across that period, I have formed the view that, had we made the decision to retender or stop the project, the difficulties we would be facing now would be even greater.

**Deputy Mick Wallace:** If we do not get the answers, we will not learn the lessons. We are not getting the answers and do not seem to understand what happened. The PwC report reads: "The understanding of the risk profile associated with the procurement and contracting strategy was poor at all levels of the governance structure." Understanding the risk profile of a capital project is the first step. Who did not understand it and why?

The report also reads: "The strategy identified that a lack of interest from the market was a 'primary potential risk' to the procurement and mitigation strategies were put in place to address this." Why was a different form of contract not considered? Why was an International Federation of Consulting Engineers, FIDIC, contract not used? That would have attracted European interest.

The Tánaiste stated there was a gross underestimation that should have been flagged earlier, but a public benchmarking exercise provides an advance estimation of what a project will cost. Why was one not done? Who decided not to undertake one? Why was phase A a stand-alone contract? Who made that decision? Was it the advisers, McCann Fitzgerald, the executive or the board? The bill of quantities was only based on a preliminary design. Why was it not based on a detailed design? Who made that decision? If McCann Fitzgerald did not ask the right questions or give the right advice, will its public indemnity insurance be called in? How much has McCann Fitzgerald been paid for its work?

**Deputy Paschal Donohoe:** The Deputy has asked a series of questions regarding who was

involved in particular decisions. Many of the decisions that the Deputy mentioned were made by the National Paediatric Hospital Development Board, NPHDB. A board and an executive were in place. Recommendations were made to the board, which then made decisions. In the debate on this matter, I have tried to point out that, while there was a board in place, there has been a change in that board since. The Minister for Health, Deputy Harris, has stated that he will seek to strengthen it further.

I have always acknowledged that, as the Minister for Public Expenditure and Reform, I have responsibility for how the country's money is spent, in particular on capital projects. The PwC report made a number of recommendations that are particular to me. I will ensure that they are implemented.

**Deputy Mick Wallace:** The Minister is saying that the board carried all of the responsibility. Do we know whether it was well advised? Was the executive put in place to control the information going to the board on behalf of the HSE? Did the HSE have too much influence over the project? The procurement strategy used was sure to lead to an unmanageable increase in price. As a result, we will not know where the price will end up. Who is responsible for that? Is it the board or others?

We should not standardise construction project contracts. The capital works management framework, CWMF, is not fit for purpose and is problematic, yet the Government is wedded to it. The Government should change its strategy in that regard. We need flexibility to match the bespoke requirements of particular construction projects. The CWMF does not provide that flexibility.

Is it possible for me to see the contract, please? It would be beneficial and I could learn from it.

**Deputy Paschal Donohoe:** The Deputy put the final question to the Minister, Deputy Harris, last night. He will check to see whether it is possible for the Deputy to see the contract. I am afraid that I am not in a position to answer the question and I do not know whether there is any legal issue.

Regarding responsibility, the board and representatives of the national paediatric hospital appeared before the health committee and answered many questions on this issue. They had responsibility for certain elements and the Minister had responsibility for particular matters. So did I. I have appeared before a committee and the House on two occasions, most recently last night, to answer questions about my role in the project. It is clear where responsibility lies, as was laid out in the report we debated last night. As the Minister for Health, Deputy Harris, indicated, he will examine what he needs to do to strengthen the board further. The PwC report outlined specific recommendations in respect of me and I will implement them.

**Deputy Mick Wallace:** Is the Minister satisfied the consultants have enough experience in hospitals-----

**An Leas-Cheann Comhairle:** The Deputy's opportunity to respond has passed.

## **Ceisteanna Eile - Other Questions**

## Small and Medium Enterprises

6. **Deputy Barry Cowen** asked the Minister for Public Expenditure and Reform the material changes the Office of Government Procurement has undertaken to better enable indigenous small and medium enterprises, SMEs, to apply for public contracts; the amount spent on public contracts in 2018; the proportion of that spend that was to SMEs; and if he will make a statement on the matter. [17985/19]

**Deputy Barry Cowen:** I will allow the Minister time to deliver his reply in the hope that he can enlighten us as to how best to improve the opportunities of SMEs to be awarded public contracts.

**Deputy Paschal Donohoe:** Public procurement is a priority for the Government and has undergone significant reform aimed at ensuring sustainable delivery of much-needed public services, while also encouraging and supporting SME participation in these business opportunities. This approach is beneficial for the State because it nurtures competition, which ensures value for money is maintained, and provides SMEs with a platform to take advantage of similar opportunities in Ireland and throughout the European Union. Specifically, the OGP has developed a suite of policy measures aimed at assisting SMEs to access public procurement opportunities. These include proportionate financial capacity criteria, contracting authorities being encouraged to divide public contracts into lots, provision for consortia bidding, and public bodies being required to advertise on the national eTenders portal contracts for goods and services valued above €25,000.

In addition, my colleague, the Minister of State with responsibility for procurement, Deputy O'Donovan, chairs quarterly meetings of an SME advisory group, in accordance with the programme for Government. This ensures that the voice of SMEs is heard by the Government. The tender advisory service, which was relaunched in 2018, was set up to assist SMEs with public procurement issues. The service is an initiative developed out of the SME advisory group. The OGP proactively engages with the Department of Business, Enterprise and Innovation, InterTrade Ireland and Enterprise Ireland to promote SME access to public procurement. It participates at Go-2-Tender workshops and meet the buyer events held throughout the country, which are designed to help SMEs. The most recent analysis, which was made available in 2016, pointed out that 94% of the spend under the remit of the OGP fell within the State, while 53% was to SMEs.

**Deputy Barry Cowen:** I will focus on the points the Minister made about the role of the Minister of State, Deputy O'Donovan, who has responsibility for public procurement and the awarding of such contracts. He stated that there is an SME advisory group, on which the Minister of State sits, and that it meets regularly. What recommendations have emanated from the group in respect of amendments to existing legislation that might be necessary to improve the lot of SMEs?

**Deputy Paschal Donohoe:** The main measures undertaken by the Minister of State when considering how SMEs can play a larger role in this area were influenced by the advisory group. I have outlined some of them, such as examining turnover requirements, dividing public contracts into lots, providing for consortia bidding and requiring public bodies to advertise contracts above €25,000. A number of other measures that were influenced by the group have been put in place, such as undertaking market analysis prior to tendering to ensure that the market is able to respond to tenders, participating in a wide range of events - OGP representatives

attended 50 external events - and encouraging businesses to register on eTenders, the Government's national tendering platform. All these measures have been either influenced or driven by the group to which the Deputy refers.

**Deputy Barry Cowen:** Will the Minister confirm that no legislation will be required to ensure those recommendations and policy initiatives are not prevented from being successful due to restrictions imposed by existing legislation governing the issue? We produced a Bill in this regard. If necessary, we could work in tandem to ensure the commitments contained within the recommendations, the policy initiatives of the group and the thrust of the Bill we drafted could produce the sorts of results we are expected to achieve.

**Deputy Paschal Donohoe:** Everything we are doing can be undertaken within the existing legal framework. We do not need further legislative change to the procurement process. In reply to a question at our previous session of priority questions, which feels like only yesterday, I acknowledged that Deputies Cowen and Jonathan O'Brien had a number of proposals about the issue and I suggested meeting after Easter to have a discussion about them. No further legal changes will be needed. Given that both parties have ideas, we will have a discussion about them after Easter.

**An Leas-Cheann Comhairle:** Deputy Peter Burke will take the next question on behalf of Deputy Martin Heydon.

### **Defence Forces Remuneration**

7. **Deputy Martin Heydon** asked the Minister for Public Expenditure and Reform the position regarding the review of military service allowances for members of the Defence Forces; and if he will make a statement on the matter. [18043/19]

**Deputy Peter Burke:** Will the Minister outline the position on the review of military service allowances for members of the Defence Forces, and will he make a statement on the matter?

**Deputy Paschal Donohoe:** The Public Service Pay Commission was established to advise the Government on public service remuneration policy. In the current phase, the second phase of the commission's work, it was tasked by its terms of reference to undertake an examination of whether, and to what extent, there are difficulties in recruiting and retaining staff in important areas of the public service identified in its first report. The commission has adopted a modular approach to its work programme for its present exercise.

As the Deputy will be aware, the first module was published by the commission in August 2018 and deals with issues relating to nursing and midwifery, non-consultant hospital doctors and hospital consultants. The commission is currently engaged in work in respect of the Defence Forces. I understand that written submissions have been received and that on 5 March, oral presentations were made to the commission by both parties. The commission has indicated it expects to complete its work by the end of quarter 2 of 2019. We are in the final phase of the work and should have results in place and published as May and early June approach.

**Deputy Peter Burke:** I welcome that the report is progressing. The issue is urgent, given that concerns have been raised by members of the Defence Forces. I attended a respect and loyalty march outside Leinster House with the chairman of the Fine Gael parliamentary party,



Deputy Heydon, and we heard the concerns of families in respect of conditions, the duty allowance and the proportion of the Defence Forces who claim family income supplement. While I accept there is significant pressure on the State due to the various demands within the public sector, I welcome the Minister's commitment that the report will be published by quarter 2 and hope that he will keep on track to ensure that happens. I hope that we can respond, in some way, to the challenges that people face. A former Minister for Defence pointed out on the national airwaves last week that the numbers in the Defence Forces are considerably off the target of 9,500 members in the Army, Naval Service and Air Corps. It is important we monitor that closely and do everything we possibly can under the current fiscal constraints to return the Defence Forces to that level.

**Deputy Paschal Donohoe:** We are doing that and I have outlined the dates by which the Public Service Pay Commission should be able to present and complete its work. We are also taking other steps to support the Defence Forces. The Deputy will be aware of all the work under way on wage restoration and on ensuring that by the end of the public service stability agreement, low and middle income workers will have seen their income either restored or on the way to restoration. This also applies to the Defence Forces. We have increased by €25 million the amount of expenditure for new equipment for the Defence Forces. We are putting in place measures to support the development of equipment for the Defence Forces. A new Naval Service vessel is due to arrive soon. We have made a lot of investment in this area. The Defence Forces participate in all the changes of the public service stability agreement. As I said, we have a specific piece of work that will be completed soon.

**Deputy Peter Burke:** I acknowledge the huge work and effort made by our Defence Forces in peacekeeping missions abroad, sometimes under very dangerous circumstances, and in supporting agencies within the State. This is not taken for granted. It is very important that we as a Government maintain support for our Defence Forces and do all in our power to ensure they are paid what they deserve and are given the conditions they deserve. Their conditions are a key issue in terms of how they perform their daily duties. I hope we see the report progressing in the second quarter of the year and I look forward to its delivery to the Government.

**An Leas-Cheann Comhairle:** We have a few supplementary questions but I ask that they are very brief.

**Deputy Joan Burton:** Does the Minister have a proposal to provide rent allowances to serving soldiers? Does he have any proposal to help soldiers who have completed one or two terms of duty to buy a house by providing a deposit? One of the reasons people leave the Defence Forces is they cannot pay the rent or buy a house.

**Deputy Bernard J. Durkan:** I also compliment the Minister on his efforts to bring about restoration of pay and conditions in the Defence Forces. In particular, I raise the question of the need to reassure members of the Defence Forces that the report is imminent and that it will be positive. It is not in the interests of the morale of the Defence Forces that there is a question mark over their future, particularly when there are competing demands in the job market. It is very easy for the Defence Forces to be ignored. Having particular regard to the fact they are more likely than any other branch of the public services to be called on in an emergency, I ask that the report be brought forward to reassure the Defence Forces.

**Deputy Paschal Donohoe:** All my colleagues are correctly recognising the role of our Defence Forces and the contribution they make to the State. They are right to do so and I un-

derstand why. However, we also have to be conscious of the fact that other public servants are called on at times of emergency, to use the approach of Deputy Durkan, including those who work in the health services, the Garda and those who support our Defence Forces in their work. They are also public servants and are covered by the public service stability agreement. We have to be fair to everybody, which is why the Public Service Pay Commission and the way it works is so valuable.

Deputy Burton asked me to make a number of commitments on what we will do. As the Deputy knows, if I were to make those commitments now there would be no point in having a Public Service Pay Commission. Its role is to inquire into these issues and make recommendations to me. This is what it is doing at present. In response to what Deputy Burke said a moment ago, I can confirm the report is imminent and I hope it will be delivered within the timings I have indicated.

### **Brexit Preparations**

**8. Deputy Thomas P. Broughan** asked the Minister for Public Expenditure and Reform the amount of expenditure set aside in budget 2019 for the additional costs of Brexit preparations; if supplementary funding may be needed in this regard; the cost to date of Brexit preparations for the Office of the Revenue Commissioners and for all other Departments; and if he will make a statement on the matter. [17776/19]

**Deputy Thomas P. Broughan:** We have had the Brexit contingency action plan since last December with sectoral analysis and the various costs of mitigation throughout the Government. What other plans has the Minister made in this regard, in particular with regard to Revenue and all other areas where Brexit is already impacting? The uncertainty has been extended to 31 October. At any time we could be dealing with a disorderly Brexit. Are there revised plans?

**Deputy Paschal Donohoe:** Since the UK referendum result in 2016, my Government colleagues and I have taken a number of steps to build up the resilience of our economy so that we have the capacity to deal with adverse economic shocks. These include building up our budgetary buffers by balancing our books. The steady increase in public spending implemented in recent years, with a particular focus on public capital investment which has increased by approximately €1.4 billion in 2019, plays an important role in supporting resilience in the face of Brexit

Budget 2019 was prepared based on the central scenario that the UK will make an orderly exit from the EU. In total, a gross voted allocation of €66.6 billion is provided across all Departments. This includes additional expenditure of approximately €115 million related to Brexit and follows the dedicated measures to prepare for Brexit that were announced in the budgets for 2017 and 2018. This funding will enable the implementation of necessary measures, including in the areas of customs and food safety controls.

Additional funding was provided to the Department of Agriculture, Food and the Marine and its agencies to further strengthen the agriculture sector's ability to become more resilient in addressing the challenges of Brexit.

With regard to Revenue, 400 staff were fully appointed between September 2018 and April

2019. We will continue to assume that Brexit will occur at the end of October. This is my working assumption. The only question is what the nature of that Brexit will be.

**Deputy Thomas P. Broughan:** This afternoon, the Minister will give the Committee on Budgetary Oversight a briefing on the stability programme update. Last week, Dr. McQuinn and Dr. Bergin from the ESRI appeared before the committee. Their basic figures were a bit shocking. They spoke about trade shock in the three Brexit scenarios of deal, no deal and disorderly. The figures for no deal show a reduction in growth by 2.6% to 0.8% in 2020 and a reduced level of real output in the Irish economy over ten years by 2.6%. What struck us most is the impact on households. The Minister must agree the uncertainty about Brexit is already impacting on us. We are beginning to see an impact on imported goods in how prices are rising because sterling and the euro are moving towards parity. The ESRI told us the impact on the real personal disposable income of households would vary between being 2.2% lower in a deal scenario, 3.9% lower in a no deal scenario and 4.2% in a disorderly no deal scenario. Whatever way we look at it, households will be severely impacted. Is the Minister preparing to cost the type of social transfers we may need for the most vulnerable households? We have heard from the Commissioner, Mr. Hogan, of possible supports from the European Union for farmers, industry and other areas of the Irish economy. Households may be forgotten about in this. Is this something going into the general mix of how we might deal with this major crisis for our country?

**Deputy Paschal Donohoe:** We have already published our own estimates regarding what impact we believe a disorderly Brexit would have on our economy. They are included in the stability programme update which, as the Deputy said, we will discuss this afternoon. The figures we have published on the impact on the Government's financial position assume we would need to borrow to ensure our income support programmes and social insurance schemes would be able to meet the additional demand on them. There is a huge amount of conjecture regarding what would be the effect per home and per citizen because the event we are facing into is unique and we are still unsure what it will look like. The one thing that is clear is a Brexit scenario of any kind will not be as good as the trading relationship we have at present with the UK. It will shift and this will affect our economy. This means the schemes we have in place to support citizens and families will be needed.

**Deputy Thomas P. Broughan:** With regard to Revenue and the customs service, does the Minister have ongoing contact with the UK Government on the proposals it seems to speak about in its public discourse regarding ways to preserve having no Border in this country? Has there been any discussion along those lines in respect of the cost of technologies which could ensure that we continue to have the seamless border to which Speaker Pelosi referred yesterday?

The loss of 80,000 jobs, which Dr. McQuinn and Dr. Bergin postulated in the context of the worst type of disorderly Brexit, would have a profound impact on public finances and so on. By 31 October, we will be into our stability programme update and budget cycle. Is it still possible, given the situation in the UK, that we may need a revised budget next month in order to address some of the matters that we have discussed?

**Deputy Paschal Donohoe:** As to whether a revised budget is going to be needed this year, the answer is "No". I indicated when we were facing into the prospect of Brexit that I would not be presenting another budget to the House. Instead, what I said I would allow to happen is the so-called automatic stabilisers, to which the Deputy is referring, coming into play in light of the fact that people will need support from the Department of Employment Affairs and Social

Protection and the Department of Business, Enterprise and Innovation. We would simply let that happen and let it flow through to a budgetary position that would then be different from where we were on budget day last year. The view that I articulated then is even clearer now because if and when Brexit occurs, it will be even later in the year than we previously thought. That view is unchanged.

On the Deputy's question as to whether I am engaging with the British Government in respect of the use of technology on the Border, the answer is also "No". All of the engagement I have had with the British Government, primarily with the Chancellor of the Exchequer, Philip Hammond, has been about the backstop and about how we can avoid being obliged to put infrastructure in place on the Border.

### **Public Expenditure Policy**

**9. Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform the extent to which his Department continues to monitor all aspects of public expenditure with a view to ensuring the utilisation of reform to control spending; and if he will make a statement on the matter. [18025/19]

**Deputy Bernard J. Durkan:** I seek to ascertain the nature and extent of the use of reform to control - not restrict - public expenditure that has already been flagged.

**Deputy Paschal Donohoe:** As set out in the most recent fiscal monitor published by the Department of Finance, total gross voted expenditure at the end of March was €15.04 billion. This is €343 million, or 2.2%, below profile. Gross voted current expenditure is €14.167 billion, which is €245 million, or 1.7%, below profile. Of the 17 ministerial Vote groups, 14 were below profile on current expenditure to the end of March. Gross voted capital of €872 million is €98 million, or 10.1%, below profile but is up €105 million on March 2018.

Overall, out of all the different Votes that exist within the Government, the vast majority are below profile. Total gross expenditure for both capital and current was also below profile at the end of the first quarter. That said, given my experience in the second half of last year, I will be very careful and cautious about how this is managed, particularly in the run-up to the summer. While we have seen total Government spending come in below where we estimated it would be, I will be taking great care to ensure that this is maintained as we move through the year.

**Deputy Bernard J. Durkan:** To what extent does the Minister remain satisfied that sufficient scope is built into the budgetary situation to enable him to take any steps that might be necessary in the event of changing economic circumstances, whether as a result of Brexit or otherwise? Is he satisfied that the public finances remain sufficiently protected in that kind of scenario?

**Deputy Paschal Donohoe:** Yes, I am at present. The reply I would give is similar to that I gave Deputy Broughan. The Deputy asked where matters stand in the context of various programmes and I indicated that they are all funded and inside the parameters outlined in the budget. We have the ability to respond to different shocks with which we might have to deal. We have to keep on building up that ability, however. Clearly, the larger our surplus, the better we are able to withstand a downturn. Having a rainy day fund in place really helps. Ensuring that there is less of a relationship and a smaller link between the State and the banking sector

is invaluable. While progress has been made, that progress is incomplete. There is more that needs to be done. Ensuring that we are careful with how we manage public expenditure during the year is a really big part of that.

**Deputy Bernard J. Durkan:** In the immediate past, reform within the public sector was responsible for making considerable savings in a way that had not been done before. Is the Minister satisfied that scope remains for the utilisation of reforms within the system to achieve the benefits that he requires and the provisions he foresees as being necessary in the future?

**Deputy Paschal Donohoe:** I do. In particular, I am of the view that technology can play a very major role in further improving how public services are delivered. Each year, I meet all of our public and civil servants who are involved in the use of digital technology to improve how people can access public services. It is well appreciated that the Revenue Commissioners have done a really good job in that regard and I am determined to ensure that the various Departments continue their work in this area. The work that is under way for the further roll-out of the affordable childcare scheme later in the year will show how use of technology can improve people's ability to access public services, which can make a difference to their lives.

## **Housing Policy**

10. **Deputy Richard Boyd Barrett** asked the Minister for Public Expenditure and Reform his views on the impact on public finances of the heavy reliance on leasing, HAP and RAS in the housing policy; and if he will make a statement on the matter. [18071/19]

**Deputy Richard Boyd Barrett:** This relates to my earlier question. I looked at what the Minister said about the shocking cost to the State of money given to the private sector - to landlords, private developers and so on - for 2018. To put it in very simple terms, the Minister informed us that approximately €1 billion was spent on HAP, RAS, leasing and purchases from private developers last year. We can add in the €100 million or so that was spent on dealing with homelessness, the level of which is going to increase dramatically this year. Is what is being done not madness?

**Deputy Paschal Donohoe:** What would be madness would be not making money available to people to give them somewhere to live while we are trying to build new homes. For this year alone, between one in four and one in five of all new homes constructed will be built by the State in order to alleviate the social needs to which the Deputy correctly refers. As those homes are put in place, the reliance on private rental accommodation will come down. It would be madness if we did not have those homes or if, while they are being built, we did not use the resources of the State to help citizens and families who would otherwise be even more vulnerable.

**Deputy Richard Boyd Barrett:** The Rebuilding Ireland targets clearly state that of the 137,000 social housing units the Government intends to deliver, more than 100,000 are going to involve RAS, HAP, leasing and purchases from the private sector. That is the Government's plan. The Minister says there is going to be more construction but, overall, the vast bulk of the plan is dependent on RAS, HAP and leasing. We discussed the cost of that earlier in the context of the report of the Ombudsman for Children, namely, children traumatised and feeling shame, guilt and anger because they live in hubs. I asked the Minister earlier whether he thinks there is something absolutely mad about paying €100,000 a year to keep a household in miserable circumstances in a hub when the Government could build a council house for just twice that



amount. The number of council houses which the Government proposes to deliver is pathetic.

**Deputy Paschal Donohoe:** I invite the Deputy to visit the O'Devaney Gardens project to see the progress that is being made there in delivering new social housing-----

**Deputy Thomas P. Broughan:** It has taken almost two decades.

**Deputy Paschal Donohoe:** -----and the project under way in Dominick Street. While these projects are under way we have an obligation to help people who are awaiting completion of them. I have yet to hear Deputy Boyd Barrett say what he believes is wrong with the approach of making use of existing homes to support citizens who would otherwise be in more difficulty while the build of new homes is under way.

In regard to family hubs, I do not want to see young children spend their childhoods in hubs. Rather, I want to see them in their own homes in a bed of their own, with the type of comfort they deserve. It is for that reason we are investing and building homes in the manner I have described. While those homes are being built, we are using other forms of accommodation to support those who deserve support. That is what this approach is about. As I said, if we were not making use of houses that are being built to support families waiting for homes the Deputy would be equally damning of us.

**Deputy Richard Boyd Barrett:** We all know we need temporary stop-gaps. The problem is the Government's overall plan will still leave us overwhelmingly reliant on HAP, RAS, leasing and the private rental sector. In allowing people to move from HAP accommodation into family hubs, out of hubs and into HAP homes and back into emergency accommodation, the Government is guaranteeing that there will be a homelessness crisis for at least a decade. What can we do? We can dramatically ramp up council housing provision, the level of which the Government proposes to deliver is pathetic. For example, NAMA, which financed 2,500 homes last year that were sold on to the private sector, could be instructed not to sell properties into the private sector. We should be using NAMA owned land to deliver public housing which is affordable. This is the point I am making. I know we need stop-gaps but at the end of the Government's plan we will still be heavily dependent on the private rental sector, which is fuelling the homelessness misery by which children in hubs are affected.

**Deputy Thomas P. Broughan:** I echo Deputy Boyd Barrett's comments. Given that there are super-normal profits in the property industry generally, of which HAP and so on is part, has consideration been given to clawing back some of that money in taxation in order to create sufficient funds to, as suggested by Deputy Boyd Barrett, build more social houses?

**Deputy Paschal Donohoe:** To return to the central point Deputy Boyd Barrett put to me, in 2020 and 2021 under Rebuilding Ireland we will be housing more citizens in local authority and approved housing body homes than through the private rental sector. That is where we are trying to get to. While we are getting there, we are trying to ensure that families who need support get it. That is the target of this plan and what we aim to deliver.

**Deputy Richard Boyd Barrett:** That is not what the plan states.

**Deputy Paschal Donohoe:** In regard to Deputy Broughan's point, I do not have any plans to introduce a further level of taxation on the construction sector or on those involved in the development of new homes.

**Deputy Thomas P. Broughan:** My question was in regard to the rental sector.

**Deputy Paschal Donohoe:** The reason I do not propose to do that is that we are trying to get more companies and local authorities involved in the delivery of more houses than are currently being built. We have tripled the stamp duty on commercial property and introduced a vacant site levy. I have also ended some of the tax reliefs that were made available for the construction sector. The purpose of all these measures is to get housing delivery moving in the right direction.

### **Departmental Budgets**

11. **Deputy Barry Cowen** asked the Minister for Public Expenditure and Reform his views on the publication from the Parliamentary Budget Office in regard to departmental expenditure ceilings; his views on whether expenditure ceilings are an effective method of controlling costs; the penalties for Departments that breach these ceilings; and if he will make a statement on the matter. [17984/19]

**Deputy Barry Cowen:** I would like to hear the Minister's comments on the recent publication from the Parliamentary Budget Office.

**Deputy Paschal Donohoe:** The Estimates process and the determination of expenditure ceilings now takes place as part of a whole-of-year budgetary cycle. The summer economic statement, SES, sets out the overall fiscal strategy for the approaching budget. The pre-budget expenditure position is provided for in the mid-year expenditure report. This sets the baseline for examination of budgetary priorities by the Government and the Oireachtas. Following detailed consideration, expenditure ceilings are published in the budget day expenditure report and are informed by a medium-term perspective on certain expenditure pressures and developments.

The expenditure report of 2019 sets out the revised baseline for current expenditure out to 2021. The ceilings also include an amount of unallocated resources in 2020 and 2021 based on the budgetary projections at budget time. These can be utilised to meet the carryover impact of budget 2019 measures or for new expenditure measures.

The management of public expenditure within the agreed voted allocations is a key responsibility of each Minister and Department. However, where due to expenditure overruns or policy decisions the need arises for additional expenditure that can be accommodated within the overall budgetary parameters, any increase in the ceiling requires Government approval. Where such approval is provided the associated Supplementary Estimate is then presented to Dáil Éireann for detailed consideration and approval.

Against this overall background, the publication from the Parliamentary Budget Office is a helpful addition to the stock of analysis and professional commentary that can inform the ongoing process of our budgetary work.

**Deputy Barry Cowen:** It is indeed a helpful contributory to the analysis of these figures and we have to take note of and acknowledge what is contained within it. The Minister said that vote allocations are the responsibility of each Minister, which is the case. Between 2012 and 2017 the overrun fell within the ceiling only once - in 2013, whereas currently the baseline

is regularly exceeded by various unforeseen events, inefficiencies and overruns in regard to cost. Has this process run its course and are there other processes which the Minister's believes should be put in place to ensure the key responsibilities he mentioned are taken seriously by Ministers and that they are accountable to those they represent here and, by extension, the public? It would appear that the commitments made in any given year cannot be guaranteed to be met, which is hardly consistent with the process.

**Deputy Paschal Donohoe:** The Deputy is correct that supplementary budgets have been required for different reasons in each of the years. In terms of this year, I have already commenced engagement with a number of Departments on their expected spend later this year. In terms of where we are now versus profile, while the vast majority of Departments are now either at or below profile, for me what is key is where we end up in the second half of the year. The Minister for Health, Deputy Harris, and I have already engaged on this matter a number of times this year and following Easter I will be meeting other Government colleagues in regard to this issue.

It is sometimes unavoidable that during a year particular matters require supplementary budgets. I refer, for example, to the supplementary funding for the Department of Transport, Tourism and Sport to deal with the effects of flooding and natural disasters and the Department of Justice and Equality to meet the cost of Garda overtime and organised crime. I acknowledge that there are certain forms of supplementary budgets that for the coming year and years we need to reduce the frequency and value of. I have put in place new measures for this year to try to address that issue.

**Deputy Barry Cowen:** It obviously has become the norm rather than the exception. The record speaks for itself in that regard. Save for emergencies in regard to weather, Papal visits and so on I think the roles and responsibilities that have been mentioned by the Minister will have to be taken much more seriously. The Minister will have to take his role in arresting this issue much more seriously. I look forward to this issue not being repeated in the coming year, save for the exceptions in how the Lord delivers weather and so forth, as per the Healy-Raes. As I have said, coming in within the ceiling is the exception rather than the norm. It is time for that to be corrected.

**An Ceann Comhairle:** I thank the Deputy for his valuable insight.

**Deputy Paschal Donohoe:** The vast majority of Departments stay inside their expenditure ceilings. Of course, the Department of Health has had ongoing difficulties in doing that. In some years, we made progress in reducing the level of supplementary funding that was needed. In other years, it did not go as I would have wanted. Last year is an example of that. I assure the Deputy that I take my role as seriously as he expects. I know that if I did not provide supplementary funding to certain Departments, the Deputy and other Members would probably be the first people to criticise me.

**Deputy Barry Cowen:** We do not force them to overspend.

**Deputy Paschal Donohoe:** When things happen during the year, it can mean that things turn out differently from what Ministers indicated to me at budget time. In such circumstances, I have put supplementary budgets in place in an effort to prevent difficulties from arising. I take the Deputy's overall point that one or two Departments need to be in a better place this year than they were last year.

## National Children's Hospital

12. **Deputy Joan Burton** asked the Minister for Public Expenditure and Reform his views on the recent report by a company (details supplied) into the significant overruns at the national children's hospital; the estimated cost of this report; his plans to avoid the underestimating of project costs in the future; and if he will make a statement on the matter. [18017/19]

20. **Deputy Jonathan O'Brien** asked the Minister for Public Expenditure and Reform the role his Department will assume in managing the costs and residual risks of the national children's hospital project. [18054/19]

**Deputy Joan Burton:** Sadly, the PwC report on the national children's hospital must be one of the most damning indictments of the performance of any Department - in this case, the Department of Health - and indeed of the Government as a whole. The cost overrun on this project has to be one of the biggest cost overruns on a project of this nature in the entire EU. What is the Minister planning to do to avoid similar disasters? We heard from the Government yesterday that the broadband programme will cost €3 billion. How can we believe any of it?

**Deputy Paschal Donohoe:** I propose to take Questions Nos. 12 and 20 together.

The management, delivery and oversight of individual projects and public services within the agreed allocations is a responsibility of every Department and Minister. With this in mind, the monitoring of the national children's hospital project, including the management of the costs and the residual risks, is a matter in the first instance for the Minister for Health and the Department of Health.

The Government has published the report of the independent review of the escalation in national children's hospital costs, which has been conducted by PwC having been commissioned by the HSE. The report acknowledges that the national children's hospital project is unique in scope, scale, and complexity. It makes 11 recommendations, nine of which relate to specific execution and two of which relate to the Department of Public Expenditure and Reform. As I said during last night's debate on the national children's hospital, I am committed to ensuring the recommendations that have been made in respect of the Department of Public Expenditure and Reform are carried out. I have acknowledged on a number of occasions that certain things should have happened differently and better on this project. The Deputy is correct when she points out what went wrong with this process. I remind her that at the end of this process, we will have a national children's hospital facility that is capable of delivering world-class care to young boys and girls. The cost of the new facility that will be opened at James Connolly Hospital, in the Deputy's constituency, is part of the overall cost. This facility will play a role in delivering improved healthcare to young boys and girls before the main site at James Street is in place.

**Deputy Joan Burton:** As the Minister has brought up the future, I would like to mention something that is not referred to in the report or in his reply. All of the experts have said that a maternity hospital - this is likely to be the Coombe, which needs to be replaced - needs to be co-located with the new children's hospital. He avoided any mention of that when he spoke about the wonderful hospital of the future. According to the dedicated doctors, medics and nursing staff, it will not be a wonderful hospital of the future unless there is a co-located maternity hospital. As medical technology develops, the danger to the sickest babies can be predicted. The report makes incredibly sad reading. The Minister has said that the Department of

Public Expenditure and Reform has accepted two recommendations. I presume he is referring to recommendations Nos. 10 and 11. Recommendation No. 11 is that a “central assurance and challenge function should be established within Government”. Is he saying he will establish such a function within his Department to enable it to ride shotgun on future projects? When we heard yesterday about the €3 billion cost of the broadband programme, the Taoiseach did not seem to have a clue what that was made up of. I do not know whether the Minister has a clue what it is made up of.

**Deputy Jonathan O’Brien:** I have discussed this matter with the Minister on numerous occasions. He said that the Department of Public Expenditure and Reform will oversee two of the recommendations and that the other recommendations will be overseen by the Department of Health. He also said he wants four weeks to consider how he will implement the recommendations in question. All we can do is await the outcome of that process and I am happy to do so.

**Deputy Paschal Donohoe:** The Minister, Deputy Harris, and I have given a commitment that in a number of weeks, we will outline how we intend to respond to the recommendations that are contained in the PwC report. Two of the recommendations are particularly relevant to me. I remind Deputy Burton that the Minister for Health dealt with this matter last night in response to a number of questions from Opposition Deputies. The Deputy was a member of the Government that decided to locate this hospital in James Street. It was the right decision to make.

**Deputy Joan Burton:** I did not agree with that decision, as the Minister is perfectly aware.

**Deputy Paschal Donohoe:** The Deputy was part of that Government. As I recall, her party played a pretty active role in trying to decide whether this was the right decision. Given that she was a member of the Government that made this decision, it is a little bit late in the day now for her to raise questions about the location of the new hospital. Unlike the Deputy, I still believe we are doing this in the right place. I look forward to getting to the point where this hospital is open. It appears from what I have seen of the site that rapid progress is being made in delivering the building. The opening of the new national children’s hospital will not make us forget the difficulties and debates that this project has caused, but it might make us appreciate the difference that the hospital will make to the boys and girls who will depend on it.

**Deputy Joan Burton:** Perhaps the Minister should take a drive past the expansive green-field site in Blanchardstown. The secondary facility for children, which is relatively small, is almost complete and on budget. I think it will cost less than €50 million. The problem with the larger project is the site. The Minister has raised the Cabinet discussions that took place at the time. His colleague, who is now the Taoiseach, was extremely unhappy about the site at the time, but along with his Cabinet colleagues he went with the direction of the then Fine Gael Minister for Health, whose decision was based on certain criteria, including medical advice. Those who knew anything about it were aware that a greenfield site was always the most worthwhile option. To be honest, the site that has been chosen needs to be kept under constant review. I would not guarantee that the work, and particularly the co-location of the Coombe maternity hospital, will be successful there. That is a view I have held all along. By the way, I accepted the Cabinet decision, if that is what the Minister is worried about. His colleague, who is now the Taoiseach, had a view as well. He took part in many of the discussions about the greenfield site in Blanchardstown. The secondary building that is being built there is almost complete and is pretty much on target. It is a fraction of the size of the full project. I want the Minister to know that.

*12 o’clock*



18 April 2019

**Deputy Paschal Donohoe:** I assure the Deputy that I have the pleasure of seeing that new building pretty much every week as I visit her constituency for a variety reasons. I am pleased to see it go ahead. While I am glad to see the project being delivered, I must note that the Deputy was part of the Cabinet that made the decision. It is late in the day-----

**Deputy Mattie McGrath:** Pass the parcel.

**Deputy Barry Cowen:** And the Minister was not.

**Deputy Paschal Donohoe:** -----for her to be saying that there are difficulties with it given that she was at the Cabinet table when the decision was made.

**Deputy Mattie McGrath:** It was the wrong decision.

**Deputy Finian McGrath:** The truth hurts.

**Deputy Paschal Donohoe:** At least Deputy Burton is willing to make constructive interventions to this debate, unlike Deputy Mattie McGrath.

**Deputy Mattie McGrath:** Destruction-----

**An Ceann Comhairle:** We all subscribe to the principle of Cabinet confidentiality.

**Deputy Mattie McGrath:** Good man, a Cheann-Comhairle.

**Deputy Joan Burton:** On that point, I believe the then Minister for Health gave details of his decision to RTÉ.

**An Ceann Comhairle:** The Tánaiste is ready to take Leader's Questions.

**Deputy Mattie McGrath:** The weak link to the Taoiseach.

*Written Answers are published on the Oireachtas website.*

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

**An Ceann Comhairle:** I again advise Members that the Standing Orders of the House provide a particular amount of time for each question and each answer. I ask Members to adhere to Standing Orders.

**Deputy Dara Calleary:** Last week, I raised the issue of the so-called cuckoo funds, which are basically large corporate funds in receipt of tax incentives that are buying out complete housing and apartment developments before they can go on general sale or, in the case of a development I mentioned last week, even where booking deposits have been made. The deposits in question were subsequently returned. In this morning's edition of the *Irish Independent*, Charlie Weston reports about Leopardstown in south County Dublin, where a development of 295 units will be sold completely to one of the funds. The Tánaiste was not entirely uncomfortable with the practice last week when he spoke about redesigning the rental market. I saw the Minister for Finance out this morning cheerleading for the funds, so it is pretty clear that Fine Gael is on the side of the cuckoos in respect of this matter.

**Deputy Mattie McGrath:** They have gone cuckoo.

**Deputy Dara Calleary:** If the Tánaiste needs reminding, this is a practice that has removed from the market thousands of units, and equivalently thousands of houses, which could have been available to first-time buyers in 2018. Three thousand units might have been available to hard-working families who are struggling to get on the housing ladder and 3,000 units might have made a commute a lot shorter for hard-working people who are being forced to live farther from where they work, yet 3,000 people - and potentially 3,000 families - are being elbowed out of the housing market by corporate landlords with Government encouragement.

We are all aware that supply in the housing market is far below the desired level. There are not enough affordable houses being built. Not enough local authority houses are being built, yet, where housing is being built, the funds are sweeping in with the Government's encouragement to take them away from people who want to get on the housing ladder. The United Nations has excoriated this policy. It has spoken about the financialisation of housing in a damning report by one of its agencies. Ireland has been chosen as one of six countries where this practice is rampant.

Two hundred and ninety-five units in Leopardstown are affected, as are units in Dundrum and Citywest. Nearly every week, there seems to be another development. Is it not time to shout "Stop"? Is it not time to limit the ability of the funds to buy entire developments? Does the Government have any plans to review and restrict the taxation incentives that are available to the funds to use their corporate muscle to elbow out people who want to get into the housing market?

**The Tánaiste:** I thank the Deputy for raising this issue again. He is mixing up a number of policies and reports but let me respond on the broader issue.

**Deputy Mattie McGrath:** We have not heard the cuckoo yet.

**The Tánaiste:** The Government is absolutely committed to increasing the supply of all types of homes, including social, affordable and private housing. We believe in homeownership and want everybody to have the opportunity to own his or her own home. Institutional investment in the private rental sector is just one aspect of increasing supply. Although such investment is growing, institutional landlords comprise a very small minority of landlords overall. Fewer than 5% of landlords own over 100 units. The vast majority of landlords, or just over 70%, own just one property, as I outlined to the Deputy last week.

Official statistics of the purchasing activity of institutional investors will be available from the CSO in the summer but in 2017, the latest year for which we have data, combined purchasing activity of property funds, real estate firms and REITs accounted for a net 1% of transactions. Crucially, institutional investment is adding to supply. This year, it is expected that the vast majority of professional landlord investments will be through forward-purchase arrangements, i.e., the forward-purchase of yet-to-build stock. Much of this is new supply that would not be delivered without the availability of this capital. Increasing the supply of urban apartments is essential if we are to reach our national planning framework targets and meet our commitment to more sustainable living generally in our cities. The number of apartments granted planning permission in 2008 was up by 130% in 2016. Large-scale investors are likely to be a driving force behind such a welcome increase in the supply of apartments.

I share the Deputy's concern regarding the fact that we need to watch this market closely.

18 April 2019

I share his view that we need to consider the taxation approach to increasing investment, particularly in apartments. To try to paint this as a matter of institutional investors versus others who want to buy their own homes on an individual basis, however, shows a misunderstanding of what we need to do collectively to try to increase supply across all areas. The latter is what we are trying to do. Without institutional investment, there are many apartment developments that simply would not be happening or would not be financed. We need more available rental properties. This is part of the way of doing it.

**Deputy Dara Calleary:** I assure the Tánaiste that there is no mix-up. Some 3,000 apartments and houses built last year could have been acquired by families and first-time buyers but were instead acquired by funds. The Tánaiste knows we have a housing crisis. A time of crisis is not a time to be re-engineering the housing market.

**The Tánaiste:** Of course it is.

**Deputy Dara Calleary:** These funds are buying the apartments and, to use the Tánaiste's phrase, they are "adding to supply" on the basis of the very cosy tax arrangements available to them. If the Government put tax or cosy arrangements in place for people who want to build homes for families, they would redirect their investment towards homes as opposed to investing in corporate units and thereby adding to corporate profits.

**Deputy Mattie McGrath:** Hear, hear.

**Deputy Dara Calleary:** Is it not time to re-examine the taxation model and decide to put money into increasing the supply of homes as opposed to corporate units that add to corporate profit? The latter is what is happening. Some 3,000 units are involved. There were 295 in Leopardstown that would have been available to families. This is also the case in Dundrum and Citywest. They could have been bought by first-time buyers but they have been bought by corporate funds. There is no difference in the supply.

**The Tánaiste:** It is difficult for me to listen to Fianna Fáil talking about this not being a time to re-engineer the housing market. We have a fundamentally broken rental market and we have had it for decades.

**Deputy Barry Cowen:** The Government has been in charge of it for the past nine years.

**The Tánaiste:** It does not function well and we are changing it. We are increasing security of tenure for tenants. We have effectively introduced rental caps in areas where there is real pressure. We are introducing institutional landlords that manage much larger portfolios so we can achieve consistency in standards in our rental markets. We must increase the supply of affordable housing, social housing and homes to purchase. All of that has to happen at the same time.

**Deputy John Curran:** It is not.

**The Tánaiste:** It is. That is why we built----

**Deputy John Curran:** It is not. The Government has squeezed out first-time buyers.

**The Tánaiste:** We have not.

**An Ceann Comhairle:** The Tánaiste, without interruption.

**Deputy John Curran:** How many affordable houses did the Government deliver last year?

**The Tánaiste:** If the Deputy examines the statistics-----

**Deputy John Curran:** I asked the Tánaiste one question.

**The Tánaiste:** -----he will see that the percentage of homes purchased last year and the year before, since the introduction of increased supports for first-time buyers, has risen dramatically. Therefore, builders are building homes for first-time buyers again. They were not two years ago. It was part of the broken housing market that we are fixing piece by piece.

**Deputy Pearse Doherty:** In recent years, banks have been selling loans, including owner-occupier and buy-to-let mortgages, wholesale to vulture funds at knock-down prices. Figures provided by the Department of Finance to the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach last week reveal that over €24 billion worth of loans have been sold to vulture funds at an average discount of 52%. While facilitating the sale of loans to vulture funds, the Government has designed a tax system that gives massive tax breaks to these funds, incentivising them to buy even more loans that the banks are more than happy to offload to them. The Government has provided the same tax incentives to other investment funds, some call them cuckoo funds, that are buying up property, pushing up house prices and squeezing first-time buyers out of the market. Vulture and cuckoo funds pay no corporation tax, no income tax and no capital gains tax in most cases. They do that because that was introduced in the Finance Bill with the support of Fianna Fáil, which is now crying foul. The only tax they pay is a dividend withholding tax which Sinn Féin championed, but they are still too many ways in which these funds can reduce or avoid paying that.

Last year, Ulster Bank sold a portfolio of loans known as Project Scariff worth €1.6 billion to a vulture fund called Promontoria Scariff. That portfolio consisted of approximately 3,600 owner-occupier loans and mortgages secured to 2,900 buy-to-let properties that are all in arrears. A company called Cabot Financial Ireland is now administering these loans on behalf of the vulture funds and has written to all buy-to-let mortgage holders who are behind in their payments demanding that all arrears be cleared within 30 days or a fixed asset receiver will be appointed. They are taking the assets in order to sell them. Clearing arrears in 30 days is impossible for the vast majority of these borrowers. This means those involved are taking the assets whether there is negative or positive equity. For those in positive equity, they will quickly see this disappear as receiver and legal fees are clocked up. The funds are not facilitating any arrangements with borrowers. Borrowers have stated that they will sell the properties with positive equity but are being told that they must clear the arrears in 30 days or a fixed asset receiver will be appointed. All of the tenants in these properties will be given notices to quit.

That to which I refer is a direct consequence of the Government's policy and the Minister's rolling out of the red carpet to vulture funds, and pretending that it does not matter if a loan is sold to a vulture fund. Legally, these funds can do exactly what they are doing when they write these letters. The Central Bank is aware that the letters have been issued. It is time to clip the wings of these vulture funds once and for all. Given the actions of Cabot Financial and Promontoria Scariff, does the Tánaiste not agree?

**The Tánaiste:** I cannot discuss the cases of individual companies and letters that are being sent out without having seen them. The Central Bank rules that apply to our pillar banks also apply to other institutions that acquire loan books from the latter. The Central Bank has an

important role to play in ensuring that there is a regulatory model that balances broader societal priorities with a financial environment that allows funds and banks to operate. That is what the Central Bank must do. The pillar banks are required to do what they are doing in terms of strengthening their balance sheets. However, we must ensure that when loan books are transferred from pillar banks to other funds, the Central Bank remains strong in terms of its role in ensuring that there is a regulated market which takes into account societal concerns and the concerns of tenants or property owners. It has to get the balance right. The Government and the Department of Finance work closely with the Central Bank in that regard.

**Deputy Pearse Doherty:** It is obvious the Tánaiste does not have a clue what is happening or what the role of the Central Bank is and what it can or cannot do. There is absolutely nothing that the Central Bank can do to stop vulture funds from issuing letters to mortgage holders telling them to clear their arrears within 30 days or receivers will be appointed because there is no law to prevent that. The banks could also do that but they do not do so because they rely on customers' deposits and loans and have long-term interests here. Promontoria Scariff does not give two hoots, it only wants to make as much profit as it can and get out of here as quickly as possible. That is why it is organising strategic defaults among these customers. There are tenants living in these properties who do not know what is happening but they will soon find out when they are issued with fixed notices informing them to get out of their homes because the funds are not taking any solutions on board. These funds are not dealing with any arrangements. This is happening because the Government is allowing it to happen. It has allowed State-owned banks to sell family homes and buy-to-let mortgages to the vulture funds that do not give a damn about anything beyond making the quickest buck they can make. It is time to stand up and call this what it is. The Minister for Finance knows about this, as does the Central Bank. I have given them all the details. The reason I have named them now is because the owners of these properties and their tenants know that the only thing that can stop this is shamming Cabot, Promontoria Scariff and Cerberus for what they are doing to tenants, landlords and property holders in this State.

**The Tánaiste:** The Deputy just had an opportunity to raise these matters with the Minister for Finance when he was in the House

**Deputy Pearse Doherty:** I did so yesterday.

**The Tánaiste:** The Minister just took questions before Leader's Questions. If the Deputy has particular cases to raise, I suggest that he raise them directly with the Minister for Finance.

**Deputy Pearse Doherty:** I did so yesterday and the Minister did not answer.

**The Tánaiste:** The Deputy stated that the same rules apply to the pillar banks as apply to funds that take over loan books. The issue is not separate from one to the other, the issue is the rules and the law in this area. The Central Bank, as far as I am aware, has not asked the Government to look at changing that law. It is obviously something that requires ongoing discussion between the Department of Finance and the Central Bank to ensure that we get the balance right between ensuring that we have a property market that functions, a financial sector and banking system that works and that there is broader protection for society in general, home owners and renters.

**Deputy Brendan Howlin:** There are currently 3,784 children who are homeless. That figure is constantly changing. Every week, families exit homelessness. However, the problem



under this Government is that a greater number enter homelessness annually than leave. Homelessness is an experience that has affected tens of thousands of people over the last decade. It has a deep scarring affect on society. Today's report by the Ombudsman for Children, Dr. Niall Muldoon, gives voice to the experience of children living in family hubs that the Government has provided as temporary accommodation. The Ombudsman for Children stresses the deep emotional impact that this is having on children who have expressed feelings of guilt, shame and anger because of their living circumstances. This is despite the fact that these circumstances are totally outside their control.

My colleague, Deputy Jan O'Sullivan, has acknowledged that family hubs were designed to do better than what was there, namely, hotels and bed and breakfast accommodation, because at least they provide cooking and laundry facilities and a play space for children. However, this report points to a range of restrictions that seem inexplicable, completely unnecessary and punitive. People in family hubs cannot have guests. Why is that? Children in family hubs must be accompanied at all times by their parents. Families are living in single rooms with a lack of privacy. Is it such a security or safety issue in these locations that those draconian measures are required? Family hubs fall far short of the standards we expect for normal decent housing. Families are staying in them for much longer than they should. If we have family hubs, pending a housing supply adequate to meet need, why do we put punitive regimes in place in these hubs? Why are people's basic freedoms, such as being allowed to have guests or having the normal degree of personal privacy, denied?

The central issue here is that standards of conduct are being imposed on them. What is the basis for that? Can it be justified and what is the Department's justification, or is it simply the State telling people how to behave? This is an echo of the poorhouses of old and the State restricting the basic freedoms of people in a way that can only, objectively, as the Ombudsman has said, be seen as punitive.

People who are homeless have done nothing wrong. They are simply people who due to a set of circumstances find themselves unable to afford to house themselves. Can the Tánaiste clarify what exactly are the rules imposed on families in these hubs? To what extent do the rules go beyond the normal tenant rules that we would have for local authority tenants? If there is a difference, why?

**Deputy Ruth Coppinger:** It began five years ago under the Labour Party. It is going on years.

**The Tánaiste:** First, I thank Deputy Howlin for the way in which he raised this question because it is easy to be emotive when one is talking about children who are homeless for understandable reasons.

I was the Minister who made a decision to invest heavily in family hubs out of necessity at the time. We had, and still have, far too many children and families in hotels and bed and breakfast accommodation. I felt we could do something better than that as a temporary measure for people while they are in a transition from the crisis of homelessness to permanent social housing or some other rental accommodation or other form of permanent accommodation.

We have invested well over €100 million in trying to put tailor-made infrastructure in place to support families as best we can in what is effectively family hostel-type accommodation where we try to cater for the broader needs of families, whether that is through homework

clubs, play space, separate cooking facilities and separate washing facilities. We have counselling services in some of the hubs to help people make the transition more quickly into social housing, in terms of application forms and all the other things that need to be done.

I have visited many of these family hubs. Of course, they are not ideal for permanent accommodation, but they are not meant to be. They are meant to be a temporary arrangement that can support families, as best we can. We need to ensure that we, in what we say here and outside, do not contribute to the stigma, shame, concern, frustration and anger that many young people feel by having to be in such a hub, hotel, or bed and breakfast accommodation. We need to focus on making sure that we transition families and children out of this type of accommodation as quickly as possible. We have a target turnaround time of six months for family hubs. Families transition far quicker out of hubs than out of hotels, and there are reasons for that.

This is a temporary arrangement while we put in place the necessary capacity, in particular, in terms of social housing, to ensure that we do not have family homelessness in Ireland any longer in the not too distant future. In the meantime, we must have infrastructure that is designed to do as much as we can for children and families who are in this crisis-vulnerable situation and, therefore, I would defend the policy of family hubs.

By the way, I would not disagree with some of the recommendations that have been made here. I would have no problem with independent inspection, for example. We already have a national quality standards framework for homeless services that is applied across Dublin which, I understand, will be extended across the country.

We need to make sure that there is a consistency of service delivery across the family hubs. They are currently operated by Focus Ireland, Crosscare, Good Shepherd, Peter McVerry Trust, Respond, The Salvation Army and Sophia housing, all of which are good organisations that the State is partnering with here to constantly improve services.

**Deputy Brendan Howlin:** Ending homelessness is the social imperative of our time and it can only be resolved when supply is adequate to need. Until we reach that point, and we must provide every resource we possibly can to achieving that objective, family hubs will be there.

I appreciate the amount of money the Government has spent on them. They are, as I have acknowledged, an improvement on bed and breakfast accommodation, but the fundamental question I asked in response to the Ombudsman for Children's report is, why are we, as a State, imposing standards of conduct on residents in family hubs, and what are those standards? Are they allowed guests? Are they allowed to have their children move around freely in them? Is there adequate freedom of action for people in those hubs, and if not, why not, or is the report inaccurate when it reports such matters? Surely the objective should simply be that the standards would be the same as for tenants in any local authority house.

**The Tánaiste:** I have not been to all the hubs but I have been to some of them. I understand that the children's Ombudsman did not visit all of them. I think he visited eight and interviewed 80 children, which is quite comprehensive.

We are guided by the NGOs which provide the services, through local authorities, in these individual family hubs. In some of them, the families themselves determine the rules on how the hubs operate but, of course, one must have child protection and security measures in place also. In terms of rules and the contracts in place, not every hub is the same. Indeed, the infrastructure in different hubs is also somewhat different, depending on the property being used and

how it has been adapted, etc. Space issues are different and facilities are different within different hubs but we are trying to make sure that there is at least a commonality and a benchmarking of standards across all of them.

As I said, there is nothing to hide here in terms of what we have invested in, but these are temporary measures. We want to make sure that they are as good as they can be as temporary emergency accommodation for families but, ultimately, the answer here is more social housing.

By the way, the direct answer to Deputy Howlin's question is that visitors are allowed into many of the family hubs.

**Deputy Ruth Coppinger:** They are not. They all have a curfew also.

**The Tánaiste:** I will-----

**An Ceann Comhairle:** No. It is not Deputy Coppinger's question.

**The Tánaiste:** I will come back to that question-----

**Deputy Ruth Coppinger:** There is an alcohol ban as well.

**The Tánaiste:** -----if Deputy Coppinger is allowed to ask it.

**An Ceann Comhairle:** Deputy Paul Murphy is next, unless Deputy Coppinger is substituting.

**Deputy Paul Murphy:** I will read a newspaper quote to the Tánaiste. Ms Cherie Ellorig, a Filipino woman who lives in an apartment in Exchange Hall, just around the corner from Talaght Hospital where she is a nurse, states:

I got my notice [to quit] in the first week of March and it was so shocking. For weeks after I got the letter I was so stressed. I can't concentrate on my work. I can't eat or sleep. I've lost nearly 3 kg in the last couple of weeks.

Another woman, Natalia, whose husband is a night porter in the same hospital, has two children. She stated:

They're not aware of what's going on ... I'm trying to keep things as normal as possible for them, even though we are very stressed.

I got an eviction notice on February 28th telling me I have to move out by October 10th. I don't know what to do.

Cherie and Natalia are part of a group of at least 12 families in Exchange Hall who are facing eviction. They are good tenants. They pay their rents and have built a real community together, but they are still facing eviction. The reason is greed - pure and simple - and the Government allows that greed, the drive for maximisation of profits by landlords, to come before the rights of people to a home. The landlords, Rennicks and McPeake, want to sell two floors with vacant possession so that they can maximise the selling price.

If they are evicted, what does the Tánaiste expect them to do? One resident, Ian, told me last night that even though he is almost 40, he would have to move back in with his mother. He says that those who do not have families here, will not be so lucky. They will not have that option

and some of them could be made homeless.

As the Tánaiste will be aware, it is not the only group of tenants who are facing a crisis situation. Eviction from private rented accommodation is the number one cause of homelessness.

The Exchange Hall tenants, inspired by the victory of the Leaside residents in Cork, have got organised and will be opposing any eviction. They are taking a case to the RTB but it is not clear whether they will come under the Tyrrelstown amendment because of the way that the ownership of the properties is organised.

Does the Tánaiste agree that they should not have to campaign in order to keep their homes? Does he agree that landlords should not be able to use sale as a reason for eviction regardless of how many evictions are taking place at one time and that, as in Germany, The Netherlands, Sweden and Denmark, they should be required to sell with tenants *in situ* as proposed by our Anti-Evictions Bill 2018, passed through Second Stage, but which it seems the Government is seeking to block by withholding a money message? Does the Tánaiste agree that their case, as well as the entire housing crisis which has been referred to a lot during this Leaders' Questions session, shows that the entire model of relying on the private market is a failure? Those seeking to build a movement here should look at what is happening in Berlin where tens of thousands of people have been on the streets demanding expropriation of the corporate landlords. They are building towards a referendum which will do just that. Has the Tánaiste ever considered that, instead of encouraging the so-called cuckoos, real estate investment trusts, REITs, and vulture funds by giving them favourable tax treatment, these properties should be nationalised and brought into the public housing stock?

**The Tánaiste:** We are increasing, and will continue to increase, public housing stock year after year. I hope we will add 10,000 social housing units this year and that will increase again next year. We will add an extra 50,000 social housing units over the five-year duration of the Rebuilding Ireland programme and the Government is committed to that.

This Government is sometimes painted by some in this House as only having an interest in the private rental market and private purchase sector and that is not true. We are investing billions of euros in social housing because it is needed. There are many who cannot afford private rental prices or to buy their own homes and they need State intervention, assistance and support and they will get that. We do not have enough at the moment and we are trying to correct that as quickly as possible.

People getting notice to quit and that, in turn, driving homelessness is an issue and the Deputy is right to point it out. Many of the families and individuals who come into homelessness have come from the private rental market because they either cannot afford the rent any longer or they face eviction notices. The Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, has responded to that and is introducing a series of amendments to legislation going through the House to add more protections for tenants, and to extend notice periods to give people more time.

I recognised there was an issue and introduced the Tyrrelstown amendment when I was Minister for Housing, Planning, Community and Local Government but we must try to balance that with the impact the wrong legislation would have on supply. This is not about prioritising landlords over tenants because we have clearly prioritised tenants over landlords. However, we need landlords and people investing in the private rental market. Without getting the balance

right, we will introduce more legislation to protect tenants in a market with a shrinking housing stock. That is a fool's game and it will not work. We need property in the market and to ensure that we have a better regulated, more predictable and consistent rental market in which people can put longer-term tenancies in place. I am in favour of very long-term tenancies, if possible, but that also has to be done with a step-by-step approach, otherwise we would create shocks in the system that would result in a reduction, rather than an increase, in supply at a time it is badly needed.

**Deputy Paul Murphy:** The Tánaiste referred to shocks in the system but what about the shock to the families of Natalia, Ian, Cherie and the others I spoke about earlier? What kind of shock to their systems is acceptable? What does he suggest that they do?

The logic of this Government is laid bare by the Tánaiste's answer and by the front page of today's *Irish Independent*. That logic is that we need to incentivise massive corporations to get involved in the housing sector here because that will be the answer. Those corporations are incentivised by being allowed to have the highest rental yields in all of Europe.

Under pressure from a movement among Tyrrelstown residents, the Government decided that more than ten residents cannot be evicted at the same time, but does the Tánaiste think it is okay, for example, that eight such residents could be evicted? Let us take the case of the residents of Exchange Hall. If it is found that there are only eight tenants in properties owned by one landlord in that building, does the Tánaiste think evicting them is okay? The Government opposed amendments at the time which would have expanded the remit of the Tyrrelstown amendment.

The consequence of this reliance on the private market to deliver is that the Government is communicating that, ultimately, the right to profit of these vultures, REITs and cuckoos comes before the right of people to a home. The Tánaiste referred to 10,000 units of public housing but does not admit that a large portion of that is the State transferring public money into private hands through the HAP scheme and other means, which is the problem. The answer is public housing.

**The Tánaiste:** The Deputy is right that part of the answer is public housing. That is why we are investing billions in it. We have an over-reliance on the private rental market in the short term while we build up the social housing stock to deliver the kind of capacity that is needed. Our population is growing by over 70,000 per year at the moment and many families are under pressure in the private rental market, some of whom are facing the challenge of homelessness. We are changing that, primarily through driving housing supply.

The Deputy asked whether we should provide the protections contained in the Tyrrelstown amendment in cases in which fewer than ten properties are sold. One needs also to consider property rights in the Constitution and there was a lot of legal discussion on the amendment and how low we could make that number. I was in the middle of that discussion.

As I said earlier, 70% of landlords in Ireland only rent one property. If we create a situation whereby they are unable to sell that property, that raises the spectre of people not making properties available for rent at all. The consequences of that would make many of the issues we are discussing even more difficult and pressurised.

**Deputy Ruth Coppinger:** Landlords should be able to sell with tenants *in situ*.



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

**Deputy Dara Calleary:** As we come towards the end of the session, on behalf of Fianna Fáil I thank the Ceann Comhairle and the staff of the House for their courtesy during the session. I particularly acknowledge the work done by Ceann Comhairle and the organisers of Dáil100 on the major events which bookended the session - the centenary of the First Meeting of Dáil Éireann in the Mansion House and the address by the Speaker of the House of Representatives, Ms Nancy Pelosi, yesterday.

A key part of the journey to Dáil100 was the Easter Rising, which will be commemorated across the country this weekend and next weekend. The learning of history from that period is essential and I ask the Tánaiste to reaffirm the Government's commitment and that of the Minister for Education and Skills, Deputy McHugh, to the reintroduction of the compulsory element of history as a topic in our secondary schools. There are reports this morning suggesting that commitment is not as strong as was stated.

**Deputy Eamon Ryan:** That same should also apply to geography.

**The Tánaiste:** I first wish everybody a happy Easter. This has been a busy Dáil session and people have earned a few days off. I am certainly looking forward to spending time with my family, as I am sure are many others. I thank the Ceann Comhairle for the way in which he has managed some significant moments over the past number of months in this House and outside it.

The Minister for Education and Skills has given his view on the teaching of history on more than one occasion. He attaches much importance to history being part of education in Ireland. He has also asked for a detailed report to be done and considered. What was unfortunately leaked this morning was an incomplete, draft report that has not yet gone to the National Council for Curriculum and Assessment for full consideration. It will be some time before the Minister of State has a final report and set of recommendations that he can bring to Cabinet and then ultimately it will be a choice for him to make a recommendation to Government.

**Deputy Pearse Doherty:** Ar son Shinn Féin, guím beannachtaí na Cásca ar an Cheann Comhairle, ar Theachtaí agus ar Sheanadóirí, agus ar fhoireann an Tí go léir.

I ask the Tánaiste to let the following quotes sink in: "He is confined to one room, and he tries to run out as soon as the door is open"; "I put on music so that the children can't hear the shouting and screaming"; "She's like some child that has been locked up in a cage"; and, "Hannah (aged eight), cried and told us that the Hub was 'like a children's jail'."

Those are just some of the views of the children who are in the so-called family hubs contained in the Ombudsman for Children's report, which has just been published. Will the Tánaiste agree that it makes for shocking reading? The children surveyed said they feel shame, guilt and anger but the only one that should be feeling shame and guilt is the Government and the anger should be directed at it for allowing this situation to evolve. Those emotions should never be held by children this young, especially at Easter as we commemorate the 1916 Rising and the words in the Proclamation of cherishing all the children of the national equally. Will the Tánaiste implement the recommendations of national standards, the inspection mechanisms and full-scale evaluation? Will he accept, given the words of these young children, that his

Government's housing policy is in complete and utter tatters?

**Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy):** I thank the Deputy for the question. The report from the Ombudsman for Children that was published today is very valuable. A great part of its value comes from the fact that it gives a voice to very young children who do not have a voice and we get to hear their stories and the experiences of some who are in family hubs. I am in contact with the different NGOs that provide services into the family hubs to ask for their response to the findings in the report. I am also in contact with the inter-agency group on homelessness I set up last year to make sure that co-ordination happens in terms of the Government's response. There are a number of very useful recommendations and priorities for action coming from the Ombudsman for Children. In his initial response, the Tánaiste said that a number of those actions are already been progressed. We will continue to progress those. Most important of all is the quality inspections standards framework, which has been piloted in all of Dublin and is being rolled out nationally. We will implement other measures because we know we need to do it and the Ombudsman for Children's report is looking for them. I will be meeting with him shortly to discuss which actions are more of a priority than others. I will then talk to the NGOs about how we implement them.

**Deputy Brendan Howlin:** As a result of Brexit, Ireland has been allocated two additional seats in the European Parliament. The Houses have passed the European Parliament Elections (Amendment) Act 2019, which sets out the criteria for these elections and how the seats will be filled. As the UK will not be leaving by the time of the European elections, Ireland South will immediately return four seats while Dublin will return three seats. The fifth candidate in Ireland South and the fourth in Dublin will, in effect, enter a limbo. The Taoiseach indicated last Friday in Midleton that due to the uncertainty around Brexit and the reality that the UK will contest the European elections, two separate counts may happen in each constituency. For example, in Dublin, there will be an initial count for three seats with a quota of 25% plus one while another count will be carried out with a quota of 20% plus one for a fourth seat with the final elected candidate in that eventuality sitting in a reserved seat. I want to be clear. Is this the case? Was the Taoiseach accurate when he said this in Midleton? If he was not, will such a double count, which could have a very bizarre conclusion, require further amending legislation?

**Deputy Eoghan Murphy:** I thank the Deputy for his question. We had the opportunity to clarify this at the Oireachtas committee yesterday. Based on taking precautionary advice that the UK may not have left the EU by the time the European elections take place, we passed legislation that was taken by the Minister of State, Deputy Phelan, through the Houses to allow for such a contingency. There will be one count - one count in Dublin for the four seats and one count in Ireland South for the five seats. Deputy Howlin is correct to state that as the UK will be contesting those elections and potentially sending people to the European Parliament if it does that, the fourth person in Dublin and the fifth person in Ireland South will not take their seats until the UK and its MEPs have left. We continue to communicate with the Commission through the Tánaiste's office as to what arrangements it is putting in place for those people. We do not expect they will be getting a salary or any benefits but do not yet know the type of arrangements they might have with the European Parliament in terms of visiting and other forms of participation. That work is continuing.

**Deputy Gino Kenny:** I wish to raise the long-term illness scheme. To most people's amazement, the long-term illness scheme has not been reclassified since 1970. This was 49 years ago, which is a long time considering that many conditions have been diagnosed since then such as severe asthma, rheumatoid arthritis or conditions like fibromyalgia. A strange situation per-

tains to fibromyalgia, which is a chronic condition. Fibromyalgia is recognised as a long-term disability in the North but not here. Are there any plans for a review of the long-term illness scheme for other conditions, including chronic conditions?

**The Tánaiste:** I will have to revert to the Deputy on that but I will try to get an accurate answer for him before close of business today.

**Deputy Mattie McGrath:** On behalf of the Rural Independent Group, I wish everybody a very happy, holy and peaceful Easter. I thank the Ceann Comhairle for all his events.

Before we leave, and in case we go into cuckoo land altogether, AIB has just sold off a huge proportion of performing loans alongside non-performing loans. A young man in my constituency is out of his mind with worry. He just got a letter in the post to say all his loans had been sold to a vulture fund. He never had an issue with the bank. He is in good stead with it. He is a wonderful builder and has always been a good employer but he is perplexed. He gave the bank a quick ring only to be told that his relationship manager had been changed. He finally got a phone call yesterday but he might as well have been whistling Dixie or whistling to the cuckoo because the man was not listening. He could not answer any questions. An answering machine would have been just as good.

Has the Government lost its moral compass completely that it would allow AIB to do that to genuine customers who are working hard and are, thankfully, in a good position financially? None of this can happen without the imprimatur of the Minister for Finance. This is outrageous. The former Minister, Deputy Noonan, welcomed vulture funds but the entire Government must be gone into cuckoo land or must think the electorate has gone into it. This is shocking. Will it be stopped?

**The Tánaiste:** To repeat what I said earlier, when loan books are transferred from one bank to another, the rules continue to apply in terms of consumer protections and so on. However, there is an obligation on banks like AIB and others if they are transferring loan books to do that in a way that respects their customers and clients. They should certainly reflect on that in terms of the way in which they manage these transfers.

**Deputy Eamon Ryan:** Reporters Without Borders highlighted today that the high concentration of media ownership is the biggest threat to press freedom in Ireland. At the same time, we read of threats that Rupert Murdoch or the Barclay brothers could end up owning Independent News and Media, a development that would be greeted with dismay by anyone with an interest in Irish democracy or fair and balanced public debate. The only career move in Irish journalism seems to be to become a press secretary for a Minister. There is nobody in the Press Gallery today. They are all over in the ministerial corridor in Government Buildings. Does the Government intend doing anything to take the recommendations of the joint Oireachtas committee on the funding of Irish media or is it content to let Irish journalism wither on the vine and pay the huge price with regard to our very democratic system if this ongoing decline in Irish media is allowed to continue?

**Minister for Communications, Climate Action and Environment (Deputy Richard Bruton):** There is legislation dealing with media mergers that would lead to excessive concentration. That involves an assessment of any proposed mergers or takeovers by the Competition and Consumer Protection Commission and my Department. In terms of the future of the media, as the Deputy is aware, we will introduce a broadcasting Bill very soon. It has been delayed

somewhat because of the focus on other matters we all know of. It will afford the House an opportunity to debate the changes as well as provide some badly needed changes in respect of the broadcasting media.

**Deputy Niamh Smyth:** In the programme for Government, the Government gave a commitment to increase funding for home care packages and home help year on year but the reality on the ground in Cavan-Monaghan is very different. I know of a terminally ill man who has had cancer for the past five years. During those five years, his home help was removed. Not only that, he now lies very ill in Lisdarn unit for the elderly in Cavan with no home help available to enable him to go home. I know of a 99 year old terminally ill woman in County Monaghan who is awaiting home help. I also know an 86 year old woman who had a very serious stroke last August who has been granted home help but has no home help available to her. I have information telling me that as of yesterday, the HSE has instructed that there be a complete lock down on home help across Cavan-Monaghan. I raise this issue as a matter of urgency. On behalf of people who are dying or sick in their homes, Lisdarn unit for the elderly and other respite units, I ask the Tánaiste to look at what is happening. How could the HSE dare to give an instruction that no home help be allocated to people?

**The Tánaiste:** I do not have information about that but as with other localised issues, I will revert to the Deputy as soon as I can. The funding that was allocated and the service agreement in place has provided more funding for home care packages.

**Deputy Niamh Smyth:** They are not getting any care, though.

**The Tánaiste:** I will see if we can come back to the Deputy with an answer before she heads off.

**Deputy Bernard J. Durkan:** The adoption (tracing and information) (No. 2) Bill is long-promised legislation which could not be moved on until the No. 1 Bill on the same subject was processed. How stands the No. 2 Bill and when is it likely to come before the House given the interest of adoptive parents and their children?

**The Tánaiste:** The Deputy is right that the No. 1 and No. 2 Bills are linked. The No. 1 Bill needs to come through the Seanad first. My understanding is that it is on Committee Stage in the Seanad. As soon as that concludes, it will open up the opportunity to introduce the No. 2 Bill.

**Deputy Brian Stanley:** I ask the Tánaiste about the latest failure to complete the national broadband tender. When I asked the Minister, Deputy Bruton, about this during Question Time just over a week ago, we were told the tender should be announced before Easter. This is the latest in a long series of delays and it is becoming farcical. There are 540,000 households and businesses, 25,000 of them in Laois-Offaly, awaiting this. Since 2012 we have had two Governments, four Ministers and one false start after another. Like other Deputies, I am left in the dark as to what is going on, but what we do know is that the Taoiseach confirmed this week that the cost has now gone up to €3 billion. Previous Ministers have told me that some 80 civil servants and consultants are working on the tendering process on behalf of the Government. We know there is only one bidder or investor left in the tendering process. People have waited long enough for this. It is holding back job creation-----

**An Ceann Comhairle:** I thank the Deputy. His time is up.

**Deputy Brian Stanley:** -----right across rural Ireland, including in Laois-Offaly. What is going on with the national broadband plan?

**Deputy Richard Bruton:** I think the Taoiseach dealt with this during the week but, to give the Deputy an answer, since 2012, the date he references, when the national broadband plan was introduced we have seen broadband availability increase from 30% to 74% today.

**Deputy Brian Stanley:** Through private investment.

**Deputy Richard Bruton:** It was always envisaged that part of the broadband plan would need to be delivered via state aid. We initiated at the end of 2015 a competitive tender to develop a proposal to deliver state aid to what was then 740,000 but subsequently became 540,000 homes and premises, comprising 1.1 million people. I think the Taoiseach indicated during the week that the work on evaluating this proposal is at a very advanced stage. He is anxious that it go to Government so an informed decision can be taken as to whether this represents an investment we should make. He has also signalled to the Houses of the Oireachtas that Members, including Deputy Stanley, will have the opportunity to scrutinise the materials when the decision is taken.

**Deputy Michael Collins:** Page 89 of the programme for Government states: "Education is the key to giving every child an equal opportunity in life." Falling populations on islands are leading to the closure of schools. This happened on Sherkin Island in recent years. Following discussions with parents at the time, a chaperone service was offered, whereby someone would travel on the ferry with the children to the school on the mainland in the morning and back in the evening. Two years on, the problem we have now on the islands is that one parent is having to stay at home from work to take his or her child to the mainland and to bring the child back in the evening again, leaving many families considering leaving islands to live on the mainland. Will the Tánaiste work with the Minister to have a chaperone put in place on Sherkin Island?

**The Tánaiste:** As the Deputy knows, I know Sherkin Island very well. I have spoken to many people about the decision on the previous school there and have worked with ferry operators on getting efficient travel to and from the island. I will happily work on this issue and we will see if we can make some progress on it.

**Deputy Peter Fitzpatrick:** A Dundalk woman, Sinéad Browne, whose only son took his own life last month, wants to know why her son was sent home from Our Lady of Lourdes Hospital twice, despite his saying he intended to kill himself. Ian Browne, 25, from Dundalk had a letter from his general practitioner asking that he be admitted to the hospital as he was going to commit suicide and was self-harming very seriously. This young man was looking for help. He went to his doctor and told his doctor he was going to end his life, his doctor wrote a serious letter to Our Lady of Lourdes Hospital, and on two separate occasions the hospital sent him home. The doctor feels he may have had benzodiazepines in his system. Is the Tánaiste telling me that throwing a young person or any person out on the streets and telling him or her to come back in three weeks is not appalling? The amount of money being invested in the HSE is unreal. In 2017 almost 400 suicides were registered in Ireland, eight out of ten of which were men. In addition, the National Self-Harm Registry Ireland recorded-----

**An Ceann Comhairle:** The Deputy's time is up now, I am afraid.

**Deputy Peter Fitzpatrick:** -----that 11,600 presentations were made over self-harming.



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

**Deputy Peter Fitzpatrick:** What are we doing about mental health and self-harming? We are spending millions and millions on the HSE. What is this family to do? They did everything right. Their only son-----

**An Ceann Comhairle:** Deputy, please, you are way over time.

**Deputy Peter Fitzpatrick:** -----committed suicide. He needed help. We are failing our society.

**An Ceann Comhairle:** Please, Deputy.

**Deputy Peter Fitzpatrick:** I went to that funeral and looked at that poor woman straight in the eye, and all she said was "What happened to my son?"

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

**The Tánaiste:** A Cheann Comhairle, I think we should be careful about raising individual cases such as this in the Dáil.

**An Ceann Comhairle:** We should.

**The Tánaiste:** These are very delicate and difficult issues for families to deal with and we should think about how we speak about them and the language we use. Mental health among young people is a very serious issue and this Government has debated how we can improve services and increase funding, both of which are happening, but we should be very careful about talking about individual cases.

**Deputy Peter Fitzpatrick:** The hospital told Mr. Browne to come back in three weeks.

**An Ceann Comhairle:** I call Deputy Burton.

**Deputy Peter Fitzpatrick:** He was put out on the street for three weeks.

**An Ceann Comhairle:** I call Deputy Burton.

**Deputy Peter Fitzpatrick:** This is going nowhere. He got no help.

**The Tánaiste:** Peter, be careful what you say.

**Deputy Joan Burton:** I know this is a very sensitive issue. May I proceed?

**An Ceann Comhairle:** Please do, Deputy Burton.

**Deputy Joan Burton:** I have been very shocked to read the recent reports about concentrations of lead in water pipes, particularly on the north side of Dublin city, in Cabra, Drumcondra and Phibsborough. There are similar reports in five or six other locations right around the country. The information was published in response to a freedom of information request. Many very worried people have made contact with me asking what the Government is doing to reduce this danger to their health. High concentrations of lead in water have a particularly serious effect on the health of babies, whether young or *in utero*. This can also cause kidney and high blood pressure problems and exposure can also affect the general brain development of children. There has also been a suggestion of some kind of test to put plastic lining-----

18 April 2019

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

**Deputy Joan Burton:** -----in lead pipes rather than removing them. Will the Minister clarify what is going on here?

**Deputy Eoghan Murphy:** I thank the Deputy for her question. It is a very serious issue. Part of the rationale behind the metering programme that Irish Water has developed, although people tended to focus on the water charges aspect of it, is that it gives us much better intelligence on our water system. We saw the benefit of this during the drought over the summer. The further roll-out of metering will allow us to identify the most seriously affected areas. This mainly affects pre-1980s houses. A huge amount has already been invested in the public water system since then to replace public lead pipes. About another 180,000 homes are on public supplies using a type of lead pipe which needs to be replaced at a cost of about €370 million. This money has been provided and is being invested. We also have a grant scheme for individual households where the lead pipes might be in private property. Such households can use this grant scheme to remediate their own homes. Recent reports, as well as commentary from the EPA, have suggested that this grant scheme was perhaps not being taken up as proactively as possible. We are therefore working to see how we can ensure that people replace pipes on their private property. They can test the water very easily. As for the public side, we have the investment committed.

**Deputy Eamon Scanlon:** I wish to raise the issue of 13,600 people being on boil-water notices because of cryptosporidium. This has gone on for the past 18 months. I know the matter is going through the various legislative processes. Sligo County Council has forwarded the matter to the two relevant Ministers, Deputies Eoghan Murphy and Josepha Madigan. I understand that Deputy Murphy has dealt with his part of it and that it is now with Deputy Madigan.

I would like some information today for the people who have been on a boil water notice for some time. Has a decision been made yet? If not, when will a decision be made? Sligo County Council can do no more until there is an answer.

**Deputy Eoghan Murphy:** I appreciate the frustration and I am sorry for the delay. This matter requires interaction and approval between my Department and the Department of the Minister for Culture, Heritage and the Gaeltacht, Deputy Madigan. Our Departments have communicated and I have spoken with the Minister, Deputy Madigan, about this issue. Some further work needs to be done in her Department before we can proceed to engage with the local authority and relevant stakeholders. That is under way and there have been discussions a number of times this week already.

**Deputy Louise O'Reilly:** A Programme for a Partnership Government commits to implementing the national dementia strategy and advancing services in the community. At the same time, 12 dementia patients are being moved from the only place they know as home. I refer to the Rosalie unit in Castlerea in County Roscommon. This move is being done against the wishes of the residents and their families. The families are being told that the HSE believes the care needs of the patients can be better met elsewhere. It has not been specified, however, what care needs are not being met in the Rosalie centre. These 12 people call the Rosalie centre home. They are not just being moved out of their home but out of their county and the families are at a loss to understand why. A commitment was given to implement a national dementia strategy and to move services into the community but these people are simply being shunted from one area to another. Will the Tánaiste please commit to getting some answers for the families?

**The Tánaiste:** As Deputy O'Reilly is aware, an expert has examined this issue. Dr. Anderson has finished the assessment process and his report on the Rosalie unit concluded that two of the patients require inpatient psychiatric care in a different setting and the remaining ten patients require general nursing as opposed to psychiatric nursing. That was at the time of the inspection. I accept the point being made by the Deputy, in that there needs to be clear communications with the families.

**Deputy Louise O'Reilly:** The families are being stressed by this situation.

**The Tánaiste:** I know that the families are stressed and this has become a big political issue locally as well. Communication regarding the facilities and supports available to the residents, and indeed their families, needs to be carefully managed. I assume that will happen.

**Deputy Mary Butler:** I raise an issue regarding property tax. The Government in the last couple of weeks stated there would not be any changes to the property tax system for the next 12 months. A couple with a State pension contributory entitlement will now have an annual income of €25,800 and that will now push them above the threshold to qualify for a deferral of property tax, which is now set at €25,000 for a couple and €15,000 for an individual. This deferral is very important for some couples because they find the cost of living very high. Some couples with a State pension contributory entitlement may now find they have to pay property tax for the first time. Is this an anomaly and will the Minister deal with it? Will the threshold be increased from €25,000 to cover those now in receipt of €25,800 per year?

**The Tánaiste:** That is quite a technical question. I will try to get an answer for the Deputy from the Department of Finance. My understanding is that the Minister for Finance has recommended to the Government, and we have accepted it, that we effectively freeze the current arrangements. The review of the property tax that is needed will be pushed back by 12 months. I will respond to the Deputy with a more detailed answer regarding the issue of thresholds for those with pension income.

**Deputy Tony McLoughlin:** The Gaming and Lotteries (Amendment) Bill 2019 has been promised and I would like some information on the timeframe for the legislation. I ask this question because new methods of gambling are now in place in betting agencies across the country. That has increased levels of gambling and it is important that this Bill is implemented.

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):** The Government approved the publication of the Gaming and Lotteries (Amendment) Bill 2019 on 20 March 2019. The Bill passed Second Stage in the Seanad last Tuesday and we are awaiting Committee Stage. The Government also approved the publication of the interdepartmental working group on the future licensing and regulation of gambling. A major public seminar on gambling reform will also happen shortly. In addition, we are also working on the heads of a Bill to put in place a gambling regulator and we will have that as soon as it is ready. I was before the Joint Committee on Justice and Equality in regard to this issue yesterday as well.

**An Leas-Cheann Comhairle:** Before I call Deputy O'Keeffe, I apologise for inadvertently overlooking him about two weeks ago. It was not deliberate. That is now rectified and peace has broken out. I call Deputy O'Keeffe.

**Deputy Kevin O'Keeffe:** The Leas-Cheann Comhairle did not have to put that on the record but I thank him for that. I raise this issue in the context of the EU Habitats Directive and ensuring the safe migration of our fish species. I have dealt with various Ministers in the last

18 April 2019

three years regarding the weir on the River Blackwater in Fermoy. The Government must beware of the issue at this stage because so many Ministers have visited the town in the last couple of months to promote election candidates. They have all looked at the weir in Fermoy and promised money. I have also raised this issue with various Departments.

The millrace on the weir has completely collapsed and there is no water flowing down the fish pass. We must, therefore, be in breach of EU Habitats Directive. I received an email this morning from the Department of the Minister of State, Deputy Canney. He referred me back to the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, and said that Minister will take on board the responsibility of reinstating the weir in Fermoy. We are coming into the tourism season and the River Blackwater is a major sporting location. To give an example, Fermoy Rowing Club is seriously hampered at the moment because the water level is so low that it is not possible to get boats into the river. That is due to the breach in the millrace. I ask the Minister for Housing, Planning and Local Government to address this issue urgently. I know he has major issues to deal with regarding housing but for the sake of the people of Fermoy I ask him to address this issue as well.

**An Leas-Cheann Comhairle:** Just because I apologise does not give the Deputy permission to continue indefinitely.

*(Interruptions).*

**Deputy Eoghan Murphy:** I will defer to the Minister of State, Deputy Moran.

*(Interruptions).*

**Deputy Kevin O’Keeffe:** He is passing the buck already.

**An Leas-Cheann Comhairle:** The Minister of State, Deputy Moran, has the information.

*(Interruptions).*

**Deputy Robert Troy:** Is this the man who delivers?

**Minister of State at the Department of Public Expenditure and Reform (Deputy Kevin Boxer Moran):** I have never passed the buck since I left school and that is a good few years ago. I told councillors in that area that we all need to sit down together, including the local authority, and find a proper solution to this issue. The Deputy is correct that everybody is passing the buck. That will remain the case until we all sit down together and are led by the local authority, however. I will facilitate that happening, as will my colleagues, and will try to arrive at a successful conclusion. Talking in the House achieves little. Deputy O’Keeffe has been talking about this for a long time and I gave him the information that would allow him to get the local authorities to sit around the table. I will facilitate that.

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

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputies Clare Daly, Louise O’Reilly and Jim O’Callaghan - to discuss the need

for ASD units and educational resources for children with special needs in north Dublin; (2) Deputy John Curran - to discuss the reduction in Garda resources in Rathcoole, County Dublin; (3) Deputy Maurice Quinlivan - to discuss an independent clinical review of University Hospital Limerick; (4) Deputy Willie Penrose - to discuss plans for a regional alternative to the pillar banks in the form of a public bank model; (5) Deputy Dara Calleary - to discuss the impact of HSE budget cuts in the CHO 2 region, Mayo Galway and Roscommon; (6) Deputy Pat Buckley - to discuss the mother and baby homes report published yesterday; (7) Deputy Robert Troy - to discuss regulating wholesale purchase of apartment blocks which is pushing owner occupiers out of the market; and (8) Deputy Joan Burton - to ask the Minister for Justice and Equality if he is aware of the recent increase in feuding and violent gang activity in the Dublin 15 area, and his plans to address the same.

The matters raised by Deputies Clare Daly, Louise O'Reilly and Jim O'Callaghan; Dara Calleary; Willie Penrose; and Robert Troy have been selected for discussion.

### **Finance (Office of Tax Simplification) Bill 2018: Second Stage (Resumed) [Private Members]**

**An Leas-Cheann Comhairle:** We must now deal with a postponed division relating to the Finance (Office of Tax Simplification) Bill 2018, taken on Thursday, 11 April 2019. On the question, "That the Bill be now read a Second Time", a division was claimed and, in accordance with Standing Order 70(2), that division must be taken now.

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

<i>The Dáil divided: Tá, 63; Níl, 48; Staon, 1.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Aylward, Bobby.</i>	<i>Bailey, Maria.</i>	<i>O'Sullivan, Maureen.</i>
<i>Boyd Barrett, Richard.</i>	<i>Barrett, Seán.</i>	
<i>Brady, John.</i>	<i>Brophy, Colm.</i>	
<i>Broughan, Thomas P.</i>	<i>Bruton, Richard.</i>	
<i>Buckley, Pat.</i>	<i>Burke, Peter.</i>	
<i>Burton, Joan.</i>	<i>Byrne, Catherine.</i>	
<i>Butler, Mary.</i>	<i>Canney, Seán.</i>	
<i>Byrne, Thomas.</i>	<i>Cannon, Ciarán.</i>	
<i>Calleary, Dara.</i>	<i>Carey, Joe.</i>	
<i>Casey, Pat.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Cassells, Shane.</i>	<i>Coveney, Simon.</i>	
<i>Chambers, Jack.</i>	<i>Creed, Michael.</i>	
<i>Collins, Joan.</i>	<i>D'Arcy, Michael.</i>	
<i>Collins, Michael.</i>	<i>Deasy, John.</i>	
<i>Connolly, Catherine.</i>	<i>Deering, Pat.</i>	
<i>Coppinger, Ruth.</i>	<i>Doherty, Regina.</i>	



<i>Cowen, Barry.</i>	<i>Donohoe, Paschal.</i>	
<i>Crowe, Seán.</i>	<i>Durkan, Bernard J.</i>	
<i>Cullinane, David.</i>	<i>English, Damien.</i>	
<i>Curran, John.</i>	<i>Farrell, Alan.</i>	
<i>Doherty, Pearse.</i>	<i>Flanagan, Charles.</i>	
<i>Donnelly, Stephen.</i>	<i>Grealish, Noel.</i>	
<i>Ellis, Dessie.</i>	<i>Halligan, John.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Harris, Simon.</i>	
<i>Fleming, Sean.</i>	<i>Heydon, Martin.</i>	
<i>Funchion, Kathleen.</i>	<i>Humphreys, Heather.</i>	
<i>Haughey, Seán.</i>	<i>Kehoe, Paul.</i>	
<i>Howlin, Brendan.</i>	<i>Kyne, Seán.</i>	
<i>Kenny, Gino.</i>	<i>Lowry, Michael.</i>	
<i>Lahart, John.</i>	<i>Madigan, Josepha.</i>	
<i>Martin, Catherine.</i>	<i>McEntee, Helen.</i>	
<i>McConalogue, Charlie.</i>	<i>McGrath, Finian.</i>	
<i>McGrath, Mattie.</i>	<i>McLoughlin, Tony.</i>	
<i>McGrath, Michael.</i>	<i>Mitchell O'Connor, Mary.</i>	
<i>McGuinness, John.</i>	<i>Moran, Kevin Boxer.</i>	
<i>Mitchell, Denise.</i>	<i>Murphy, Eoghan.</i>	
<i>Moynihan, Aindrias.</i>	<i>Naughton, Hildegard.</i>	
<i>Murphy O'Mahony, Margaret.</i>	<i>Neville, Tom.</i>	
<i>Murphy, Catherine.</i>	<i>Noonan, Michael.</i>	
<i>Murphy, Paul.</i>	<i>O'Connell, Kate.</i>	
<i>Nolan, Carol.</i>	<i>O'Donovan, Patrick.</i>	
<i>O'Brien, Darragh.</i>	<i>O'Dowd, Fergus.</i>	
<i>O'Brien, Jonathan.</i>	<i>Phelan, John Paul.</i>	
<i>O'Callaghan, Jim.</i>	<i>Ring, Michael.</i>	
<i>O'Keeffe, Kevin.</i>	<i>Rock, Noel.</i>	
<i>O'Reilly, Louise.</i>	<i>Ross, Shane.</i>	
<i>O'Rourke, Frank.</i>	<i>Stanton, David.</i>	
<i>O'Sullivan, Jan.</i>	<i>Zappone, Katherine.</i>	
<i>Ó Broin, Eoin.</i>		
<i>Ó Caoláin, Caoimhghín.</i>		
<i>Ó Laoghaire, Donnchadh.</i>		
<i>Penrose, Willie.</i>		
<i>Pringle, Thomas.</i>		
<i>Quinlivan, Maurice.</i>		
<i>Ryan, Brendan.</i>		
<i>Ryan, Eamon.</i>		
<i>Scanlon, Eamon.</i>		
<i>Sherlock, Sean.</i>		

<i>Shortall, Róisín.</i>		
<i>Smyth, Niamh.</i>		
<i>Stanley, Brian.</i>		
<i>Tóibín, Peadar.</i>		
<i>Troy, Robert.</i>		

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

Question declared carried.

### **Public Transport: Motion (Resumed) [Private Members]**

The following motion was moved by Deputy Eamon Ryan on Wednesday, 17 April 2019:

That Dáil Éireann:

notes that:

— 92 per cent of the members of the Citizens' Assembly recommended that the State should prioritise the expansion of public transport spending over new road infrastructure spending at a ratio of no less than 2:1 to facilitate the broader availability and uptake of public transport options with attention to rural areas;

— vitally important public transport projects such as the Western Rail Corridor, the Dublin-Navan railway line and the Dublin Area Rapid Transit (DART) Interconnector, which a decade ago were close to being implemented, were stopped by the Government;

— the National Development Plan 2018-2020 envisages total expenditure on land transport infrastructure of €20.6 billion up to 2027, with €8.6 billion of that going to public transport, and when non-national roads are taken into account, the anticipated ratio of public transport spending to new roads infrastructure is significantly lower than 1:2;

— in some jurisdictions, towns or villages which meet population thresholds are entitled to guaranteed public transport service based on population size, linking them into the overall public transport network, e.g. in the Canton of Zurich, every village with 300 residents, jobs or educational places is entitled to a service connecting to the network on an hourly basis;

— the rail network in Ireland is less than half of its historic greatest extent, with some counties now having no rail service at all;

— Ireland has the lowest percentage of its rail network electrified of any European country, with 3 per cent electrified compared to an European Union average of 54 per cent;

18 April 2019

— underinvestment in rail infrastructure is continuing, reducing the quality of service on all lines and undermining the viability of some;

— the Dáil, on 17th January last, called on the Government to ensure that 10 per cent of transport funding is allocated to cycling;

— there is an inherent complementarity between providing good public transport and making good provision for walking and cycling at each end of the public transport trip, including providing cycle parking;

— the annual cost of congestion in the Greater Dublin Area has been estimated at €358 million in 2012, predicted to rise to €2 billion per annum in 2033;

— attempts to address congestion by increasing road capacity are futile because they induce more traffic;

— the average distance to work has increased from 11 kilometres to 18 kilometres between 1991 and 2016;

— over 10 per cent of trips to work, school or college are in excess of one hour in length;

— the extension and improvement of public transport in both urban and rural areas improves social equity and enables people on low incomes to avail of economic, social and environmental opportunities;

— extending and improving public transport enables and encourages reduction in private car use, with consequent benefits for air quality and greenhouse gas emissions;

— greenhouse gas emissions from road transport increased by 140 per cent between 1990 and 2017;

— greenhouse gas emissions from transport continue to increase rapidly and are projected to grow by 18 per cent over the period 2017-2020 and by 20 per cent over the period 2017-2030;

— the impact of Project Ireland 2040 on greenhouse gas emissions from transport has not been assessed;

— climate modelling of the National Development Plan 2018-2027 shows that we are only on track to achieve one third of the emissions reductions we have committed to make by 2030;

— the inherent spatial efficiency of public transport means that transferring trips from cars to public transport frees space to be allocated for other uses, improving the liveability of cities and towns; and

— due to the increased physical activity involved with using public transport compared to private motor vehicles, improved public transport has a significant positive impact on public health;

adopts the recommendation of the Citizens' Assembly in this regard;

and calls on the Government to:

- prioritise the expansion of public transport spending over new road infrastructure spending at a ratio of no less than 2:1 to facilitate the broader availability and uptake of public transport options with special attention to rural areas;

- ensure that all public transport routes operate as part of an integrated, inter-connected national public transport system;

- ensure that all public transport services are accessible and useable by all;

- establish specifications for rural public transport to connect populations to the national public transport system based on population size;

- investigate innovative rural public transport options, including combining public transport services with the transport needed to deliver other public services, and learn from existing rural transport pilot projects;

- include the assessment of implications for greenhouse gas emissions in all assessments and evaluations of transport expenditure;

- revise Project Ireland 2040 accordingly;

- ask the National Transport Authority to revise the Greater Dublin Area Transport Strategy accordingly;

- consider the following for inclusion in the National Development Plan 2018-2027:

- completion of the restoration of the Western Rail Corridor;

- Cork Luas, reopening of suburban rail stations in Cork, river buses, and a more extensive bus and cycleway network than currently envisaged;

- Galway Light Rail and a more extensive bus network in Galway;

- development of a local rail service on the four railway lines serving Limerick;

- a comprehensive local bus network for Waterford;

- completion of the restoration of the Dublin-Navan railway line;

- the DART Interconnector;

- Metro West; and

- a national greenway network;

- consider the restoration or opening of other rail lines for inclusion in the National Development Plan 2018-2027;

- bring forward a plan for large-scale investment in urban, interurban and rural bus systems;

- bring forward a plan for major modernisation and improvement of the rail

18 April 2019

network, including electrification of main lines, with goals of modernisation of all lines, increasing frequencies and reducing journey times below two hours for trips between Cork, Belfast, Limerick, Waterford, Sligo and Dublin, and below one hour and thirty minutes between Galway and Dublin;

— ensure good quality access to public transport by foot and bicycle; and

— expand the bicycle sharing systems in Dublin, Cork, Galway and Limerick, and establish new systems in other cities and towns, especially centred on rail and bus stations.

Debate resumed on amendment No. 1:

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

“notes:

— the ambition of Project Ireland 2040 in, *inter alia*, supporting compact growth, enhanced regional accessibility, strengthened rural economies and communities, sustainable mobility and the transition to a low carbon economy;

— the integral role of sustainable mobility in both urban and rural areas in supporting that ambition;

— the more strategic and long-term approach toward public transport planning which has evolved in recent years due to improved legislative and policy frameworks;

— the significantly enhanced levels of investment planned in sustainable mobility over the next ten years and the 29 per cent increase in investment between 2017 and 2019 in the major public transport capital investment programmes;

— that the levels of funding now provided toward the maintenance and renewal of the heavy rail network mean it is now funded at the ‘steady state’ level;

— the on-going development of a number of important policies and strategies, including the forthcoming All of Government Plan on Climate Disruption, the draft Cork Metropolitan Area Transport Strategy, the recently commenced Limerick – Shannon

Metropolitan Area Transport Strategy, the impending Waterford Metropolitan Area Transport Strategy and the review of the Transport Strategy for the Greater Dublin Area which is scheduled to commence in 2020; and

— that investment levels will increase further in future years, within overall budgetary parameters, to support the implementation of these finalised policies and strategies; and

calls on the Government to:

— prioritise the implementation of those published projects and programmes as contained within Project Ireland 2040; and

— continue to examine, within the statutory, policy and budgetary frameworks as now established, the potential of other projects and programmes to contribute further



toward the continual development of improved public transport networks and services.

- (Minister for Transport, Tourism and Sport)

**An Leas-Cheann Comhairle:** I must now deal with a postponed division relating to the motion regarding public transport. On Wednesday, 17 April 2019, on the question that the amendment to the motion be agreed to, a division was claimed and, in accordance with Standing Order 70(2), that division must be taken now.

Amendment put:

<i>The Dáil divided: Tá, 50; Níl, 64; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Bailey, Maria.</i>	<i>Aylward, Bobby.</i>	
<i>Barrett, Seán.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Brophy, Colm.</i>	<i>Brady, John.</i>	
<i>Bruton, Richard.</i>	<i>Breathnach, Declan.</i>	
<i>Burke, Peter.</i>	<i>Broughan, Thomas P.</i>	
<i>Byrne, Catherine.</i>	<i>Buckley, Pat.</i>	
<i>Canney, Seán.</i>	<i>Burton, Joan.</i>	
<i>Cannon, Ciarán.</i>	<i>Butler, Mary.</i>	
<i>Carey, Joe.</i>	<i>Byrne, Thomas.</i>	
<i>Collins, Michael.</i>	<i>Calleary, Dara.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>Casey, Pat.</i>	
<i>Coveney, Simon.</i>	<i>Cassells, Shane.</i>	
<i>Creed, Michael.</i>	<i>Chambers, Jack.</i>	
<i>D'Arcy, Michael.</i>	<i>Collins, Joan.</i>	
<i>Deasy, John.</i>	<i>Connolly, Catherine.</i>	
<i>Deering, Pat.</i>	<i>Coppinger, Ruth.</i>	
<i>Doherty, Regina.</i>	<i>Cowen, Barry.</i>	
<i>Donohoe, Paschal.</i>	<i>Crowe, Seán.</i>	
<i>Durkan, Bernard J.</i>	<i>Cullinane, David.</i>	
<i>English, Damien.</i>	<i>Curran, John.</i>	
<i>Farrell, Alan.</i>	<i>Doherty, Pearse.</i>	
<i>Flanagan, Charles.</i>	<i>Donnelly, Stephen.</i>	
<i>Grealish, Noel.</i>	<i>Ellis, Dessie.</i>	
<i>Halligan, John.</i>	<i>Fitzpatrick, Peter.</i>	
<i>Harris, Simon.</i>	<i>Fleming, Sean.</i>	
<i>Heydon, Martin.</i>	<i>Funchion, Kathleen.</i>	
<i>Humphreys, Heather.</i>	<i>Haughey, Seán.</i>	
<i>Kehoe, Paul.</i>	<i>Howlin, Brendan.</i>	
<i>Kyne, Seán.</i>	<i>Kenny, Gino.</i>	
<i>Lowry, Michael.</i>	<i>Lahart, John.</i>	
<i>Madigan, Josepha.</i>	<i>Lawless, James.</i>	

18 April 2019

<i>McEntee, Helen.</i>	<i>Martin, Catherine.</i>	
<i>McGrath, Finian.</i>	<i>McGrath, Michael.</i>	
<i>McGrath, Mattie.</i>	<i>McGuinness, John.</i>	
<i>McLoughlin, Tony.</i>	<i>Mitchell, Denise.</i>	
<i>Mitchell O'Connor, Mary.</i>	<i>Moynihan, Aindrias.</i>	
<i>Moran, Kevin Boxer.</i>	<i>Munster, Imelda.</i>	
<i>Murphy, Eoghan.</i>	<i>Murphy O'Mahony, Margaret.</i>	
<i>Naughton, Hildegarde.</i>	<i>Murphy, Catherine.</i>	
<i>Neville, Tom.</i>	<i>Murphy, Paul.</i>	
<i>Noonan, Michael.</i>	<i>Nolan, Carol.</i>	
<i>O'Connell, Kate.</i>	<i>O'Brien, Darragh.</i>	
<i>O'Donovan, Patrick.</i>	<i>O'Brien, Jonathan.</i>	
<i>O'Dowd, Fergus.</i>	<i>O'Callaghan, Jim.</i>	
<i>Phelan, John Paul.</i>	<i>O'Keeffe, Kevin.</i>	
<i>Ring, Michael.</i>	<i>O'Reilly, Louise.</i>	
<i>Rock, Noel.</i>	<i>O'Rourke, Frank.</i>	
<i>Ross, Shane.</i>	<i>O'Sullivan, Jan.</i>	
<i>Stanton, David.</i>	<i>O'Sullivan, Maureen.</i>	
<i>Zappone, Katherine.</i>	<i>Ó Broin, Eoin.</i>	
	<i>Ó Caoláin, Caoimhghín.</i>	
	<i>Ó Laoghaire, Donnchadh.</i>	
	<i>Penrose, Willie.</i>	
	<i>Pringle, Thomas.</i>	
	<i>Quinlivan, Maurice.</i>	
	<i>Ryan, Brendan.</i>	
	<i>Ryan, Eamon.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Sherlock, Sean.</i>	
	<i>Shortall, Róisín.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Stanley, Brian.</i>	
	<i>Tóibín, Peadar.</i>	
	<i>Troy, Robert.</i>	

Tellers: Tá, Deputies Seán Kyne and Tony McLoughlin; Níl, Deputies Eamon Ryan and Catherine Martin.

Amendment declared lost.

**Deputy Robert Troy:** I move amendment No. 2:

To delete all words after “calls on the Government to:” and substitute the following:

“—increase investment in sustainable transport projects in order to tackle congestion, reduce emissions and drive sustainable growth;

—accelerate the rollout of additional rail carriages in order to tackle severe overcrowding on commuter trains;

— increase the frequency of bus services along heavily used routes in order to alleviate rail overcrowding in the short-term and increase the overall quality of the bus network;

— invest in rural transport in order to create social and economic opportunities;

— identify key pinch points across Ireland’s public transport network and target investment to alleviate these pinch points;

— allocate funding to local authorities for the purpose of maintaining and improving existent cycling infrastructure;

— drastically increase the availability of the physically segregated cycling infrastructure across the country, particularly in urban and suburban areas;

— gradually phase out the use of diesel only buses in order to support a cleaner Irish bus network;

— undertake a cost-benefit analysis of key projects such as the Western Rail Corridor 1157 and the Dublin-Navan railway line extension;

— immediately commence an upgrade of Ireland’s rail signalling infrastructure in order to facilitate greater use of existent rolling stock, decrease journey times, and reduce congestion at stations;

— set up a Dublin Transport Authority in order to plan for and oversee the delivery of transport projects within the Greater Dublin Area;

— accelerate the delivery of the DART Underground project, which has been identified by the National Transport Authority as key to unlocking the potential of the Dublin transport network;

— set out a pathway to fully electrify Ireland’s rail fleet, which will decrease transport emissions and journey times;

— increase investment in Ireland’s electric vehicle charging network in order to make electric vehicle ownership more attractive for Irish citizens; and

— establish a National Infrastructure Commission in order to ensure that large-scale infrastructure projects are delivered in an efficient and cost-effective manner.”

Amendment put:

<i>The Dáil divided: Tá, 44; Níl, 69; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Aylward, Bobby.</i>	<i>Bailey, Maria.</i>	
<i>Brady, John.</i>	<i>Barrett, Seán.</i>	
<i>Breathnach, Declan.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Buckley, Pat.</i>	<i>Brophy, Colm.</i>	

<i>Butler, Mary.</i>	<i>Broughan, Thomas P.</i>	
<i>Byrne, Thomas.</i>	<i>Bruton, Richard.</i>	
<i>Calleary, Dara.</i>	<i>Burke, Peter.</i>	
<i>Casey, Pat.</i>	<i>Burton, Joan.</i>	
<i>Cassells, Shane.</i>	<i>Byrne, Catherine.</i>	
<i>Chambers, Jack.</i>	<i>Canney, Seán.</i>	
<i>Collins, Michael.</i>	<i>Cannon, Ciarán.</i>	
<i>Cowen, Barry.</i>	<i>Carey, Joe.</i>	
<i>Crowe, Seán.</i>	<i>Collins, Joan.</i>	
<i>Cullinane, David.</i>	<i>Connolly, Catherine.</i>	
<i>Curran, John.</i>	<i>Coppinger, Ruth.</i>	
<i>Doherty, Pearse.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Donnelly, Stephen.</i>	<i>Coveney, Simon.</i>	
<i>Ellis, Dessie.</i>	<i>Creed, Michael.</i>	
<i>Fleming, Sean.</i>	<i>D'Arcy, Michael.</i>	
<i>Funchion, Kathleen.</i>	<i>Deasy, John.</i>	
<i>Haughey, Seán.</i>	<i>Deering, Pat.</i>	
<i>Lahart, John.</i>	<i>Doherty, Regina.</i>	
<i>Lawless, James.</i>	<i>Donohoe, Paschal.</i>	
<i>McGrath, Mattie.</i>	<i>Durkan, Bernard J.</i>	
<i>McGrath, Michael.</i>	<i>English, Damien.</i>	
<i>McGuinness, John.</i>	<i>Farrell, Alan.</i>	
<i>Mitchell, Denise.</i>	<i>Fitzpatrick, Peter.</i>	
<i>Moynihan, Aindrias.</i>	<i>Flanagan, Charles.</i>	
<i>Munster, Imelda.</i>	<i>Grealish, Noel.</i>	
<i>Murphy O'Mahony, Margaret.</i>	<i>Halligan, John.</i>	
<i>Nolan, Carol.</i>	<i>Harris, Simon.</i>	
<i>O'Brien, Jonathan.</i>	<i>Heydon, Martin.</i>	
<i>O'Callaghan, Jim.</i>	<i>Howlin, Brendan.</i>	
<i>O'Keeffe, Kevin.</i>	<i>Humphreys, Heather.</i>	
<i>O'Reilly, Louise.</i>	<i>Kehoe, Paul.</i>	
<i>O'Rourke, Frank.</i>	<i>Kenny, Gino.</i>	
<i>Ó Broin, Eoin.</i>	<i>Kyne, Seán.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Lowry, Michael.</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>Madigan, Josepha.</i>	
<i>Quinlivan, Maurice.</i>	<i>Martin, Catherine.</i>	
<i>Scanlon, Eamon.</i>	<i>McEntee, Helen.</i>	
<i>Smyth, Niamh.</i>	<i>McGrath, Finian.</i>	
<i>Stanley, Brian.</i>	<i>McLoughlin, Tony.</i>	
<i>Troy, Robert.</i>	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moran, Kevin Boxer.</i>	

*Dáil Éireann*

	<b><i>Murphy, Catherine.</i></b>	
	<b><i>Murphy, Eoghan.</i></b>	
	<b><i>Murphy, Paul.</i></b>	
	<b><i>Naughton, Hildegard.</i></b>	
	<b><i>Neville, Tom.</i></b>	
	<b><i>Noonan, Michael.</i></b>	
	<b><i>O'Connell, Kate.</i></b>	
	<b><i>O'Donovan, Patrick.</i></b>	
	<b><i>O'Dowd, Fergus.</i></b>	
	<b><i>O'Sullivan, Jan.</i></b>	
	<b><i>O'Sullivan, Maureen.</i></b>	
	<b><i>Penrose, Willie.</i></b>	
	<b><i>Phelan, John Paul.</i></b>	
	<b><i>Pringle, Thomas.</i></b>	
	<b><i>Ring, Michael.</i></b>	
	<b><i>Rock, Noel.</i></b>	
	<b><i>Ross, Shane.</i></b>	
	<b><i>Ryan, Brendan.</i></b>	
	<b><i>Ryan, Eamon.</i></b>	
	<b><i>Sherlock, Sean.</i></b>	
	<b><i>Shortall, Róisín.</i></b>	
	<b><i>Stanton, David.</i></b>	
	<b><i>Tóibín, Peadar.</i></b>	
	<b><i>Zappone, Katherine.</i></b>	

Tellers: Tá, Deputies John Curran and John Lahart; Níl, Deputies Eamon Ryan and Catherine Martin.

Amendment declared lost.

Question put: "That the motion be agreed to."

<b><i>The Dáil divided: Tá, 36; Níl, 77; Staon, 0.</i></b>		
<b><i>Tá</i></b>	<b><i>Níl</i></b>	<b><i>Staon</i></b>
<b><i>Boyd Barrett, Richard.</i></b>	<b><i>Aylward, Bobby.</i></b>	
<b><i>Brady, John.</i></b>	<b><i>Bailey, Maria.</i></b>	
<b><i>Broughan, Thomas P.</i></b>	<b><i>Barrett, Seán.</i></b>	
<b><i>Buckley, Pat.</i></b>	<b><i>Breathnach, Declan.</i></b>	
<b><i>Burton, Joan.</i></b>	<b><i>Bruton, Richard.</i></b>	
<b><i>Collins, Joan.</i></b>	<b><i>Burke, Peter.</i></b>	
<b><i>Connolly, Catherine.</i></b>	<b><i>Butler, Mary.</i></b>	
<b><i>Coppinger, Ruth.</i></b>	<b><i>Byrne, Catherine.</i></b>	
<b><i>Crowe, Seán.</i></b>	<b><i>Byrne, Thomas.</i></b>	
<b><i>Cullinane, David.</i></b>	<b><i>Calleary, Dara.</i></b>	
<b><i>Doherty, Pearse.</i></b>	<b><i>Canney, Seán.</i></b>	



<i>Ellis, Dessie.</i>	<i>Cannon, Ciarán.</i>	
<i>Funchion, Kathleen.</i>	<i>Carey, Joe.</i>	
<i>Howlin, Brendan.</i>	<i>Casey, Pat.</i>	
<i>Kenny, Gino.</i>	<i>Cassells, Shane.</i>	
<i>Martin, Catherine.</i>	<i>Chambers, Jack.</i>	
<i>Mitchell, Denise.</i>	<i>Collins, Michael.</i>	
<i>Munster, Imelda.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Murphy, Catherine.</i>	<i>Coveney, Simon.</i>	
<i>Murphy, Paul.</i>	<i>Cowen, Barry.</i>	
<i>O'Brien, Jonathan.</i>	<i>Creed, Michael.</i>	
<i>O'Reilly, Louise.</i>	<i>Curran, John.</i>	
<i>O'Sullivan, Jan.</i>	<i>D'Arcy, Michael.</i>	
<i>O'Sullivan, Maureen.</i>	<i>Deasy, John.</i>	
<i>Ó Broin, Eoin.</i>	<i>Deering, Pat.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Doherty, Regina.</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>Donnelly, Stephen.</i>	
<i>Penrose, Willie.</i>	<i>Donohoe, Paschal.</i>	
<i>Pringle, Thomas.</i>	<i>Durkan, Bernard J.</i>	
<i>Quinlivan, Maurice.</i>	<i>English, Damien.</i>	
<i>Ryan, Brendan.</i>	<i>Farrell, Alan.</i>	
<i>Ryan, Eamon.</i>	<i>Fitzpatrick, Peter.</i>	
<i>Sherlock, Sean.</i>	<i>Flanagan, Charles.</i>	
<i>Shortall, Róisín.</i>	<i>Fleming, Sean.</i>	
<i>Stanley, Brian.</i>	<i>Grealish, Noel.</i>	
<i>Tóibín, Peadar.</i>	<i>Halligan, John.</i>	
	<i>Harris, Simon.</i>	
	<i>Haughey, Seán.</i>	
	<i>Heydon, Martin.</i>	
	<i>Humphreys, Heather.</i>	
	<i>Kehoe, Paul.</i>	
	<i>Kyne, Seán.</i>	
	<i>Lahart, John.</i>	
	<i>Lawless, James.</i>	
	<i>Lowry, Michael.</i>	
	<i>Madigan, Josepha.</i>	
	<i>McEntee, Helen.</i>	
	<i>McGrath, Finian.</i>	
	<i>McGrath, Mattie.</i>	
	<i>McGrath, Michael.</i>	
	<i>McGuinness, John.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Mitchell O'Connor, Mary.</i>	

	<i>Moran, Kevin Boxer.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Murphy, Eoghan.</i>	
	<i>Murphy, Eugene.</i>	
	<i>Naughton, Hildegard.</i>	
	<i>Neville, Tom.</i>	
	<i>Nolan, Carol.</i>	
	<i>Noonan, Michael.</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>O'Rourke, Frank.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Ring, Michael.</i>	
	<i>Rock, Noel.</i>	
	<i>Ross, Shane.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Stanton, David.</i>	
	<i>Troy, Robert.</i>	
	<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Eamon Ryan and Catherine Martin; Níl, Deputies Seán Kyne and Tony McLoughlin.

Question declared lost.

*Sitting suspended at 1.45 p.m. and resumed at 2.25 p.m.*

### **Aircraft Noise (Dublin Airport) Regulation Bill 2018: From the Seanad**

The Dáil went into Committee to consider amendments from the Seanad.

**An Ceann Comhairle:** Seanad amendments Nos. 1 to 3, inclusive, and the amendments to those amendments, are related and may be discussed together.

Seanad amendment No. 1:

In page 11, to delete lines 2 to 4.

**Deputy Brendan Ryan:** I move amendment No. 1 to Seanad amendment No. 1:

18 April 2019

After “lines 2 to 4”, to insert the following:

“and substitute the following:

‘(c) the likely effect of the identified noise mitigation measures and operating restrictions (if any) on the well-being and health of local residents is thoroughly evaluated;’.”.

On the matter of the proposal to discuss these amendments together, we are at the point where we have spent a great deal of time on this Bill. It has been through all Stages in the Dáil and the Seanad and is now back here. We are down to five or six amendments. While there is occasionally a case for dealing with amendments in groups in circumstances where there are so many that we need to do that, all of the individual amendments here are quite different. I would be opposed to grouping them together for discussion.

**Deputy Clare Daly:** I support Deputy Brendan Ryan in that proposition. We have been on a long, tortuous route. On Tuesday, we put on the record at the meeting of the Business Committee the fact that we were faced with an unprecedented situation. The Government seemed to be hell bent on ramming this Bill through today even though the Seanad had not concluded its deliberations on it at that point. We spent hours in the Dáil having considerable discussions on why we needed to include measures to protect the health of citizens. The amendments that are being grouped now are different in their detail. Perhaps some could be kept and others not but they are definitely meritorious of individual discussion. If we were to group them now, it would be another indication to residents and people looking in that we are not dealing adequately with this legislation. We should really take the amendments individually. There are only about six potential votes here. The amendments should be taken separately because there are separate arguments involved.

**An Ceann Comhairle:** I am anxious to facilitate Members but normally when amendments are grouped as they are here, I have never seen the grouping departed from. It is the established practice. I am quite content to ensure that whatever time is required to discuss each of the amendments is provided and I will not be trying to curtail people’s contributions. We would be setting a dangerous precedent if we were to depart from established practice. I am looking at the salient rulings of the Chair, details of which I will spare the Deputies. I am of the view that what I have suggested represents the best way to move forward. We will start with amendment No. 1. Any contributions the Deputies have to make on any of them, we will hear. We are on Committee Stage, so there is no time limit.

**Deputy Brendan Ryan:** At this point, it is very important for the people who have taken a keen interest in this to know what is going on. My experience with the Minister is that during discussion of a group of amendments, it is not clear what is the nature of his response to individual amendments. We must have certainty around this. We are only dealing with six amendments. With the agreement of the House, notwithstanding precedent or the normal course of action, I think we can agree between us that we should deal with these one by one.

**An Ceann Comhairle:** Let us deal with them one by one if that is what Members want.

**Deputy Thomas P. Broughan:** Agreed.

**An Ceann Comhairle:** Can we not discuss them together? Does the Minister wish to comment?

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** I am very anxious to accommodate Members but I am not agreeable to taking them one by one because that is not the form in which they have been presented to me. I will give as full an explanation as I can in respect of all of them. I looked at the groupings and thought they were perfectly reasonable because they are all on closely related matters.

**An Ceann Comhairle:** The Minister is not in agreement. We will deal with the amendments as grouped and if Members feel that an issue is not being adequately considered, we can come back to it.

**Deputy Brendan Ryan:** If we are to proceed along the lines proposed, it is important that the Minister would clearly state his response to each amendment.

**An Ceann Comhairle:** I am sure the Minister will do so. There will be no ambiguity.

**Deputy Clare Daly:** Can we reserve the right to re-enter this debate if that is not the case because a major part of the problem with the Bill has been the Minister's inadequate responses to Deputies' points on various Stages. I am happy to proceed on the basis proposed but if he does not respond as proposed, I will rise again on this issue.

**An Ceann Comhairle:** Nobody in the Chair can oblige the Minister to give a particular answer that meets another Member's satisfaction.

**Deputy Clare Daly:** I know that. Any answer will do.

**An Ceann Comhairle:** It has been the tradition of the Minister to answer frankly and comprehensively. We will now discuss amendments Nos. 1 to 3, inclusive.

**Deputy Brendan Ryan:** On my amendment, the Minister has sought to delete an element of the Bill that is important to us in opposition and to the people affected by this legislation. In reviewing the amendments from the Seanad, I came to the conclusion that he perhaps, deleted the words, "projected impact", because he did not like them. For this reason, I have modified the wording in the hope that the Minister will be more positive towards the subsection.

The following was deleted in the Seanad:

(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;

This legislation is about striking a balance between the need for our airports to develop and the needs of residents to live in a safe environment where their health is not impacted. Section (9)(2) provides that the competent authority shall ensure that the balanced approach is adopted where a noise problem at the airport has been identified and, to that end, shall ensure that, as appropriate, the well-being and health of local residents are protected. When we sought to insert this provision into the legislation on Committee Stage the response of the Minister was that it is was not necessary because well-being and health are covered. This has been his mantra regarding all proposed amendments in regard to health. If, as he has stated on previous Stages, health is covered, why does he now see the need to remove the specific reference to the well-being and health of local residents? This is exposing the Minister in regard to health issues. If health is covered in other ways, the proposed additional reference will not detract from what is provided for in the Bill; rather, it complements and enhances it and it reassures residents.

**Deputy Clare Daly:** In supporting Deputy Brendan Ryan we have to start from the position of how we got to where we are today. This Bill has been a through a long and tortuous process, particularly for those of us who represent the communities impacted most by aircraft noise. During the Second Stage debate in the House, many, if not all, of us on the Opposition benches made the point that to transpose the EU directive properly and to respect the health and well-being of residents, we need to amend the Bill as drafted. Throughout Committee and Report Stages in the House we succeeded, to our delight, in having amendments accepted which we believe made the Bill better. We have previously made the point that we were appreciative of the briefings provided to us behind the scenes by the officials of the Department of Transport, Tourism and Sport regarding this legislation and our efforts to ensure the directive is transposed in a manner which allows the balanced approach for noise mitigation.

Deputy Ryan is correct that this was supposed to be a positive measure for airport communities. We were supposed to be getting to a position where there was a recognition of the established medical fact that exposure to noise, particularly at night time, which causes a disruption to a person's sleep pattern, results in an impact on that person's health which is significant. Substantial studies have been undertaken on a global scale, which demonstrate that this is the case. We know, for example, that young children and older citizens are particularly exposed to the disruption caused by aircraft noise in terms of their health and well-being. This resolution is supposed to bring in mechanisms in recognition of the fact that airports create noise. We all love airports. Before I was elected to this House, I worked in an airport. All of my friends and many of my constituents work in the airport community. It is important to stress that we all love airports but they have to operate in a sustainable and balanced way. In this sense, it is important that health and well-being are recognised in the legislation.

Deputy Ryan is also correct that when we raised this issue on various Stages, the Minister responded that health is covered and it does not to be specified further. If it is covered, what is the harm in re-emphasising it, because it is critical to this legislation? The Minister's argument does not stand up. From our point of view, it is not specified and it needs to be included. It is important to put on the record that this was agreed by the Dáil on an earlier Stage. As the Minister will be aware, a number of complaints have been made to the European Union regarding the manner in which the Government is dealing with this matter. I have no doubt, sadly, that it will be the subject of litigation in the future. He needs to deal with these issues because residents feel incredibly exposed in terms of the scenario being put before them.

The manner in which he has handled this legislation is atrocious. Never before has legislation been rammed through as quickly as this in terms of the activities that were engaged in at the Business Committee last week, when the Government insisted that it had to be dealt with today even though it had not been dealt with by the Seanad at that time. The Government was adamant that it was going to railroad this legislation through the Houses and it was clear Fianna Fail was going to facilitate it in doing so. There is nobody here from Fianna Fáil for this debate. The Bill got through the Seanad, as planned. Even though we succeeded in winning these gains in the Dáil, we are here at the eleventh dealing with them again.

The Minister has never explained to us why the reference to health is not needed. There is no impediment to it being included. I support Deputy Ryan's amendment. We do not need clauses and specifications for health and well-being removed. In our view, the purpose of this regulation is to take a balanced approach to aircraft noise. The outcome should be the protection of the health and well-being of residents. What is the harm in specifying that in legislation?



**Deputy Imelda Munster:** Seanad amendments Nos. 1 and 2 seek to reverse two amendments of mine which were agreed by this House on Report Stage. On Tuesday night, the Minister saw fit to have my amendments, and several other amendments, removed in the Seanad. The Government showed a total disregard for the democratic process by refusing to allow time for a proper debate. Instead, it pushed its own amendments through. All of this was facilitated in the Seanad the other night by Fianna Fáil, which said one thing to local residents before stabbing them in the back by supporting the Government on Tuesday night. I was happy that Fianna Fáil had supported the two Sinn Féin amendments passed by this House on Report Stage. By facilitating the farce in the Seanad, Fianna Fáil has undone the work we had done in here. I hope it will redeem itself today by voting with the Opposition against the Government's amendments. We will see how that pans out later this afternoon. My two amendments, which were agreed on Report Stage, sought to put "the well-being and health of local residents" on a statutory footing. The first of them sought to ensure consideration is given to "the well-being and health of local residents" when decisions are being made on noise levels at Dublin Airport. The second of them sought to put an onus on the authority to report on "the impact of the decision on .... local residents", as well as on the extent to which the requirements of residents are taken into consideration. The Minister will argue that the health of residents is covered elsewhere in EU regulations, as others have said, but there is no reason it should not be included in our national legislation too. Our efforts to safeguard the health of people should be given a legislative backing. I will vote against the amendments made by the Minister in the Seanad.

**Deputy Thomas P. Broughan:** I would like to express my strong support for the retention of the badly needed amendments Deputy Munster succeeded in making to the Bill on Report Stage in this House. One of the amendments, as set out on page 11 of the Bill that went to the Seanad, sought to evaluate the "projected impact on the well-being and health of local residents". The other amendment, as set out on page 13 of the Bill that went to the Seanad, sought to require the new authorised regulator to conduct "an assessment of the impact of the decision on the well-being and health of local residents". I would also like to express my strong support for my colleague, Deputy Brendan Ryan, who has proposed an amendment to Seanad amendment No. 1 to restore the basic safeguard that Deputy Munster managed to get into the Bill to ensure "the well-being and health of local residents is thoroughly evaluated". Such a safeguard should be at the centre of this. It is inconceivable, unconscionable and hard to believe that the Minister has reneged on the decision of this House to apply such fundamental principles to the Bill.

In my amendment to Seanad amendment No. 3, I seek to restore the principle of Deputy Clare Daly's outstanding amendment to Part 4, which received the approval of this House on Report Stage. The amendment I propose seeks to ensure "average noise exposure is in accordance with WHO guidelines". Deputy Daly's amendment specified "that average noise exposure [should be] reduced below 45dBL, and night noise exposure [should be] below 40dBL". People understand the kind of range of noise we are talking about. I am trying to retain this fundamental principle in the Bill by referring to noise levels being "in accordance with WHO guidelines".

It is deplorable that this Bill is being rushed through in the way we have seen this week. The fundamental mistake that the Minister is making in this Bill will be on his record forever. He has chosen the wrong regulator. Many of our constituents find it totally despicable that he has not given us much of a chance to evaluate the removal of our important Report Stage amendments, which happened when this Bill was rushed through the Seanad. We had hours of debate

on the excellent amendments in question in this Chamber. The Minister availed of the Fianna Fáil-Fine Gael coalition, which is the core Government in this Oireachtas, to ensure they were totally undone in the Seanad. For that reason, we have had to resubmit the amendments in question in an attempt to take account of the lives and well-being of the citizens affected by aircraft noise pollution. It is striking that the regulation of noise is still a fundamental aspect of modern life. The UK Supreme Court seems to have issued a landmark judgment yesterday in the case of a musician whose hearing has been damaged by noise.

I want to put on the record my total opposition to the terribly short timeframe that Deputies were given to submit amendments in advance of this debate. We were given a couple of hours to do so yesterday afternoon when, having greeted Speaker Pelosi and listened to her address, we were busy in committees and other activities and so many things were happening. I believe the conclusion of this Bill has happened in a very undemocratic fashion. As I have said to him on many occasions, if the Minister were on this side of the House, he would have been screaming and shouting at us about how undemocratically the procedure that is now being implemented was playing out. It is disappointing that he has not accepted the invitations of the residents of the most affected localities, including St. Margaret's, Newtown and The Ward, as well as all of those involved in the forum and other community groups, to visit those areas. I believe that invitation has been open to the Minister since he took up office. It would be easy enough for him to organise a meeting so that he can hear the noise levels associated with the constant takeoffs and landings with which these communities are living night and day.

I support the restoration of Deputy Munster's first amendment, which was deleted by Seanad amendment No. 1. Its restoration would restore the principle that "the well-being and health of local residents" should be at the centre of this legislation. I warmly welcome Deputy Brendan Ryan's amendment to Seanad amendment No. 1, which involves a slight rewording of the original amendment as proposed by Deputy Munster while retaining the thrust of that amendment. Deputy Ryan's amendment emphasises "the well-being and health of local residents" and the impacts on local communities. The point here is that the Minister is avoiding having to make the health and well-being of local residents a central part of his deliberations upon the conclusion of this Bill. We know about the detrimental impacts of noise pollution on health. I mentioned a case that concluded in the UK yesterday. We have to acknowledge the crucial importance of health for everyone who lives in the vicinity of the airport. When we are producing legislation, we should follow the old principle that at least we should do no harm. Perhaps Ministers, Deputies and all public representatives should take the hippocratic oath.

Why did the Minister knowingly delete from this legislation amendments that sought to evaluate the "projected impact on the well-being and health of local residents"? We know that aircraft noise in this area is having an impact on health and well-being and will continue to have such an impact. In light of the Minister's track record, many cynical people believe that if the airport were near his constituency, he would take a much different role in this regard. If there were no detrimental impacts on the health and well-being of local residents, why would he object to these provisions? We can only assume that aircraft noise pollution has a negative impact on the people living around the airport. Obviously, the assessments we are looking for would prove that all residents are affected by aircraft noise and provide evidence for residents who might wish to pursue litigation.

I strongly supported the Report Stage amendments proposed by Deputies Clare Daly and Munster and their colleagues. On Report Stage, it was revealed, via documents released under freedom of information provisions, that Fingal County Council had expressed a clear desire to

the Minister and his officials not to be the noise regulator because of a clear conflict of interest and its lack of independence from Dublin Airport Authority. We were sent papers by constituents recently that indicated the sheer dependence of Fingal county on the airport is much more profound than the 8% the Minister mentioned. This is because of all the businesses in the airport zone and the rates they pay. A huge chunk of the council's income comes from this. There is no question but that, down the line, the regulator will change.

There are issues regarding the resources the council would require to take on the role of competent authority. It was interesting to note that the officials in Fingal County Council, whom I hold in high regard, expressed their great reservations about the Minister's course because of potential issues in future and, of course, the possibility that the council could be left open to legal challenge, right up to European level.

As I stated on Report Stage, we are closing in on the airport cap. An annual cap of 40 million passengers might be imposed sooner rather than later. As we know, in June 2016, RPS Group produced an environmental impact scoping report on the north runway proposal. Human health and the impact of aviation noise are covered in Chapter 3.3 of that environmental report. The report noted matters including the 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 more. On Report Stage, I outlined the severe health impacts that the WHO states can result from noise disturbance.

The evidence raised in the Fingal consultation with regard to environmental noise, including aircraft noise and which includes evidence from the European Environment Agency, EEA, and the WHO, lists a wide range of medical conditions and other problems. 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. For these reasons, of course, I had submitted an amendment on Report Stage for a longitudinal study over a number of years on the impacts of noise on residents and such a study should still be undertaken. My final amendment on Report Stage was No. 100. It called for a three-year review, which the Minister refused. Twenty-six of us supported the amendment but approximately double that number voted against it.

The balanced approach is in the EU Regulation No. 598/2014, the reason for the Aircraft Noise (Dublin Airport) Regulation Bill 2018. People talk about a balanced approach that would include quieter aircraft and all kinds of noise abatement measures but, as I have previously said during our debates on this Bill, one of the problems we have in our legislation is that there is no comprehensive noise legislation regime or national regulator. This is a huge lacuna. It was an issue when dealing with the 2006 noise regulation. The Minister was in the other House at the time. We made the EPA the noise regulator. The Minister does not seem to have noticed that when preparing for this Bill.

We have not established a totally independent regulator so far. Local authorities have to deal with the matter day in, day out. I previously asked the Minister to try to address this by including this specific measure in the legislation. With every Bill, there is an opportunity to gather more data, understand the impacts of legislation, and improve the lives of citizens in all areas of life.

Our amendments about assessment on Report Stage were capable of providing guidance and would allow us to return to this month after month, year after year, and to check it out. My amendment to Seanad amendment No. 3 is a redrafting of that of Deputy Clare Daly. It states, “The competent authority shall direct the airport authority to ensure that average noise exposure is in accordance with WHO guidelines, as applicable”. It was originally an amendment on the noise levels as per the WHO guidelines. Seanad amendment No. 3 deleted the lines in question. The unholy alliance of Fianna Fáil and Fine Gael abandoned all the population along the airport corridor when it supported the Minister in the Seanad.

We were delighted to have section 19(2) inserted into the original Bill in Part 4. I understand that even the residents and local community groups agree that having levels in the Bill is difficult because, if very low levels are specified, it could make things very hard to even operate an airport. Very sensibly, they would say that going with the WHO’s general approach to noise levels is the best approach, rather than stipulating levels. This is why I urge the Minister to accept my amendment, which is effectively that of Deputy Clare Daly. I do not see why he would not because the WHO gives guidance on this for all airports. Perhaps the Minister might consider my amendment and the others this afternoon so we may put health at the forefront.

There are some areas of St. Margaret’s where the levels can reach almost double those we were specifying. Residents experience up to 60 dBLs but the provision does allow for the levels to be revised in accordance to WHO guidelines. We opt for WHO rules. Why should we not be working towards best practice in this regard? That is why I framed the amendment as I did, in my second attempt to have a stab at this.

There was a case yesterday in the UK Supreme Court where the court upheld a complaint about noise from a musician. It was regarded as a landmark case. Since, like the UK, we have a common law jurisdiction, our legal system will have to keep an eye on this.

The WHO Regional Office for Europe states:

Noise is an underestimated threat that can cause a number of short- and long-term health problems, such as sleep disturbance, cardiovascular effects, poorer work and school performance, and hearing impairment.

Noise has emerged as a leading environmental nuisance in the WHO European Region, and the public complains about excessive noise more and more often.

The WHO also provides preferred limits for noise levels, stating “guidelines for community noise recommend less than 30 A-weighted decibels (dB(A)) in bedrooms during the night for a sleep of good quality and less than 35 dB(A) in classrooms to allow good teaching and learning conditions.” It further states, “guidelines for night noise recommend less than 40 dB(A) of annual average (L<sub>night</sub>) outside of bedrooms to prevent adverse health effects from night noise.” The WHO Regional Office for Europe also estimates, according to available EU data, that “about 40% of the population in EU countries is exposed to road traffic noise at levels exceeding 55 dB(A); 20% is exposed to levels exceeding 65 dB(A) during the daytime; and more than 30% is exposed to levels exceeding 55 dB(A) at night.” Above 55 dB(A), one is disastrous territory in regard to health.

On the 10 October last year, before the Minister introduced his legislation, the WHO published Noise Guidelines for the European Region. The accompanying documentation states that the main differences between them and previous guidelines are: stronger evidence of the

cardiovascular and metabolic effects of environmental noise; inclusion of new noise sources, including aircraft, rail and road traffic; the use of a standardised approach to assess the evidence; a systematic review of evidence, defining the relationship between noise exposure and risk of adverse health outcomes; and the use of long-term average noise exposure indicators to better predict adverse health outcomes. This information from the WHO clearly supports the three amendments on the health and well-being of residents that should be taken into account in the regulation of aircraft noise. It seems incredible that, with the Minister's record of opposition in the Seanad and in this House, he is not standing with us today to ensure that these general amendments on health and well-being are made to the legislation.

In its report, Burden of disease from environmental noise - Quantification of healthy life years lost in Europe, the WHO found, in relation to cardiovascular diseases, that:

[T]he evidence from epidemiological studies on the association between exposure to road traffic and aircraft noise and hypertension and ischaemic heart disease has increased during recent years. Road traffic noise has been shown to increase the risk of ischaemic heart disease, including myocardial infarction. Both road traffic noise and aircraft noise increase the risk of high blood pressure.

It is critical that these references be restored to the Bill and that the Minister accept mine and Deputy Brendan Ryan's amendments, which are a reflection of those put down by Deputies Munster and Clare Daly. It would be the right thing to do today and I urge the Minister to take that action.

**An Ceann Comhairle:** Does any other Member wish to speak on any one of the three amendments or the amendments to the amendments?

**Deputy Ruth Coppinger:** It is quite incredible that the Seanad would wipe out some of the protections in the Bill relating to the health of residents. I will use the example of a family who will now be unable to get any insulation or protection from noise because of votes that may take place here today. This family is extremely disappointed and demoralised and will have lost all faith in the political system if these basic matters are not listened to. We should remember that we refer, in particular, to night time noise. We are not discussing impairing day time travel.

I received correspondence from someone who lives in the Ward Cross, who was in contact with many Deputies, pointing out his family's circumstances. Some days ago they wrote to the Dublin Airport Authority asking that their house be added to the noise insulation scheme. They pointed out several factors that would affect them. The effects of noise on health have already been outlined here, and they wrote that they were aware of the effects of aircraft noise on health, namely, cardiovascular disease, hypertension and cognitive impairment of children, all of which have been verified by the World Health Organization. We are all particularly worried about children who are more vulnerable to all these issues. He wrote of how he and his wife were very concerned about the health of their family and especially that the adverse effects have more impact on the vulnerable sections of the population, namely, the young. He explained how his son was diagnosed with acute leukaemia at age three and a half years and was treated for three years at Our Lady's Hospital for Sick Children in Crumlin. While he has made a great recovery he suffers from hypertension, which is not normally associated with leukaemia. Airport noise can exacerbate that condition and his wife also has trouble with hypertension. The reply they received was that eligibility was based on the projected 63 dB level and that they



will not qualify, despite living very close to the airport and being impacted. They were told that their dwelling was not located in either the 2016 or projected 2022 contours and is, therefore, ineligible for participation in either scheme.

This is the kind of news that people who live, many of them for many years, around the airport have received. Their faith in the political process is at the lowest imaginable. They have seen the two largest parties in the Dáil gang up to prevent World Health Organization best practice being the basis for regulations. It is shameful what is happening here. It points to the need for an alternative to be built.

During an earlier debate, someone said that we are all concerned about health but I beg to differ. Some people are not as concerned about health as others. If health was the real concern it would trump any commercial interests. What is happening here is that commercial interests are being placed before the health of the people and families who live near the airport. All these arguments have been made already. We have now seen Seanad amendments remove consideration of local residents' health, the noise requirement to be under 45 dB and night noise below 40 dB, in line with the WHO recommendations. The fact the Seanad exists is a problem with me as it is but so is the fact that it has no accountability to local residents, because it is not elected by local residents. The local elections will be the next chance residents will have to give their verdict. I hope they use this opportunity to do so. I appeal to parties and individuals here today to listen to the views of residents. The case has been made here over many nights. Commercial interests should not trump the health of people who live near the airport.

**Deputy Brendan Ryan:** Deputy Broughan's amendment specifies that "[t]he competent authority shall direct the airport authority to ensure that average noise exposure is in accordance with WHO guidelines, as applicable".

Many people watching this debate will have heard a lot about WHO guidelines without necessarily understanding what they are and what they mean. I will return to some of the specifics but it might be helpful if I read the foreword of those recommendations as they are relevant to people's thinking about what ought to be. Dr. Zsuzsanna Jakab, WHO regional director for Europe, wrote that "noise is one of the most important environmental risks to health and continues to be a growing concern among policy-makers and the public alike." I have my doubts about that in relation to policy makers in this country, but it is certainly of concern to the public in Ireland. Dr. Jakab continued:

Based on the assessment threshold specified in the environmental noise directive of the European Union, EU, at least 100 million people in the EU are affected by road traffic noise, and in western Europe alone at least 1.6 million healthy years of life are lost as a result of road traffic noise.

At the request of Member States at the Fifth Ministerial Conference on Environment and Health in Parma, Italy, in March 2010, the WHO Regional Office for Europe has developed these guidelines, based on the growing understanding of the health impacts of exposure to environmental noise. They provide robust public health advice, which is essential to drive policy action that will protect communities from the adverse effects of noise.

These WHO guidelines - the first of their kind globally - provide recommendations for protecting human health from exposure to environmental noise originating from various sources. They not only offer robust public health advice but also serve as a solid basis for

future updates, given the growing recognition of the problem and the rapid advances in research on the health impacts of noise. The comprehensive process of developing the guidelines has followed a rigorous methodology; their recommendations are based on systematic reviews of evidence that consider more health outcomes of noise exposure than ever before. Through their potential to influence urban, transport and energy policies, these guidelines contribute to the 2030 Agenda for Sustainable Development and support WHO's vision of creating resilient communities and supportive environments in the European region.

Following the publication of WHO's community noise guidelines in 1999 and night noise guidelines for Europe in 2009, these latest guidelines represent the next evolutionary step, taking advantage of the growing diversity and quality standards in this research domain. Comprehensive and robust, and underpinned by evidence, they will serve as a sound basis for action.

While these guidelines focus on the WHO European Region and provide policy guidance to Member States [of which we are one] that is compatible with the noise indicators used in the EU's Environmental Noise Directive [it is compatible with the noise directive that the Minister referenced at previous discussions on this], they still have global relevance. Indeed, a large body of the evidence underpinning the recommendations was derived not only from noise effect studies in Europe but also from research in other parts of the world – mainly in Asia, Australia and the United States of America [we are talking about best practice here].

I am proud to present these guidelines as another leading example of the normative work undertaken in our Region in the area of environment and health. On behalf of the WHO Regional Office for Europe and our European Centre for Environment and Health in Bonn, Germany, which coordinated the development of the guidelines, I would like to express my gratitude to the large network of experts, partners, colleagues and consultants who have contributed to this excellent publication. I would also like to thank Switzerland and Germany for providing financial support to this complex project, and look forward to following the influence of the guidelines on policy and research in the years to come.

This is a reference to this body of work we have all been referring to in 2018, we are passing legislation in 2019 and it has got to feature. It would be remiss of us to let this legislation pass without reference to the WHO guidelines.

**Deputy Joan Burton:** I attended a local meeting recently with people who live close to the airport flight path north of the Navan Road. It included some people who worked in the airport and had a lot of experience in relation to noise. As one might expect, they are aghast at Deputy Ross's arrangement, as Minister, to make Fingal County Council the regulator for noise. Not only that, confirming what my colleague, Deputy Brendan Ryan stated, people working in the airport were aware of various mitigation factors that may be taken, which could significantly reduce, if not substantially eliminate, much of the noise. One should bear in mind that the biggest problems that people have are the extension and increase in the number of late-night flights and early-morning flights. It is one matter to have flights during the day but it is another matter, in terms of the health effects that Deputy Brendan Ryan has raised, to have them during the night and very early in the morning when people are still trying to sleep.

I fail to understand why the Minister is not taking a more modern approach to this but instead makes a regulator of the planning authority, which, understandably, like everybody,

has a vested interest in the economic success of the airport, the maintenance of jobs and the maintenance of tourism, etc. Many of us have been members of Fingal County Council and we are familiar with this. However, we are also aware - this is what the Minister does not seem to appreciate - of the downside on people's lives in two particular cases, where their houses are badly insulated because they were not built to modern insulation standards and where there is a creeping demand to expand the number and volume of flights at sleeping times. The latter noise is the most disastrous for health where families, including children, end up without being able to get proper sleep. We are talking almost exclusively about family homes in these areas.

On the WHO guidelines on noise, it is not an area that Ireland has felt it particularly necessary to legislate for but we should do it now to the best standards. Somebody such as the Minister should establish what is the lived experience of communities in the areas directly affected by the noise in order that we can work to minimise the noise. Many of the people at the meeting I attended were confident that much could be done through the use of modern technologies, including flight behaviours, flight lines and flight paths, if approached in a way designed to minimise noise. People have experience of that. Flying in and out of other European airports where that is the approach, there is relatively little noise even though aircraft may be close to populated areas.

**Deputy Shane Ross:** First, I thank every Deputy who has contributed to this Bill throughout the process. I am grateful to them for the contributions they have made. Deputy Clare Daly alluded to the fact that this Bill has changed significantly as a result to a large degree of my officials discussing it with them, a heavy contribution from Fianna Fáil and, indeed, from other parties. The Bill has changed to satisfy many of the Members who are in this House today and the residents whom they represent. I refer to Deputies Darragh O'Brien, Clare Daly, Brendan Ryan and Broughan and I am sorry if I have left anybody out. There has been a large volume of what Deputy Clare Daly described as behind-the-scenes talks - they were not secret but they were outside this House - to try to improve the Bill. I am grateful to Fianna Fáil for what it contributed because it has improved the Bill. Its members put forward measures which were in the interests of residents. They have succeeded in getting measures through, agreed by us, which were in the interests of residents. Others have done so as well. Let us not pretend that this legislation has a history of conflict. There has been co-operation. There are matters outstanding on which we do not agree and they will be resolved, I presume, today, or sooner or later, in this House.

This is not a dictatorial Government Bill. This is a Bill that was negotiated, and to which many of the Deputies in this House, including Deputies Troy and Darragh O'Brien, have contributed significantly. The residents should in all cases feel themselves well represented by those in this House who have made their voices heard on their behalf.

The Bill has changed due to representations from everybody. Since it was initiated, I have listened to Deputies' views and some forceful arguments. That engagement has improved the Bill in many areas. Regarding health, I will explain in more detail in a moment. In respect of strengthening the accountability of the noise regulator, for example, the regulator now has to publish an annual report on its performance and there will be an independent review every five years. The engagement improved the Bill also in respect of insulation schemes and the buy-out scheme, to which Deputies referred but which we will discuss, probably at much greater length, later.

On this amendment, I acknowledge the extensive, constructive and genuine debates we

have had during the passage of the Bill, specifically, regarding the impact of noise on the health and welfare of the local residents of Dublin Airport who have been so well represented. It is only fair, on the Deputies' part, to say that we all share the same concern. That is what the noise regulator is about. If there was no noise regulator, let us imagine the situation for residents.

The only point of dispute is on how best to ensure the interests of local residents are properly provided for in the Bill. No Deputy or Senator should seek to claim sole ownership of this issue. We all share common ground in respect of seeking to stand up for the interests of local residents. This is hugely important and local residents are entitled to understand how this Bill will protect their interests. Repeating what I told the Seanad on Tuesday, I would like to make it absolutely clear that the assessment of the health impact of aircraft noise is an integral part of this Bill. This Bill and the EU regulation underpinning it requires the noise regulator to take full account of existing EU law around health and environmental noise. I will quote directly from regulation 598/2014 which underpins this Bill and applies fully in Ireland. Article 1.2(a) of the regulation states that the purpose of the regulatory framework that Fingal will roll out is "to facilitate the achievement of specific noise abatement objectives, including health aspects, at the level of individual airports". The regulation also states:

The importance of health aspects needs to be recognised in relation to noise problems, and it is therefore important that those aspects be taken into consideration in a consistent manner at all airports when a decision is taken on noise abatement objectives, taking into account the existence of common Union rules in this area. Therefore, health aspects should be assessed in accordance with Union legislation on the evaluation of noise effects.

It cannot be much plainer or simpler than that. To give the impression that health is somehow out of the equation is wrong. It is specifically mentioned many times in the EU directive and I will refer to that.

The Bill also makes specific cross-references to the 2002 environmental noise directive and the 2018 noise regulations which leaves no doubt that these EU laws also apply to the work of the noise regulator. This cross-reference, made in Parts 2 and 3 of the Bill, specifically section 9(23) and under section 11 and the insertion of the new section 34C(22), was an amendment made on Report Stage in the Dáil following strong representations from Deputies Troy and Darragh O'Brien. The environment noise directive and its updated implementing regulations from 2018 set out: "A common approach within the European Union intended to avoid, prevent or reduce, on a prioritised basis the harmful effects, including annoyance, due to exposure to environmental noise." By "harmful effects" the directive means negative effects on human health. This is unequivocal. I hear what Deputies are saying but let us not fly in the face of facts.

Similarly, we have discussed at length the World Health Organization, WHO, guidelines on noise. Making those guidelines a legally binding requirement for the Irish aircraft noise regulator is not something we can allow to pass into law. As I have explained on a number of occasions, such an amendment is not appropriate because it has the effect of amending an EU regulation. As we all should know, the national parliament for a state is not able to amend an EU regulation. EU regulations are made and amended at EU level through the EU institutions of which Ireland is a part - the European Commission, the European Council and the European Parliament.

I am sure this is not a deliberate attempt to cut across EU law but that is what such an amendment does. It is not a question of whether the WHO guidelines are right or wrong. Rather, it is

about what is possible and possible to implement, in what timeframe and at what cost. These things are all being considered at EU level as part of the review of the 2002 environmental noise directive which included consideration of how to treat and reflect the WHO guidelines. They are being considered. Should there be a change at EU level reflected through amendments to regulation 598 and the environmental noise directive, that change will immediately and directly apply to this Bill and the work of the noise regulator. However, I cannot stand over a Bill here which would pre-empt any such decision about future EU regulations and directives. The Bill is wholly in line with EU law and all the provisions and protections enshrined therein. There is no doubt that the impact of aircraft noise on the health of local residents will form part of the noise regulator's regulatory deliberation and decisions.

I have been pushed very hard on this point by Deputy Darragh O'Brien in particular. He has, to be fair to him, insisted on meeting officials, pushed them hard on the legal position and been clear in underlining that health would be an integral part of the regulatory regime.

I have dealt with most things in those replies but I will address some of the more specific points, some of which did not really address the health area, but I will try and address them anyway. Deputy Brendan Ryan says that the fact that I am not accepting his amendments exposes me on health issues. I have given my reasons why I am not accepting them. It is not that the Deputy has exposed me to health issues, it is because I cannot accept his amendments. I do not think Deputy Ryan will disagree that health is repeatedly covered in this Bill. Let the message not go out from this debate that somehow health has been ignored because it is quite the opposite. The regulation keeps referring to health. It refers to the importance of health aspects to be recognised as part of noise problems.

The Deputies may disagree with the noise levels involved or the way it is being implemented but the noise regulator is obliged to consider health as a top priority. I disagree with some of the suggestions made here about the levels, the extent and consequences that may or may not arise but we are on the same side about health. We are leaving it to the regulator and cannot possibly run something that is counter to the EU regulation.

I acknowledge the substantial contribution of Deputy Clare Daly to this Bill. She has had changes made by the power of argument and that is fair enough and should be acknowledged. She is right when she says it is a long and tortuous process because it has been both of those things. To talk about the Bill being rammed through is somewhat unfair. This time last year, the delays were the problem. Deputies were asking what was happening and why it was taking so long. People are now saying they want it to take longer. Deputy Clare Daly was not a Member of the Seanad so she was not there and it is unfair and wrong to suggest the Bill was rammed through the Seanad. It was not. It went into the Seanad on Second Stage and went through Committee and Report Stages. There was no time limit whatsoever in the Seanad the night before last. I told the Seanad that I was prepared to sit there as long as necessary. The Senators took the decision that they did not want to speak for any longer.

**Deputy Ruth Coppinger:** That was because none of them has any residents to represent.

**Deputy Shane Ross:** Nevertheless, people are saying it was rammed through the Seanad and it was not.

**Deputy Brendan Ryan:** The Government defeated a proposal to have Committee Stage on Tuesday and Report Stage thereafter.



**An Ceann Comhairle:** Can I point out that we are privileged to be Members of a bicameral system and the legitimacy of the Seanad should not be questioned here?

**Deputy Thomas P. Broughan:** Some of us wanted to abolish the Seanad and still do.

**An Ceann Comhairle:** The people answered that question.

**Deputy Robert Troy:** The people of Ireland did not want to abolish it.

**An Ceann Comhairle:** Can we please listen to the Minister?

**Deputy Thomas P. Broughan:** The Minister is misleading the House and Deputy Brendan Ryan has shown that clearly.

**Deputy Shane Ross:** I am not misleading the House, that is not fair, although I understand why Deputy Broughan says it. The Seanad is a legitimate and extremely valuable part of this democracy. Senators decided, in their collective wisdom, that they had enough of the debate the other night. It was open to the Seanad to go on all night and forever if it wished. That was what we offered but it did not do so. The Seanad concluded its deliberations quite voluntarily in a few hours.

**Deputy Ruth Coppinger:** A few hours.

**Deputy Shane Ross:** That is what the Seanad did on Committee and Report Stages. It was open to it to come back but it did not do so. We did not ram the legislation through. We gave the Seanad as much time as possible. The Bill had been the subject of much debate in this House previously and it is being debated again today. Without being unfair, some of this is repetitive. Some of the things said here are quite repetitive and comparable with what was said on Committee Stage. That is inevitable.

**Deputy Thomas P. Broughan:** The Minister is not listening.

**Deputy Shane Ross:** I am listening. Perhaps I am not giving the Deputy everything he wants but I cannot do that. That is inevitable. I am trying to give full replies to the points raised by the Deputy. Deputy Munster stated that the Bill was refused a proper debate in the Seanad. It was not.

**Deputy Imelda Munster:** There was no Report Stage.

**Deputy Shane Ross:** It was not refused proper debate at all. She stated that there was no reason these measures should not be included in national legislation. There is a reason we cannot do that. It is not possible to introduce national legislation to overrule an EU directive like this. That is the reason it is done.

Deputy Broughan is looking for the Competition and Consumer Protection Commission to direct the airport authority to do certain things. It cannot do that under this Bill. The Deputy also stated that the legislation was rushed through the Seanad. We have gone through all of that. He was critical of me for not meeting the group from St. Margaret's. I do not know how many groups I have met. I have not met with the group from St. Margaret's. I have responded to virtually every group that has made an attempt to meet me. Deputy Darragh O'Brien brought a group to meet with me, as did Senator Clifford-Lee. I think I met a group brought in by Deputy Clare Daly. It was a Traveller group, I believe. The Deputy was not there but the Travellers

were. I have met virtually everyone who asked to see me about this. I will only address Deputy Broughan's point because it is unfair. He stated that if it was my own constituency, I would have met the group. I doubt if any other Minister in this or any previous Government has met so many groups of people from outside his or her constituency as I have. A plea was made in this House about the group from St. Margaret's on the previous occasion. I do not think I have met the group but there is no reason why I have not done so. It is probably down to time but I offered to let my officials meet it between now and then. I do not know whether or not if they have made those representations to see them but that offer is still open. On Tuesday night in the Seanad, I was asked by Senator Craughwell whether I would still meet some groups even though this Bill was nearly through and whether I would arrange for meetings between the DAA and them afterwards. Yes, I will. In fact, I have written to the DAA to ask whether it will continue communications for those under the voluntary insulation scheme in particular because Deputies Darragh O'Brien and Troy and others have asked me to do that. I will do it.

Everybody wants to be as sensitive as possible to the needs of the residents and that also applies after this Bill passes. This is not an attempt to ram it through just to shut them up. That applies afterwards as well. That is very important but it is equally important that this Bill goes through. This Bill is very important to the future of Dublin Airport, its employees and local residents. It is not easy for anybody here to get this right because of the difficulty of balancing the interests of the airlines, the DAA, the airport and residents. I do not think it is fair to suggest that the regulator is being introduced in the interests of the airlines and the DAA. Nobody could accuse me of having been a great fan of the DAA. I do not like State monopolies. I never have. I do not like the way they operate and have been very vigilant in watching what they do and when they do it since I became Minister. However, we must keep a viable airport in Dublin and balance that with the interests of residents. That is what I intend to do, that is what this Bill will do and that is what the noise regulator is there for. I do not think it has been suggested today that a noise regulator is there to represent the big battalions. The noise regulator is there to protect the residents - perhaps not as much as Deputies might like - but that is what he or she is there for.

**Deputy Brendan Ryan:** I thank the Minister for his response. In the context of health matters, he referenced Regulation (EU) No 598/2014 and went to great lengths to reference the points within that, including those relating to health. I fully accept what the regulation states. However, the Minister did not deal with the issue before us. One of the amendments he introduced in the Seanad seeks to delete section 9(2)(c), which references projected impact on the well-being and health of local residents. The Minister also intends to delete section 9(12)(f), which relates to an assessment of the impact of the decision on the well-being and health of local residents. Why does the Minister feel it essential to remove these provisions? Could he explain why, in the context of leaving those provisions in, those two issues would be incompatible with the regulation? The Minister again argued that health is covered. One might have been able to make the argument on Committee Stage that there is no need for the provisions but now they are in, the Minister has not explained why it is essential for him to remove them. To most people, these provisions would be quite compatible with what he read out in respect of the contents of the regulation. Could the Minister address this in conversational mode rather than read out something handed to him that goes over the same ground by stating that it is already covered? I want the Minister to address this specific point. Why is the presence of these provisions incompatible with the regulation?

**Deputy Shane Ross:** That is a very fair question. The first answer would be that it looks as

if that is unnecessary because one is just asking that the health and well-being of local residents be included. I would have thought it was self-evident that if one is worried about the health of residents, the reference to impact on the well-being and health of residents is self-evident. It would be unnecessary. That would be one of the reasons. It is just not necessary. The impact of these could be to amend the regulation. That is the legal advice I have received. They may be attractive and simple but technically, they represent a change. I do not see why anybody would die in a ditch over this one - even the Deputy - because it is self-explanatory to me that this is already included. We have spoken about health many times in the regulation. "Health" can only refer to the health of the residents. The regulation specifically talks about health of residents so I do not think these provisions are necessary. To put them in-----

**Deputy Brendan Ryan:** They are in.

**Deputy Shane Ross:** To accept the amendment would be to go against legal advice because it would alter the regulation. That is the reason I cannot accept it.

**Deputy Clare Daly:** So many points, so little time left in the debate on the Bill before us. I am not sure whether the Minister was trying to embarrass or help Fianna Fáil but I could feel the red faces from back here. Everybody knows that the Bill has been improved over a long process. One need not be a genius to know this; one need only go back and look at the record to know that the improvements that were passed in this House came as a result of the efforts of other Opposition Deputies, not a miraculous number of Fianna Fáil amendments that came through.

**Deputy Darragh O'Brien:** That is not true.

**Deputy Clare Daly:** It is a matter of historical record that the reason the amendments before us are not better than they were is that Fianna Fáil helped out and bailed out the Minister and ensured that Fingal County Council, rather than the preferred option of the rest of the Opposition and indeed the majority of the residents in the area, would be the competent authority. I refer to the Commission for Aviation Regulation, particularly in the context that there has already been a strategic decision that this is the body which should deal with aviation regulation in all areas. I do not know whether or not the Minister was trying to help Fianna Fáil but, to my mind, this would not really do the party any favours.

I do agree with the Minister, however, that the problem, when we say this has been rail-roaded through, was not the curtailment of the Seanad debate. Unfortunately, the Senators in the main did not display a huge degree of interest in this issue. It was a result of their lack of engagement and lack of knowledge regarding this critically important area that the debate folded up relatively quickly in the Seanad, and I grant the Minister that. It is true. The point Deputy Brendan Ryan made, however, was not that and not about those of us who say it was rammed through. He was making the point that the Business Committee of this House was forced to schedule this debate today, prior to the Seanad having completed its consideration of the Bill and having tabled the amendments. We did not even know when we met as a Business Committee last Thursday how many Seanad amendments there would be because the deadline for Seanad amendments was not until the Friday, yet the Business Committee was forced to agree to this discussion taking place today. It is worth pointing out that every Opposition group, including Fianna Fáil, voted against the debate taking place today because it is unseemly and unprecedented that discussion on a Bill in the Seanad would finish on Tuesday night; that amendments would be made to the Bill, amendments which in this case changed what this

18 April 2019

House did after a lot more careful consideration, let us be clear, than the Seanad gave the Bill; and that we would then be forced to discuss those amendments today, on the Thursday before a bank holiday weekend, at the 11th hour. That was the problem and that is what we mean when we say this was rammed through, and we fully stand over those points.

The Minister made the point that we all share the same concerns. Do we? I am not so sure. I am not happy with the answer he gave to Deputy Brendan Ryan to the very valid question he posed, that is, if the Minister is saying health and well-being are already covered and we do not need to put in this extra safeguard because it is there already, what is the harm in inserting it? For the Minister to say it is not legal does not really stand up because this House has already heard the arguments and voted to include this provision, so that is old hat and there is nothing new in that argument. Let us be clear what the real reason is. It is that some Members of this House have pandered more to the interests of DAA than to those of the residents surrounding the airport.

As I said many times, I was an airport worker in a former life. I am an airport worker in my heart, as are all my friends and many of my constituents, so I quite like DAA. Dalton Philips has done a good job, and DAA is a good organisation. However, one needs to look at the lobbying record and the history of the organisation. Under freedom of information, FOI, residents have shown us that in 2018, for example, ten lobbying meetings, including a number of meetings with Fianna Fáil and so on, were registered under the Act by DAA, and we know what the intention of these were. When the Bill was passed in this House a number of weeks ago, including my amendment, which the Minister now wants to take out, about the World Health Organization guidelines, it happened to be the same week in which Fingal County Council celebrated its 25th anniversary. There was a big gala dinner in Malahide, which many of us attended, and at which the issue of airport noise featured very strongly. Everyone, including DAA, asked what we are trying to do in here, if we are trying to shut down the airport and how in God's name could Dáil Éireann ever have passed such an amendment. We know that the Whip was embarrassed. He had sent everyone home, thinking the debate had finished that night, and we managed to pull off a miracle by getting that amendment passed in the House with the numbers that were there. We all know what happened, but the fact is that this was the talk of that gathering with DAA and the upper echelons of the community at the Fingal County Council event. It was said that putting in these health safeguards would jeopardise the operation of the airport. That was the message being sent. Those of us on this side of the House happen to believe that that is not the case, that that is not an accurate narrative and that it is possible to have the sustainable development of Dublin Airport while protecting the health and well-being of residents in the area surrounding the airport. There is a difference here because we recognise that to do this comes at an extra cost to DAA. It does not mean the airport is going to close down, it does not mean it is going to be bankrupted, but it does mean that DAA will have to cough up a good bit more for noise insulation and other remedies to mitigate the established damage that aircraft noise does to those airport communities. That is the difference, and there is a difference. I can understand why the Minister might get thick about people who missed many stages of this process coming in here at the 11th hour and lecturing him, but he should not be conned that everyone on this side of the House is like that because we are not. We have followed this through from the very beginning and we will keep following through on it.

I want to deal with what we mean. Noise contours established at present in Dublin Airport are inadequate. There is substantial evidence to this effect, and the guidelines I succeeded in having inserted here under amendment No. 85, as it was at the time, which the Minister is now

attempting to remove, were a great step forward because they put into print that we would have the World Health Organization guidelines in the legislation. The Minister cannot have it both ways. He cannot have the Bill state that we recognise the World Health Organization guidelines but also say we must take out provisions in which it is spelled out what they are. Clearly, there is something going on here. What the Minister really wants to do is pay a sop to the WHO guidelines but in reality ignore them, and all the residents know that.

I wish to deal with a communication from a resident in Portmarnock regarding this matter. She makes a point about the reality of life in the areas which are outside DAA's self-declared contour lines and the difficulties in those contour lines. Residents have highlighted in recent days the difference between the EPA 2012 round 2 and the 2017 round 3 noise maps. They say a huge amount of a greater area and numbers of people affected, and indeed greater considerations of wildlife, have been included in round 3. Some people say the wildlife considerations are a little harebrained, and that may or may not be, but the reality is that there are legal provisions to protect habitats and wildlife, perhaps in some ways they are not as great at protecting people. That is an argument for a separate day, but those directives still exist. We know, for example, that the flight path of the current runway impacts on special areas of conservation and special areas of protection for birds, which are protected under the Habitats Directive. Under this directive, an appropriate assessment must be undertaken on any plan or project that will impact on a conservation site, as this development does. What the Minister is seeking to do through the Bill before us is exclude it from proper scrutiny. He is trying through the Bill to remove the conditions that were put in place by An Bord Pleanála to restrict the number of night flights and he is doing so in a manner which avoids the public having a right to a say on the matter. That is legally questionable, in my opinion. Residents make the point that as birds roost in these areas, any increase in nighttime traffic will impact sleep patterns, and at present the An Bord Pleanála conditions severely restrict night flights. The removal of these conditions without appropriate assessment will, therefore, breach EU environmental law. It is ironic that birds are more protected than people but it would appear they are. The residents will utilise that as much as they can. Portmarnock residents point out that even in the middle of the night they are frequently woken up by flights coming in and going out. The Portmarnock monitoring centre has commissioned decibel readings from the DAA and it is possible to see how high the readings are, well into 80 dBs. New housing estates, such as St. Marnock's Bay in south Portmarnock, are situated under the flight path and had planning permission granted in 2017, even though the noise in those estates is unbearable.

We should remember that the DAA releases average readings regarding decibel levels in order to prevent the sound contours being expanded. It is, in essence, hiding the extent of the problem. Residents are clear the noise contours are inadequate and we need the guidelines specified by the World Health Organization, WHO. The Government succeeded in bulldozing amendments through the Seanad. It does not matter if that happened because of a lack of knowledge or interest in the Seanad, it is the same parties involved, if different people. I have detailed the net effect of those amendments. I appeal to Fianna Fáil, even at this late hour, to come back on board with us or send its Deputies home in the same way as resulted in them being missing the last time. We could then ensure we get back to having the Bill we had when it left this House.

I also echo comments by other Deputies regarding the commitment the Minister gave in the Seanad. He agreed to meet various residents and groups. He went on the record in that House as being willing to engage with that section of the community in St. Margaret's. Residents in



that area are on the floor. They were in the Seanad this week when the Bill was being discussed and they have been here in the Dáil previously when it has been discussed. These people are feeling vulnerable and betrayed by these two Houses. They have been living with this situation hanging over them for years. Although the residents have been involved in a process with the DAA, they feel it has not appropriately taken on board their considerations. I agree with them and I welcome the Minister stating he will pursue this matter. He said that in the House the other night and he has said it here again today. I also welcome the Minister contacting the DAA regarding this matter subsequent to the Seanad discussion.

The residents are not going to go away. They have lived in the area for generations and have used their own money to mount a challenge to these noise levels. They now owe €200,000 in legal fees as a result of the cases they have taken in the past ten years. These are just ordinary families and they are going to be forced out of their homes. A sum of €200,000 is a great amount of money for them. It is not a large amount of money for the DAA and will not impact on its profitability. I think I speak for all of us in this House when I state the DAA has to sit down with those people and come up with a better deal. I refer to the prices offered to them to give up their way of life. They are not just giving up four walls because these are intergenerational families and have lived in this area for years. They are not going to be able to replicate the lives they have in a rural community close to the city centre with the money offered by the DAA.

This is not about money, however. These people do not want to be rich. In an ideal world, they would just want everybody to leave them alone and let them stay where they are. Given that option is not being offered to them, there has got to be a settlement that allows them to replicate what they have now in a different area. They have not got that yet. Those people should also be compensated for the large legal costs incurred. I welcome the Minister stating he has pushed the DAA and written to that body. If anything can come out of this, let us at least get this aspect of what offer should be made to the residents in place. We could at least box that off. The way we have handled this Bill will, inevitably, strengthen the hands of those of us who have made complaints to the European Union regarding this matter. Many of those complaints have a good chance of succeeding. Even if they do not, there is a great chance of us being successful in a legal challenge to this Bill, given the manner in which it has been handled.

**An Ceann Comhairle:** Deputies Troy, Darragh O'Brien, Broughan and Burton are offering, in that order.

**Deputy Robert Troy:** I welcome the opportunity to contribute to this debate. I thank Deputy Clare Daly for her sympathy but we are okay and Fianna Fáil can stand on its own two feet. We are the only two Deputies in this House to have continuously raised this issue in the last two and a half years. While we may now differ on a number of points, until today I would have said we have worked constructively together to try to improve this Bill and make a difference. I acknowledge there are genuine fears and concerns among the local community out there.

I did not come in at the 11th hour and submit amendments without having a clue what was going on with this Bill. I refer to Deputies making political points and, quite frankly, exploiting the genuine fears and concerns of people living in that locality. I will not take lectures from some Members here. I give Deputy Clare Daly a free pass this evening because we have worked so well together on this issue and this Bill for the last two and a half years. We need to bring certainty and clarity to the situation. This limbo land we have been in is not good for the airport or the residents. Deputy Brendan Ryan's party was in government for two years. These

regulations were in place during that time and the Labour Party could have done absolutely anything it wished in the two years it was in government.

The Labour Party was the second party in that Government and also provided the Tánaiste. It could have done whatever it wanted in those two years. Had the Labour Party addressed this issue, we would not be here now and we would not have wasted two years on this issue with the current Minister regarding working with the DAA. This point is well made and I do not have to make it again. The residents watching this will realise that someone can come in here and try to exploit genuine fears for political gain. The Labour Party had an opportunity previously but did not use it. While we are trying to improve this Bill, and have done so, Deputy Brendan Ryan is trying to talk down to us in a condescending tone. It certainly does not work with me.

**Deputy Brendan Ryan:** The Deputy is now taking the Government whip.

**Deputy Robert Troy:** I want to make the point-----

**Deputy Brendan Ryan:** The Deputy is taking the Government whip.

**Deputy Robert Troy:** I have never been in government since I have been a Member of this House, unlike Deputy Brendan Ryan.

**Deputy Brendan Ryan:** He is taking the whip even though he is not in government.

**Deputy Robert Troy:** EU Regulation No. 598/2014 makes clear and explicit references to health. It states:

The importance of health aspects needs to be recognised in relation to noise problems, and it is therefore important that those aspects be taken into consideration in a consistent manner at all airports when a decision is taken on noise abatement objectives, taking into account the existence of common Union rules in this area. Therefore, health aspects should be assessed in accordance with Union legislation on the evaluation of noise effects.

It goes on to state: “The objectives of this Regulation are...to facilitate the achievement of specific noise abatement objectives, including health aspects, at the level of individual airports”. I refer to the work done regarding this issue on this side of the House  
*4 o'clock* and I acknowledge the contribution of Deputy Clare Daly. Many members of other political parties never turned up to briefings and never attended Committee Stage. We were there working and we did achieve enhancement regarding health, following a Government amendment. It was a Government amendment because it has the benefit of officials to create the best and most robust amendment possible on Report Stage.

The Bill now reinforces the importance of health by way of its specific cross reference to the environmental noise directive of 2002 and the 2018 noise regulations. That is provided for in section 9 of Part 2 of the Bill which refers to the process of aircraft noise regulation and provides that the competent authority shall ensure noise at the airport is assessed in accordance with European Communities (Environmental Noise) Regulations 2008, SI 549 of 2018, and the environmental noise directive. That directive refers explicitly to the WHO. We have worked very hard on that.

I acknowledge, in particular, the work of my colleagues, Deputy Darragh O'Brien and Senator Lorraine Clifford-Lee. We have worked to make the best improvement we could within the parameters set down. A former Tánaiste should know what those parameters are in respect of

the EU regulations but for cheap political gain, she has come to the House to pretend things can be otherwise. I refer to the noise abatement measures. It is because of our amendment and work, as well as the work of Deputy Clare Daly, which I will always acknowledge in this regard, that the Dublin Airport Authority is no longer judge, jury and executioner in relation to noise abatement applicants. We are placing responsibility within the remit of the new independent authority. People who were previously ruled out from availing of noise abatement measures will now be able to apply for them should they wish to continue to reside in their houses. For the first time, it will not be the Dublin Airport Authority that adjudicates on the applications of those who want to consider the voluntary buy-out scheme. That is a positive step. It is welcome. I am proud of the role Fianna Fáil has played to improve the Bill within the parameters set down. While I would have done things differently if I were on the other side of the House, I am not. The Labour Party was there but it did nothing.

**Deputy Darragh O'Brien:** Deputy Troy spoke about health. I have lived right beside the airport for my whole life and, like Deputy Clare Daly who worked there, I know many people who work in the airport and depend on it for their livelihoods, to pay their mortgages and to put their kids through college. It is a very important economic driver, of that there is no doubt. I have stated that at every stage. What is of crucial and equal importance, however, is to ensure affected residents in the relevant areas have their genuine concerns heard. When the Bill was published first, there was a great deal missing from it. I would have preferred us to have gone down a different road with regard to the competent authority and I tabled an amendment on Committee Stage on the establishment of a separate executive role, which was voted down by other Members who are here today. That is a pity as it could have been passed. Nevertheless, it was voted down.

The health and well-being of communities adjacent to the airport is crucial. I will be living under the flight path for the new runway and I want to speak specifically about expanding the existing noise regulation, the insulation scheme and voluntary purchase. The amendment in that regard is one that my party and I worked on specifically and pushed time and again. We have managed to ensure that the DAA no longer has the whip hand to decide who is in the voluntary purchase scheme, who is out and what the terms of the scheme will be. Residents in the St. Margaret's and Old Cloghran areas in particular have genuine gripes about how they have been treated over the years. I have sat in meetings with them and tried to mediate between them and the DAA. I have told the Minister on a number of occasions that the DAA must go a lot further and improve the offers that are there. The authority must also look at the purchase of land for those who wish to leave. As a result of constructive efforts here, albeit not all Opposition Members were constructive, we have managed to make the changes to the legislation which mean it will no longer be Dublin Airport Authority telling people cannot join the scheme and setting out the terms, it will be the competent authority set down in legislation. That is a fact and it cannot be disputed. That is why we supported the amended Bill on the last Stage in the Dáil. That is just one of a number of changes that were made and I will mention others.

To recognise that amendments were made to the Bill and to make amendments but then vote against the Bill is contradictory in itself. We are getting changes that improve the Bill. We are setting up a competent authority and improving its independence and that is what I want. Involuntary purchase is crucial. I urge the Minister to engage with the residents and to meet, in particular, as he said he would, with those from St. Margaret's and Old Cloghran. If the legislation passes, it is a fact that the decision on who is in the scheme, the terms of the scheme and its remit will no longer rest with the Dublin Airport Authority, which is only right

and proper. I worked particularly closely with the Dublin Airport Stakeholders Forum and its members on the noise insulation scheme to see how it could be expanded. We have been waiting for this legislation for two years and more if one goes back to 2014 when a Bill could have been brought through. We have been in limbo with a noise insulation scheme which is not far-reaching enough. Again, the airport authority was making the decisions on whose homes or businesses were insulated and whose were not. When the amendment was tabled by Fianna Fáil in the Dáil, I said I would work with everyone, including Government and officials, to ensure it was tweaked to make it workable. I have insisted further on official notes on the Department's understanding of the amendments. It means the competent authority will take over the existing noise insulation scheme and have the remit to expand it to the noise contours. Another change we made was to make "contour" plural to cover the existing and new runways. It will be the competent authority that makes the decision. The official note has been circulated by me and is available to all Members.

I refer to both the noise insulation and voluntary purchase schemes because I want people looking in to be really clear. It is important because there are those who are trying to muddy the waters. The official note says that, taking the revised section 20 together with the existing section 29, all existing noise insulation schemes, whether brought about through planning conditions or at the initiative of DAA will come under the remit of the noise regulator. The noise regulator will have the power to determine the relevant noise contours within which the noise contours scheme apply, including expansion of those noise contours or a review of eligibility as it deems necessary. All powers of the regulator, including monitoring and enforcement through its powers of direction, will apply to these schemes. The note further states that in addition to this, the voluntary purchase scheme will also automatically come under the remit of the noise regulator on the enactment of this Bill by virtue of this section. That mitigates the need for the additional amendment we put forward on the voluntary purchase scheme. That is an official note of the Department of Transport, Tourism and Sport and it is in the Bill now.

I know we are not going to conclude the debate this evening. I have participated in this debate on all Stages, as have most colleagues, to be fair. When we go through the Bill, we will see that many other changes have been made on health, EU night noise regulations and WHO regulations. This legislation needed to be strengthened. It must take a balanced approach to residents in the affected areas as the airport expands. The Bill does not automatically set aside night flight restrictions. I unequivocally oppose unrestricted night flights, as I have said time and again. Should the Bill pass, none of the existing conditions will be set aside. Thanks to my party's amendments, the Bill makes specific reference to An Bord Pleanála. That is important.

Imperfect as it was on publication, we have tried to improve this legislation at each Stage in a way that ensures an important economic driver can continue supporting jobs and growth while taking into account the neighbouring communities, one of which I have lived in for my whole life. I have pandered to no one. I have listened to my constituents, to whom I am answerable. I also have a responsibility to tell them the truth about what the Bill now contains. I respect that people can have different opinions - I am not saying I am right on everything - but I know what changes we have made to the Bill. Should it pass, I will be able to stand over it now that it has been changed significantly.

I wish to ensure that, after the Bill is passed and the competent authority is established, there is proper engagement with residents, in particular those whose homes are at risk. Some will need to move even though they do not want to. They should have been offered a better scheme at the time. I am working with them so as to ensure that they get a proper and fair deal

should they move. Under this legislation, that will not be the decision of the DAA. Rather, it will be the decision of the competent authority, which will be independent of the DAA. That is only right and proper. I have fought tooth and nail to get that measure included. I thank the Minister's officials for their hours of work and the documents that have been sent to me, Members who are present and other Deputies who have engaged with the process in an attempt to improve the legislation.

Had I been in government previously and had a chance to introduce regulations, I would have started this process sooner and done it differently, but I must work within the current parameters. As it should be, the noise insulation scheme will be expanded and will be under the remit of the competent authority. In real terms, the voluntary purchase scheme was not voluntary at all. Due to their proximity to the existing and new runways, many families will have to move for their own health and well-being. They need and deserve to be treated better than they have been so far. The competent authority will be told what it must do by primary legislation and will be the arbiter.

Should the Bill pass, I want that element to progress quickly so that residents' concerns can be addressed. The valuation process that has taken place in the Ward and St. Margaret's area has been unfair. Properties have been undervalued. Proper compensation was not offered. It should have been. Residents should not have spent years dealing with this issue. At least there will be a mechanism to address it now. That is an improvement on the *status quo*.

If Deputies vote against the Bill at this late stage, where will we go from there? When will the next Bill be? Do we ignore the legal advice on the IAA and just introduce and pass other legislation? I would have rathered the IAA be the authority. We all expected it to be. I cannot ignore the legal advice, though. Instead, we have tried under this Bill to give independent functions to the new competent authority, for example, reporting and oversight. We have involved An Bord Pleanála and removed the measures that would have allowed the DAA alone to make determinations on how residents were impacted. Health is a crucial component. Deputy Troy has addressed it. We have ensured that definitions and regulations are included in the Bill and the official departmental notes as opposed to just being referenced. That is the truth.

These are the facts about our amendments and the welcome amendments made by others. Once legislation has been improved by amendments, will we just vote it down? I am unsure about the logic in that. If we try to improve legislation and add new sections to it but still disagree with it, where do we go? Do we leave residents in-----

**Deputy Robert Troy:** Limbo.

**Deputy Darragh O'Brien:** Do we leave the noise insulation scheme under the control of the DAA? Should we let the DAA decide who it covers? Do we leave the DAA as the arbiter of the voluntary purchase scheme? Should undervalued offers still be given to residents? Conversely, should responsibility be given to a competent authority that follows statutory instructions? People should not have to spend another four, five, six or seven years in limbo where they are unable to move on with their lives, plan new homes if they so wish and be compensated properly for having to do so. I do not want more of that. Maybe some do so that they can use it as a political football. That is fine, as they will answer for it. I will stand over the changes that we have made to the Bill. If it is enacted, I will ensure that the competent authority does as the Dáil has instructed. We can then move forward and try to bring a resolution to these issues, which have been ongoing since I became a public representative in 2004. I was elected to the



council in 2004 and to the Dáil in 2007. We have moved no further since then. This Bill could be a start in bringing about resolutions.

That the voluntary purchase and noise insulation schemes will be removed from the DAA and given to the competent authority, with the insulation scheme to be expanded and the purchase scheme to be improved, are positives. That is why we worked hard to make those amendments. We tabled an amendment on Committee Stage that would have handled matters differently, but it was voted down by other Members of the Opposition. That was fine, as people had that right, but we have tried to improve this legislation for residents so that their concerns would be listened to and they would be central to the process. However, I will be honest with them about what we have been able to achieve so far. They will know the extent of this legislation and the powers it contains.

Will the Minister recommit to engaging with those residents who are severely affected by the existing and second runways?

It will be for the DAA and others to approach the competent authority about the restrictions they want to see lifted, but I will not support unrestricted night flights at the airport. None of us would. I want to ensure that those who are impacted by noise at the airport can have their homes added to the noise insulation scheme. That is what our amendment does. If it is passed, that is what will happen. It is important.

**Deputy Thomas P. Broughan:** According to a recent report, Fianna Fáil and Fine Gael were considering a voting pact in the European election campaign that has just begun. The two parties would support each other. Having heard the Minister and the Fianna Fáil Deputies today, I believe it is logical that Fine Gael and Fianna Fáil, having worked so hard together as a coalition for the past three and a half years, including on this legislation, should express it in the European and other elections, in order that the rest of us can take them on head to head.

As always, Deputy Clare Daly put her finger on the nub of the issue. Many, if not all, of us in the House believe sustainable development is possible for Dublin Airport. Like others, I have always lived beside an airport because I come from near Baldonnel. When I was growing up and going to get the cattle and so on, fighter jets screamed overhead. I have always been accustomed to living on a flight path and I still live on one. Thankfully, given that the wind comes mostly from the south west, the noise is mostly that of planes coming in to land on the boundary of Dublin Bay North. I am aware of the profound impact it has on the population of St. Margaret's, Cloghran, which was mentioned, and all around the airport. We should certainly aim for sustainable development. All the community bodies, projects, small business centres and so on with which I have worked throughout my career and before entering politics have benefited, in respect of employment and so forth, from interacting with the airport. Nevertheless, we feel that noise and night-time flying are matters that need to be addressed and we had the opportunity in the Bill to do so definitively. My colleague, Deputy Clare Daly, rightly mentioned noise contours. I was proud in the past to represent Portmarnock and the Balgriffin-Kinsealy area, which is profoundly affected. It is important that within all the noise contours, the levels of sound are monitored and closely invigilated, with health at the core.

I listened carefully to the Minister's response to the amendments tabled by my colleagues, Deputies Brendan Ryan, Munster and Clare Daly. It seems the Minister is making it up as he goes along. That is clear from what he said about Regulation No. 598 and the way he set his argument out. There is no reason in the world not to retain Deputy Munster's amendment

which related to health in general, although Deputy Brendan Ryan made this point strongly. The Minister is trying to present the matter as a conflict between the country and the European Union over Regulation No. 598 and noise levels. There is no conflict, however, because we are simply seeking to have at the heart of the legislation a recognition of the problem. The Minister refers back to the older legislation but if that deals with the matter, as he claims, in general terms which include World Health Organization guidelines, there is no reason not to accept Deputy Brendan Ryan's amendment, given that it makes the same point the Minister made. The Minister is contradicting himself and, unfortunately, not for the first time in the House, making things up. The centre of the whole issue, which we return to again and again, is regulation. Over the years, the Minister was a furious critic of financial regulation and corporate governance regulation, and rightly so. We remember his long articles about banks, governance throughout the business sector and regulators, which were effectively kidnapped by their industries, but he is doing exactly what he always railed against. He is placing a regulator in that precise situation. Nobody will be able to take it seriously as an independent regulator.

Many of us have received a great deal of poignant correspondence from affected residents and those who live near the flight path. They have said again and again that Fingal County Council cannot be the competent authority because it derives such a substantial part of its revenue from the DAA and that, therefore, it cannot be considered independent. That is an objective fact, irrespective of what Deputy Darragh O'Brien will say. Fingal County Council was created from the old Dublin County Council 25 years ago. The airport has been the fundamental economic driver of that county council. These correspondents have indicated that the DAA has stated its own opposition to the World Health Organization guidelines. That is the real reason the Minister is not prepared to accept my amendment. The DAA itself - perhaps not the current CEO but some of his predecessors - has stated definitively that it is not prepared to accept the World Health Organization guidelines. That is the reason, not the spurious nonsense the Minister outlined about the difference between the general principle of Regulation No. 598 and what the amendments would insert in the Bill, or rather retain, given that we passed the amendment and the Seanad removed it against our will, which was appalling. Fine Gael and Fianna Fáil engineered it in the Seanad. Deputy Darragh O'Brien doth protest too much because he and his colleagues were at the heart of what was achieved in the Seanad by eliminating the references to health and the World Health Organization guidelines.

On St. Margaret's, the Minister was invited to visit it on different occasions and see how bad circumstances can be, where one cannot even open a window. I hope that in the coming days, we will have some warm weather but in St. Margaret's and its environs, one cannot open one's window because the threshold of 60 dB will be easily surpassed.

The Minister spoke about the World Health Organization guidelines at length and outlined the 2002 regulations and changes at EU level. His argument, however, utterly contradicts his general point. He should either accept my amendment and follow the World Health Organization guidelines, or accept Deputy Brendan Ryan's amendment.

While I am not a member of the Committee on Transport, Tourism and Sport, Deputies Darragh O'Brien and Troy referred to the time that passed before the Bill was brought before the House. There has been great interest in the matter, not least from Deputies Brendan Ryan, Munster and Clare Daly, the last of whom has done colossal work on the area throughout her time in the House. Early last summer, Deputy Clare Daly and I tabled a motion to the House, which I think is still on the full clár published on Tuesdays. The motion acknowledged the 34.4 million passengers in Irish airports in 2017; the increased use of air travel over many years; the

probable impact of increased traffic due to Brexit; some of the changes that might happen due to future foreign direct investment and the new relationship we will have with the European Union if Britain finally leaves; and that the airport was planning to have 50 million passengers a year. We asked the Government to note the EU directive planning conditions and environmental impact studies which developed over the past 20 or 25 years-----

**Deputy Robert Troy:** Which Private Members' business did the Deputy use for that?

**Deputy Thomas P. Broughan:** It is on the clár.

*(Interruptions).*

**Acting Chairman (Deputy Bernard J. Durkan):** One speaker only, please.

**Deputy Thomas P. Broughan:** It is difficult when one is an Independent Deputy. I think I have used only one session of Private Members' business, for the Stardust committee, which the Acting Chairman will recall.

Progress reported; Committee to sit again.

### **Gnó na Dála - Business of Dáil**

**Minister of State at the Department of the Taoiseach (Deputy Seán Kyne):** It is proposed, notwithstanding anything in Standing Orders, that questions for oral answer to the Taoiseach under Standing Order 38 will not be taken on Wednesday, 8 May 2019, and oral questions to the Minister for Education and Skills will be taken after the Order of Business.

**Acting Chairman (Deputy Bernard J. Durkan):** Is that agreed? Agreed.

### **Ireland's Position on the Future of Europe: Statements**

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney):** The national statement on the European Union sets out Ireland's priorities for the European Union for the next five years. It will guide the Taoiseach's contribution to an informal debate between EU leaders at Sibiu, Romania, on 9 May on the development of a strategic agenda for the EU for the period from 2019 to 2024. The strategic agenda will be agreed at the June European Council. It will be the successor to the Strategic Agenda for the Union in Times of Change, which was adopted in 2014.

It would be an understatement to say that the Union has seen changes since 2014. Some of the most important, such as the migration crisis and Brexit, were not anticipated. It is facing pressures on its borders, challenges to the multilateral political and economic order, and strident political voices, from inside and outside, that challenge its values. For the first time, a member state of the EU has decided to leave. We must give strong support to the Union of today, with all its imperfections. At the same time, we must redouble our efforts to build a Europe that fulfils

more completely the aspirations of its citizens. Although of course they are important, our efforts must go beyond building economic prosperity and growth while noting the great progress made since 2014, above all in Ireland. We must also offer a vision of our values as Europeans, expressed in solidarity with the disadvantaged in Europe and in a generous engagement with the wider world, particularly our neighbourhood. Europe cannot afford to stand still. It needs momentum, and maintaining this momentum is what makes it strong.

The Union is relevant to almost every aspect of people's lives. The Union must lead on the big issues that individual member states simply cannot tackle alone. The national statement is the outcome of the citizens' dialogue process conducted throughout the country last year, ably led and piloted by the Minister of State, Deputy McEntee. Each Department has responded to the issues raised by our citizens and set out objectives for the future. The comprehensive document that has emerged will underpin Ireland's approach to the negotiation of the strategic agenda.

The national statement deals with many issues but I will focus on a few that are of most importance to Ireland. The Single Market is one of the Union's greatest achievements but it needs to address the changes we face. Most economic growth now comes from services but the internal market in services is seriously incomplete. We also need to make the Single Market fit for a new digital age. The digital transformation will accelerate even further over the next five years. Europe can become a world leader in all things digital if it invests in the necessary research and innovation to make it happen. Greater interconnectedness will empower communities and enhance the quality of our lives. This is one of the reasons the national broadband plan is so important for the country. Artificial intelligence and automation will also change the way we live, and will disrupt the labour market. The new strategic agenda will, therefore, also need to anticipate these developments and protect the most vulnerable.

Climate change is a clear and present danger to our people, especially the weakest and poorest. Climate action must be ambitious, and has to be a collective effort throughout the EU. Member states need to invest in a Union that is a global leader in finding climate-smart solutions. This will pose challenges for all of us, not least Ireland. Time is running out. I believe passionately that we need a more effective political dialogue between the European Union and Africa, and I am glad to see this was reflected in the citizens' dialogue and now in the national statement. The national statement also makes a strong case for the Union playing a central role in advancing the sustainable development goals. These ambitions are in full accord with our recently published White Paper on international development.

The strategic agenda is about how the EU 27 will work together in the future but it cannot ignore the consequences of Brexit. Ireland wants a deep and comprehensive future partnership between EU and the UK. Negotiating this partnership will be a major challenge and a priority for Ireland and the Union. The future EU-UK trade agreement will be, by a long way, the most significant the Union has ever negotiated. I commend our national statement on the European Union to the House. In particular, I thank my colleague, the Minister of State, Deputy McEntee, for her role in putting it together.

**Deputy Seán Haughey:** I note the publication of the national statement on the European Union and suggest this is a very timely debate. The European Council meeting in Romania in May is scheduled to make significant decisions on the future of Europe. The report of the citizens' dialogue on the future of Europe has been published and public consultation on the issue is continuing. Fianna Fáil has always been a strong advocate of the European Union. Under

the leadership of Seán Lemass and Jack Lynch the way was paved for Ireland to formally join the then EEC in 1973. It has always been our view that we should remain at the heart of Europe and be to the forefront in advancing its aims and objectives. Membership of the EU has been very good for Ireland. Our country has undergone a dramatic transformation since 1973. Structural Funds have transformed our infrastructure. The Single Market has opened up new countries in which we can trade, study, travel and work. Progressive social policies have been implemented. Consumer rights have been greatly improved. Environmental laws have been brought up to date. In short, we have become a modern outward-looking progressive country as a result of our membership of the EU.

Our membership of the EU was also central to the Northern Ireland peace process and the Good Friday Agreement. The EU has brought lasting peace to the continent of Europe and has also played a role in bringing about peace, prosperity and progress on this island. The White Paper on the Future of Europe was published in March 2017. It listed five scenarios as to how the Union could evolve. There are three schools of thought on how the EU should proceed. Some member states advocate retrenchment and seek to take back powers from the EU. Others are happy to have matters remain as they stand and to consolidate the existing position but also to positively consider incremental changes. There are also member states that wish to speed up European integration and to pool sovereignty in a number of areas.

Ireland, as a small nation state, has always taken a pragmatic view in respect of future developments in the EU. Any new proposals can be looked at on a case-by-case basis. We should always be at the heart of the debate and play a constructive role. Any new moves towards deepening integration must be thoroughly debated at home and the reasons clearly explained and justified to the electorate. There is no doubt that the EU faces many challenges at this time. Brexit was a wake-up call and highlighted the need for the EU institutions to be more responsive to the concerns of citizens. While Brexit has dominated the discussion, we need to be conscious of the many other problems confronting the EU at this time. Just this month, the EU Commission published a document entitled, *Global Threats to 2030: Challenges and Choices for the EU*. These challenges include climate change and pollution, an ageing population, migration, problems associated with increased urbanisation including crime and violence, energy issues, and international terrorism, to name just a few.

The forthcoming European Parliament elections are important. We need to elect candidates who will ensure Ireland's interests are kept to the fore. All of us should work to ensure that the centre does, in fact, hold in these elections. European liberal democratic values are under threat throughout the EU. The situations in Hungary and Poland spring to mind. Threats to EU democratic freedoms and values need to be confronted and challenged. In this regard, I refer to the independence of the Judiciary, freedom of the press and so on. Another significant issue is migration and the refugee crisis. It is a major challenge but it is imperative that all countries take a fair and proportionate share of refugees. In addition, the Dublin regulation system should be reformed and a legal pathway for migration should be put in place. We need to address the root causes of economic migration and support for the African countries in particular would be central in that regard, as the Tánaiste has just stated. We need to promote policies of integration and inclusion both here and in the European Union as a whole. We must resist the exploitation of the migrant crisis for political ends.

I reiterate that Ireland must insist that tax rules and rates are matters for individual member states. Setting Ireland's corporate and income tax rates is the sole prerogative of Dáil Éireann and we will oppose any measures by member states, the Commission or the European Parlia-



ment in this regard.

**Deputy Seán Crowe:** I was sad to see the fire which has partially destroyed the Notre Dame cathedral in Paris. It is one of the most iconic and beautiful buildings in Europe. I send my solidarity to the people of Paris and France as they rebuild this important monument. It is important that we say this on the day that is in it.

What Sinn Féin wants to see is a fairer and more democratic European Union; a Union that works for the people of Europe, not for the handful of EU insiders or corporate interests. It is not, and should not be, seen as a question of being in the EU or out of the EU. This is about the credibility of the EU and we need to see radical change. Change is about defending national sovereignty and returning more power to member states. Decisions are being taken away from those who are most affected by them. Increasingly, democracy is being undermined and there is alienation of ordinary people in Europe. An end to the militarisation agenda and the drive towards an EU army is necessary. Social protections need to be strengthened, and there needs to be more transparency and accountability, along with a reduction in red tape and bureaucracy.

Our four Sinn Féin MEPs have made their voices heard, have been strong in their approach and, crucially, have made a difference and stood up for Ireland and articulated a different type of Europe. In respect of Brexit, it was our logical and correct position to maintain special status for the North that led to the position where we are now, namely that it has been adopted by the European Parliament and EU negotiators. We will also continue to fight for the rights of all Irish citizens be protected and upheld.

We have argued for a different approach from Europe on climate change and we opposed carbon tax; Dublin MEP, Lynn Boylan, only yesterday launched a report on the same issue. Our MEPs were instrumental in ensuring that Ireland's ability to opt out of domestic water charges was utilised and will continue to fight for it if their mandate is renewed. The fight against vulture funds being led by Deputy Pearse Doherty in this House is matched by Matt Carthy, MEP, at EU level where he and others have prevented the passage of a Bill that would allow vulture funds to be entirely unregulated. On Irish neutrality, we have been arguing for a specific protocol attached to EU treaties that respects and takes cognisance of Irish neutrality, similar to that secured by Denmark. Sinn Féin has opposed EU budgets being used for the arms industry. We have opposed cuts to the EU budget for important strategic sectors such as agriculture, regional development and investment in jobs and growth.

We have argued that it is time for a new direction in Ireland and in the EU institutions. It is time to stand up for Ireland and the interests of all of the people who share this island. It is time to end the Brussels power grab, to rein in the Commission and return powers to member states. Ireland's place is in the European Union, but the Union needs to change. The EU is far from perfect but the only way to address that and change it is from within. Our policy towards the EU remains one of critical engagement. Many aspects of our society ranging from community groups to business to education to agriculture have been able to expand as a result of the support they have received from the EU. We acknowledge the role that the Union played in the peace process and the Good Friday Agreement and we want the EU to continue in that role post Brexit. We will support what is right and good for Ireland while challenging shortcomings wherever we find them. In doing so, we can build a better Europe. The future of Europe must mean more democracy, not more federalism; more social investment, not more privatisation; and fiscal policies that aid and do not destroy social cohesion.

**Deputy Brendan Howlin:** As we approach European Parliament elections, in just five weeks, the future of Europe is not simply a theoretical debate. Ireland's position on the future of Europe will be decided by the people through the ballot box. My hope is that they will make a clear choice, because they have one, between two radically different directions for Europe. The choice is not between populists versus parties committed to Europe. The real choice is between the vision of a social Europe put forward by the Party of European Socialists, against more of the same in the agenda set out by the European People's Party, EPP. One of these two parties will be the largest in the European Parliament and will be decisive in choosing the next President of the European Commission.

Last night, French television hosted a debate in the English language between the two lead candidates contesting Jean-Claude Juncker's job. Labour's candidate, from the Party of European Socialists, is Frans Timmermans, and the EPP's candidate is Manfred Weber. The contrast between these two candidates could not be starker. It defines the real battle for Europe's future. Manfred Weber of the EPP has no ministerial experience. His greatest claim to fame is allowing Hungary's Viktor Orbán to remain inside the EPP until recent times, when Orbán became so controversial he caused the EPP to suspend the Hungarian party's membership. Weber insisted in last night's debate on "strict and strong border control" and resettlement of illegal migrants. Weber is playing on fears of migration, even though Europe has experienced lower rates of migration in recent years, as the migration crisis seems to be more controlled.

Timmermans, on the other hand, is an experienced politician, a former Foreign Minister and the current Vice-President of the European Commission. Timmermans talked about Europe's silent majorities, who want Europe to take action to redistribute wealth, to ensure fair taxation systems and to bring in a minimum wage in every member state. He talked about children in poverty, youth unemployment and the working poor as the real issues that Europe needs to address.

We need to show that solidarity at EU level can allow us to solve problems that nation states cannot solve on their own. I refer to issues like climate change. Manfred Weber talked about economic growth as the solution to all these issues but he refused to entertain any European role in health care, pensions or taxation. Frans Timmermans spoke about the ambition we need at European level to be part of the solution, for example a European programme to support social housing as an example of the decisions we can take in the European Parliament. Europe has appropriate investment funds that can be made available for the purpose of supporting major public housing programmes, along the lines set out by Frans Timmermans. He has also suggested more action to close the pay gap between women and men. These are measurable, real issues to make Europe more understandable to the peoples of Europe.

On Brexit, Manfred Weber expressed his scepticism about the UK's potential role in the next European Parliament if it sends MEPs, but Frans Timmermans spoke about the hope for the UK to remain inside the EU and how welcome it would be if it stayed. One of Frans Timmermans's main arguments is a core issue for the Party of European Socialists. It is our concern to avoid a situation where we turn a blind eye against other people because of they have a different religion or a different skin colour to ours. In contrast, Manfred Weber launched his campaign with a pledge to cancel negotiations with Turkey. The real threat of the far right and why they are dangerous to the cohesion of the European institutions is they are focused on issues of identity. They seek to reinforce identity divisions between people.

As we approach the European elections on 24 May, this is the choice that is before the

people of Ireland. We are voting to choose sides on the future of Europe, to choose what side of the chamber Ireland's MEPs will sit on and how they will vote on the central issues like child poverty, fair taxation and climate change. Most of all, we are voting to choose between an inward looking version of nationalist Europe, surrounded by strict and strong border controls, or an outward looking Europe built on solidarity and co-operation among Europe's people as well as its governments.

**Deputy Richard Boyd Barrett:** It is appropriate that we should discuss the future of Europe as we face into the European elections in a few weeks' time and also because Europe is at an extremely important crossroads. Unless we change track, there might be no future for Europe. The fear of this scenario was highlighted by the Extinction Rebellion protestors in London over the last few days, to whom I pay tribute and who will be on the streets in Dublin tomorrow. I also pay tribute to the students across Europe and the world who struck out against the threat of climate change and the failure of governments across Europe, including Ireland, and across the world to take the type of radical urgent action that is necessary to address the threat of climate change.

Europe talks the talk on climate change. The targets it sets are better than what the Irish Government is achieving in that regard. Ireland will spectacularly fail to meet Europe's targets in terms of addressing this issue. Notwithstanding the rhetorical commitment to address the issue, on a whole series of fronts the Government is moving in the opposite direction in terms of addressing climate change. It continues to expand sectors of the economy, particularly agricultural exports, which contribute to our very poor record in this area. The Government is failing to address the massive deficiencies in public transport, the expense of public transport and the retrofit of homes and so on which need to be urgently addressed if we are to reduce our fossil fuel footprint.

In terms of Europe as a whole, I do not credit it on this issue. Europe spends €200 billion per annum on military expenditure and is planning to ramp up that spend significantly with the new PESCO arrangement which, tragically, we have signed up to, thereby undermining our neutrality. It is shamefully planning to increase military expenditure and to sell more weapons to despotic regimes in the Middle East and elsewhere in the world. Can anybody take seriously Europe's rhetorical commitments to deal with climate change? That money should be invested in developing renewable energy, promoting alternatives to fossil fuel use, subsidising and making public transport free and all of the other radical actions that are necessary to deal with climate change but that is not happening. At every level, Europe is hostage to big, corporate lobbyists, the arms industry, the multinationals and the banks. We know the cost of that in terms of the recession that hit this country and the manner in which Europe insisted that that cost was shoved down the throats of the poor. The poverty and homelessness that resulted from that in this country also features across Europe. An incredible 112 million people in Europe are living on or below the poverty line and that figure is rising. Homelessness is on the increase in every country in the European Union except Finland. Homelessness is rising dramatically. These priorities are not addressed by the European Union.

We are all aware of the utterly shameful fortress Europe policies that seek to keep out desperate migrants fleeing the mess that European powers created in places like Libya, resulting in 35,000 to 40,000 desperate migrants, men, women and children, drowning in the Mediterranean Sea. Europe continues to put up barriers and to invest more money in Frontex, frontier security and so on to try to keep those desperate people out. Europe faces a dark future unless we dramatically change tack. The Solidarity-People Before Profit candidates in the European

elections, Gillian Brien - Dublin; Cyril Brennan - the North and Adrienne Wallace, will be campaigning on the basis of the need to put people and planet before profit and to build a Europe on that principle, a social Europe, an environmental Europe and a Europe where the wealth is shared fairly and equally and where we start to take the radical action that is necessary to address climate change instead of moving in the direction of militarism and a European army.

**An Ceann Comhairle:** Deputy Maureen O’Sullivan is sharing time with Deputy Pringle.

**Deputy Maureen O’Sullivan:** Is there a future for Europe? That is my first question. I do not believe there is unless Europe goes back to the founding principles of the rule of law and respect for fundamental rights and freedoms and respect for human dignity and equality on which it was launched. Brexit and all the talk about it has allowed a space for it to develop and for the EU to take its eye off the ball in terms of the rule of law and fundamental rights in the EU. Some member states of the EU, in particular, Hungary, Poland and Romania, have taken concrete steps that undermine those EU guiding principles. These steps undermine the independence of the Judiciary, freedom of the press and of association. We are witnessing attacks on those who protest, whether on LGBT rights or a wide variety of issues. An extremely narrow right wing movement is starting in those countries. When in Poland recently, we met some activists who were attacked because they were peacefully protesting with banners which said, “No to fascism”.

*5 o’clock*

In Hungary, the European Parliament took a historic vote calling for the triggering of Article 7 of the European Treaty. Ireland has since been playing a constructive role in this regard, which obliges member states to challenge the Hungarian Government on those laws, policies and practices that are anti-democracy and anti-fundamental rights, but the Hungarian Government has stated that it will continue to do this. It also has an agenda against NGOs, especially those trying to highlight corruption. If the EU is committed to its founding principles, it will move this procedure on and call for the formal hearings of the Council with the Hungarian authorities for undermining the principles in Article 2.

An open letter from 12 accredited embassies, including Ireland, has been sent to the Romanian authorities in Bucharest, warning that them not to pass emergency laws that would risk weakening the Romanian justice system and their ability to fight corruption. We are witnessing a criminalisation of human rights campaigns in a number of countries, not only those I mentioned, and attacks on groups which are working on migration or academic freedom.

The European Parliament needs to co-ordinate a response to that. This morning, we met a delegation from Oxfam. They spoke to us about the grim situation in Yemen. Their presentation set out the extent of funding from EU countries for arms to fuel the arms trade there. On the other hand, those European countries are sending in aid for humanitarian reasons. It does not make sense.

**Deputy Thomas Pringle:** Maybe it makes sense because they will be able to sell them arms in the years to come. Irish democracy has consistently been eroded to pave the way for a predominantly Franco-German feverish ambition for a future EU army. It has been facilitated by Fine Gael and previous Governments kowtowing before the European establishment. Irish neutrality was manipulated during the Lisbon treaty process. The use of Shannon Airport is entering its second decade. PESCO was rammed through this Parliament without a proper and full debate. These are all examples of Fine Gael facilitating the undermining of parliamentary scrutiny by the EU for the purposes of its own military ambitions. The process leading to

PESCO was by no means democratic. A policy group, which mainly included EU arms industrialists, was intent on finding ways for EU Governments to navigate around their own national sovereignty and neutrality clauses to facilitate greater EU military integration. Fine Gael gladly signed up to this.

Formal approval for the establishment of the European defence fund is being sought from MEPs today and will be sought from Ministers at a later date. However, there is disagreement on the fund's objectives. A particular issue is the direct or indirect management of the fund by EU member states in the context of reduced parliamentary scrutiny of EU member states. A legal opinion carried out by Professor Andreas Fischer-Lescano found that Article 41 of the Lisbon treaty prohibits the financing of defence and military initiatives, and therefore armaments programmes as well. Despite the serious legal uncertainty about the European defence fund, the European Commission is running its usual course of denial in the hope that the foundational work it has carried out to date to diminish democratic accountability and parliamentary oversight in member states will facilitate the swift approval and implementation of the European defence fund *en route* to a future EU army.

This is already happening before our eyes at UN level. A Franco-German masterplan is unfolding under the radar. Germany recently called on France to give up its UN Security Council seat to the EU to enable the bloc to speak with one voice on the global stage. We all know what that voice intends to say. In parallel, France and Germany plan to co-chair the UN Security Council in an effort to emphasise further the EU's military and defence agenda. Perhaps that explains why our Government is so keen to get Ireland onto the UN Security Council. If we can sit with France and Germany on the Security Council, we will be able to close down the triple lock completely. The triple lock now includes Fine Gael in government and Fianna Fáil and Fine Gael in this Parliament, and it is likely that the UN Security Council representative will be a Fine Gael appointee. This means Fine Gael will have total control over what the triple lock will mean for Ireland in the future. We cannot close our eyes to Fine Gael's sly politics anymore. As long as Fine Gael and its Fianna Fáil partners remain in government, Ireland's neutrality and democracy will continue to be eroded to facilitate private sector interests who profit from the means of death and destruction.

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Helen McEntee):** I thank Deputies for their contributions to this debate. As always, I have listened with interest to everything they have had to say today and throughout the entire process which has taken place over the past 18 months. I acknowledge the contributions of both Houses to the wider debate on the future of Europe, not only at the Joint Committee on European Union Affairs but also through the engagement of Members of the Oireachtas with the citizens' dialogue process which has helped to shape the national statement, which was published yesterday. According to the famous Schuman declaration of 1950, "Europe will not be made all at once, or according to a single plan". Those words have proven true throughout the history of the Union. We have come a long way since the early imaginings of a European Coal and Steel Community, and we are by far the better for it.

Europe has always worked hard to anticipate and adapt to changing circumstances and to meet new demands as needed. Today is no different. We are facing into a year of change. Many Deputies have spoken about the upcoming European Parliament elections. A new European Commission and a new President of the European Council will be appointed later in the year. A new strategic agenda will be adopted to guide the work of the institutions for the next five years. As the Tánaiste has outlined, the complex issue of Brexit is still ongoing. We are



all well aware of the challenges and uncertainties we face and the opportunities and protections which EU membership affords us, particularly in light of Brexit. The preparation of the new strategic agenda offers us a welcome opportunity to embrace the spirit of the Schuman declaration while ensuring our plans are fit for these times and can meet the needs and expectations of our citizens. If we are to know what our citizens want, we have to listen to them. As Minister of State with responsibility for European affairs, I have had the privilege of travelling around the country to listen to people's concerns and, most importantly, their ambitions during positive discussions. I am pleased that we have been able to address many of these issues in the national statement, which reflects what we have heard from people about the importance of preserving what we have achieved, upholding our values and forging a way forward that ensures fairness and opportunity while delivering on the full potential of EU membership. I have been struck by the enthusiasm and passion that which many of our citizens, particularly our young people, have for Ireland's membership of the EU.

I encourage anyone who has doubts about the value of our membership of the Union to look at any one of the countries that are working hard to meet the criteria for accession. Since my appointment as Minister of State with responsibility for European affairs, I have had the opportunity to visit several countries in the western Balkans. Their enthusiasm for membership is palpable and inspiring and often acts as a powerful motivator to undertake the necessary and often difficult reforms to prepare for the responsibilities of EU membership. As the national statement sets out, it is vital that a credible enlargement process for the region remains a key component of the EU's foreign policy. Like people in many of the countries to which I refer, Irish people can remember what it is like to endure a long wait for EU membership. In 1972, the then Taoiseach, Jack Lynch, led the Dáil debate on the terms of our accession to the European Economic Community. When he addressed the critics of membership, he explained that "the issue is one of confidence in the capacity of our people to make a success of membership". I think his words ring true now as they did then. More than 45 years later, we can look with pride on what we have achieved. In this year of great change for the EU, we can acknowledge that there is much more to do while remaining confident in our capacity to make a collective success of our membership.

The national statement clearly sets out our priorities for the next five years. I commend it to the House. I thank the Ceann Comhairle for making time available for this debate. I thank all the Deputies for their contributions. I wish everybody a happy Easter.

**An Ceann Comhairle:** I wish the Minister of State and her team in the Department a happy Easter as well. Given that very little time that is remaining before we are due to move on to Topical Issues, perhaps it would be unwise to recommence the statements on youth homelessness. Therefore, with the agreement of the House, I suggest that we should move on to Topical Issues now.

**Deputy Richard Boyd Barrett:** Will the statements on youth homelessness come back?

**An Ceann Comhairle:** Most definitely. We will return to them at another time. That is why it would be futile to resume the statements now for a couple of minutes.

## Saincheisteanna Tráthúla - Topical Issue Debate

### Special Educational Needs

**Deputy Jim O’Callaghan:** I wish to raise an important issue arising from the lack of classes for children with autism disorder in the Dublin 6 and Dublin 6W region. All Deputies will be aware that it is extremely demanding to be the parent of a child with autism. It can be very stressful. This becomes particularly acute when the child reaches the age at which he or she must attend national school. We know from the National Council for Special Education that the State’s objective is to ensure children with autism can be educated in mainstream schools. It is essential in our Republic that we try to treat all children equally. If we are to ensure children with autism can be taught in mainstream schools, we must ensure classes are provided for kids with autism. I know many schools can take children with autism, but if they are to accommodate children with specific types of autism they have to ensure they have special classes. Just one of the 19 national schools in the Dublin 6 and Dublin 6W region has classes for children with autism spectrum disorder. Many parents in the region who have children with autism are facing difficulties because they are unable to have their children educated locally. They are forced to send their children into other catchment areas. This puts great pressure on them and on the other catchment areas. We need to ensure the national schools in the Dublin 6 and Dublin 6W region provide classes to these children. If it is not feasible or if the schools are not doing it, is essential that the Government intervenes using its powers under section 8 of the Education (Admission to Schools) Act.

**Deputy Clare Daly:** Circumstances are even more acute in north County Dublin than in Deputy O’Callaghan’s area. All of us feel the stress parents have to go through when they are forced to come to us having tried everything to get placements for their children. It is utterly shocking for us not to be able to provide them with an answer. All the Deputies in Dublin Fingal, the five of us, wrote to the Minister for Education and Skills and asked him to meet us to discuss this issue. We find it quite reprehensible that he chose not to do so. I ask the Minister of State to return to the Minister and ask him whether he will meet the five representatives.

Let me outline the kinds of cases we have to deal with. Indie McCabe is going to be five this month. We have written several letters to the Minister about the length of time she has had to wait for early intervention. We eventually got a letter back stating the waiting time to be seen by the team was 32 months. Jacob, who has autism, is going to be five in October. He has had his name down for four ASD units in north Dublin, all of which have indicated they will not have a place for him. Home tuition is not suitable for him. The family wants their child to be educated, like his siblings, in a school where he can make friends. Billy was diagnosed a year and a half ago and is still waiting for early intervention. His parents are paying privately for an SNA, which they cannot afford to do. This is absolutely critical. The strategy, if there is one, is not working. We need a desperate remedy for these families.

**Deputy Louise O’Reilly:** As has been said, there is an acute shortage. This was recognised by the Minister of State’s colleague when she said the NCSE is aware of the emerging need in north Dublin. The council is aware that there is a need so the Government cannot be blind to the fact that there is an issue. It is obviously in receipt of all the representations. My constituency colleagues probably send in the same number of representations that I do but, unlike them, I operate two offices in the constituency. I am very available and, therefore, get a lot of

people who walk in as well as emails and telephone calls. The individuals are at the end of their tether. Finding €7,500 to supplement services for one's child when one is a lone parent on a fixed income is really tough. That is what parents are doing. When they do get allocated a place, it is very often not in the local area. Every morning, the parents get up and put their children on a bus to Drogheda. That is heartbreaking. They know their children are going to spend an hour on the bus. They want the children to be educated locally. They believe that, by virtue of the fact that the children have a special or additional need, they are not treated with any kind of priority by the State. They are being left behind. We can advocate on behalf of all the individuals and do so, but there needs to be a strategy. It needs to acknowledge what the NCSE has acknowledged, which is that there is an emerging need in north Dublin. The need is not emerging; it exists now and it is real. Despite this, we do not see any action.

Deputy Daly and I wrote to the Minister, Deputy McHugh. We sought a meeting and he is refusing to meet us. What does that say to the parents and children about the sort of standing and priority they will be afforded by the State?

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

I thank the Deputies for raising this important issue. I apologise on behalf of the Minister, Deputy Joe McHugh, who was not able to make it on time. I am taking the matter on his behalf.

We are investing heavily in supporting our children with special educational needs, with €1.8 billion being spent annually, almost €1 in every €5 of the education budget. This includes an allocation of over €300 million towards providing additional resources specifically to support students with autism in schools.

The number of special classes across the country has increased from 548 in 2011 to 1,459 now. Almost 1,200 of these classes are autism spectrum disorder, ASD, special classes. The National Council for Special education, NCSE, an independent agency of my Department, is responsible for planning, co-ordinating and advising on education provision for children with special educational needs. The council ensures that schools in an area can, between them, cater for all children who have been identified as needing special class placements. Individual school boards of management are responsible for the establishment of special classes. It is open to any school to make an application to the NCSE to establish a class. When the NCSE sanctions the establishment of a special class or the expansion of special provision in a school, the school can apply to the Department for capital funding to reconfigure existing spaces within the school building to accommodate the class or construct additional accommodation. Where families are experiencing difficulty in securing a placement for their child, it is recommended that they work closely with the NCSE's teams of locally based special education needs organisers, SENOs, who will assist and advise them. SENOs also advise schools.

The council is actively engaging with schools, school patrons, parents, NEPS, health professionals and others involved in the provision of services for children with special educational needs to ensure each child has a school placement appropriate to his or her needs for the 2019-20 school year. The NCSE and an official of my Department met a group of parents from the Dublin 15 area on Friday, 12 April 2019. The NCSE has been in contact with advocacy groups in the Dublin 6 and 6W areas and I have been advised that a meeting will be arranged in the coming weeks.

Let me get to the core of this because the Deputies will have a number of questions for me. It may be of some help for them to note the Department has arranged an information session for

18 April 2019

14 May at 3 p.m. in the audiovisual room for all Oireachtas Members regarding ASD provision nationwide. The NCSE and officials from the Department will be in attendance. It has been agreed that council representatives will attend the next public meeting held by the group. I was advised just a few minutes before coming in here that the public meeting has been arranged for 29 April 2019. Members will be invited. This may allay the Deputies' fears that no action is being taken. There are two meetings planned. The Department is planning to ensure children without a suitable placement for next year are provided with a suitable one.

**Deputy Jim O'Callaghan:** I thank the Minister of State for his reply. It is cruel that we force the parents of children with autism to campaign and canvass politicians to have their children educated in their local school. We all desire for children to be educated locally but the stress of having a child with autism who cannot be educated locally is severe. The child must be taken out of the catchment area and transported to another area where he or she feels alienated and not at home. The Minister of State needs to recognise that the Government has power, since December of last year and under section 8 of the Education (Admission to Schools) Act, to do something practical and real in this regard.

I acknowledge that the Minister of State referred to information meetings but the parents do not want more information meetings: they want action. If local schools are not going to provide classes for children with autism, the Minister, after consultation with the NCSE, has the power to direct additional resources. I want the Minister of State to be aware of that power and exercise it. The Oireachtas gives Ministers powers so they can do something with them.

**Deputy Clare Daly:** I am glad there are meetings coming up but the fact that it has taken protest by parents and consistent lobbying in this House to achieve them is regrettable. As Deputy O'Callaghan said, the parents involved are at breaking point. Receiving refusal letters time and again and being sent from Billy to Jack is not good enough. If they have another meeting and if there is no change in the strategy or a definite place for their children, it will just compound their stress. The Education (Admissions to Schools) Act includes powers to compel the schools to make additional provision for the education of children with special needs. When will the Government exercise that right and intervene to secure an appropriate education for those children who deserve it? A strategy is needed to help parents in individual cases but there have been so many broken promises. We have a long-standing commitment on a project in St. Michael's House in Skerries, for example. We have been told that it is a priority but another school year is almost over and it is no nearer to opening. If it is just a meeting with no outcome, that will only retraumatise people. We need action and a concrete improvement in the situation as a result of those meetings.

**Deputy Louise O'Reilly:** I note the Minister of State's reply that he met a group of parents from Dublin 15. I represent Dublin Fingal in north county Dublin and I am talking about parents in Swords, Skerries, Balbriggan, Lusk, Rush and surrounding areas. They are being told there is a 33-month wait for early intervention. It cannot be considered early intervention if there is a three-year wait; that is anything but early. I welcome that there will be meetings but I have no confidence that they will help the parents. The only thing that will help those parents is information about how they can access services and where those services are. I have spoken to parents who are on a single or fixed income who have to scrape to find €7,500 just to make up the shortfall that the State should provide. They are doing the Minister of State's job. It is case of make do and mend for them and they are salvaging every penny they can to supplement the care of their children. They are doing the job of the State, which is not fair. They feel their kids are being treated as second-class citizens. There is little in the Minister of State's reply that

would give me cause to tell them otherwise.

**Deputy John Halligan:** I spoke to the Minister, Deputy McHugh, earlier this afternoon on this and went through a couple of points. He told me that the Department is committed to ensuring that all children in that area can access the education suitable for their needs. I am aware of the powers under the Education (Admissions to Schools) Act. The Minister has stated categorically that there will be a fix in this regard. I am doing my job and I do not want to see any children in that position. It is painful for me to hear that there are children in this situation. However, I urge the Deputies to allow the two meetings to take place. Having spoken to the Minister and departmental officials, I do not believe that they will be just talking shop, but that solutions will be found.

I do not like to say this but I must read the information given to me. The home tuition grant scheme is available. The Deputies should not get me wrong, I am not saying that is the solution, nor would I want it to be if it was for my child, but I am obliged to give out that information.

The meeting with the Members will be valuable but the most important meeting will take place on 29 April with the NCSE. I doubt that the NCSE officials will come to that meeting and just talk about how to solve this. I cannot say categorically that it will be solved then but having spoken to the Minister and the officials that we will solve the problem in the Dublin area.

### **Health Services Funding**

**An Ceann Comhairle:** The Minister of State, Deputy Catherine Byrne, is dealing with this question. We would have withdrawal symptoms if we did not have her here on a Thursday evening.

**Deputy Eugene Murphy:** God help her, again.

**Deputy Catherine Byrne:** I am Thursday's child.

**Deputy Dara Calleary:** I welcome the Minister for Thursdays to the Chamber. I am grateful to the Ceann Comhairle for selecting this issue. I am joined by Deputy Eugene Murphy as my question also relates to Roscommon and County Galway. I understand that HSE management in CHO 2 in Galway, Mayo and Roscommon are planning a range of curtailments of services, including the cancellation of 20 agency staff contracts and the delaying of filling 50 positions which were committed to across a range of primary care services. That delay will last until the end of 2019 or 2020. There are extraordinary delays in a range of services across the region, including occupational therapy, dentistry and orthodontistry, dietetics and physiotherapy. The notion that positions that were promised and have been advertised will not be filled until 2020 is unacceptable and will only add to the delays and the pressure that people on those waiting lists are under.

I also understand that no maternity leave or sick leave replacements will be put in place for anyone who goes out between now and the end of the year. This is because HSE officials are curtailing and trying to manage a budget, which is one of the lowest in the CHO regions, because they are utterly frustrated in trying to engage with the Department regarding a base month on which their budget should be assessed. It seems the Department randomly assesses a month in the year as a base month to establish the budget. This model does not work and particularly



does not serve the people of CHO 2, whom we represent, well at all.

I need an assurance from the Minister of State that the 20 agency staff will remain in place, that the 50 positions that have been approved to be filled and which are needed in communities in Mayo, Galway and Roscommon will be filled, and that people will get to work on addressing the waiting lists. If not, are we destined to pay for the failures regarding the national children's hospital through a lack of resources for CHO 2 to allow it to do its work at primary care level?

**Minister of State at the Department of Health (Deputy Catherine Byrne):** On behalf of the Minister for Health, Deputy Harris, I thank the Deputy for raising this issue. I will read the response I have been given.

I would like to first clarify that it is not the case that budgets are being cut. This issue can be accurately described as individual hospital groups and CHOs across the HSE needing to live within their allocated budget. Where individual hospital groups or CHOs have not demonstrated their ability to do this the HSE have quite rightly introduced certain measures and controls across these locations.

By way of background, in recent months, officials from the Department of Health have been engaging intensively with the HSE in reaching agreement on a pay and numbers strategy for 2019. The key focus in developing the strategy is to ensure that affordable and appropriate recruitment decisions are made by the HSE and that they need to operate within its pay allocations.

By the end of 2018, agency staff overtime and pay costs had reached unaffordable levels. In light of this, the HSE decided to introduce interim control measures for a consolidation period of three months to the end of June, until it received clarity on plans and financial performance for quarter 1 of 2019 from hospital groups and CHOs. The intention is for these measures to be in place for a short period, and the overriding requirement for the HSE is to prioritise the delivery of safe services within the available resources.

With regard specifically to CHO 2, I understand that this location has an agreed affordable funding whole-time equivalents, WTE, limit, inclusive of an affordable level of agency staffing. The current WTE levels in CHO 2 are in excess of this arising from significant growth during 2018 and plans been put in place to bring back this growth to within affordable levels. This includes a plan for agency conversion which is a priority across the HSE. Agency conversion provides for the direct employment of staff resulting in a corresponding decrease in agency staffing while maintaining the level of service provided in 2018. These measures include temporary recruitment restrictions and the capping of agency and overtime expenditure. The HSE's decision to introduce these measures is based on the high levels of recruitment in 2018 and the consequential impact in 2019. It is also based on the need for the HSE to live within the resources provided to them as set out in the national service plan for 2019.

As part of this process, the HSE directorate has made it clear that these recruitment restrictions will only be necessary for hospital groups or CHOs until such time as there is clarity on plans for 2019.

On receipt and acceptance of balanced plans, these additional controls can be reviewed and removed where appropriate. The earlier that costs begin to reduce towards affordable levels, the less impact it will have on staff and services over the remainder of the year.

Responding adequately within available funding to support the delivery of all key services whilst also responding to increasing levels of demand may result in waiting lists for particular services. However, as far as possible, the CHO has confirmed that it will continue to respond to the most pressing patient and service user needs using resources as efficiently as possible.

**Deputy Dara Calleary:** I am afraid the response confirms all our fears. It is extraordinary. The HSE recruited for positions in 2018. The reason it recruited was because of extraordinary waiting lists but it did not plan for the resources of those extra positions during the 2019 budget. What kind of dummies are doing the accounts here? That is basic accounting. When one expands a service, one resources it to extend and provide the service. One does not provide the service for four months, provide no funding for it in the following years, and cut back the service that has been given to patients who are fed up of being on waiting lists and whose conditions are worsening because they are on waiting lists.

I understand this is the only CHO region where this action is being taken. Are we now destined, in Mayo, Galway and Roscommon, to have longer waiting lists, further delays in treatment and unfilled positions because basic budget skills must not be available within the Department of Health and the HSE?

It is not good enough. The Minister of State is merely reading out a reply that has been provided for her. As a constituency Deputy, she will be aware that the line, “as far as possible, the CHO has confirmed that it will continue to respond to the most pressing patient and service user needs”, does not mean anything. That means there will be no additional home help hours, there will be no extra occupational therapy, OT, services and no emergency orthodontic services, the lists will get longer and people’s frustration will increase.

The Minister keeps trumpeting the fact that the Government is spending record levels of money on health and the highest in the OECD - spin, spin, spin. At the end of the day, people are suffering because somebody is not doing his or her job right in accounts.

The Minister of State’s response is confirmation of what I have been told. At this stage, many people are despairing, in particular, parents of children who are on those waiting lists.

**Deputy Catherine Byrne:** The Minister for Health recognises the need for individual hospital groups and CHOs to operate within their allocated budget considering the national service plan approved for 2019 and respects the prudent approach being adopted. He has also pointed out that the HSE’s overriding requirement is to prioritise the delivery of safe services within the available resources.

As stated earlier, the HSE directorate has made it clear that these recruitment restrictions will only be necessary for hospital groups or CHOs until such time as there is clarity on plans for 2019. On receipt and acceptance of balanced plans, these additional controls can be reviewed and removed where appropriate.

The sooner that costs begin to reduce towards affordable levels, the less impact it will have on staff and services, as I already said.

While these temporary measures are in place, the Department of Health has made it clear to the HSE that it must proceed with filling approximately 2,000 additional approved and funded development posts to maintain and enhance key services across the acute, mental health and primary care areas.

18 April 2019

## Community Banking

**Deputy Willie Penrose:** I thank the Ceann Comhairle for selecting this important issue for debate this evening. I want to record that the Deputy Eamon Ryan, leader of the Green Party, supports my contribution, on behalf of the Labour Party, on this issue.

One of the myths used to explain why Ireland failed to develop economically between independence and the 1960s is that there was a lack of capital for investment. There was, in fact, an abundance of savings in the Irish banks available for investment but rather than invest this money in Irish enterprises, the Irish banks were mainly invested in the UK money markets. This was facilitated by the fact that there was a one-to-one link between the Irish pound and the pound sterling. As a result of the failure of Irish banks to invest in enterprise creation, the State was obliged to set up a number of State-backed lending institutions, including the Industrial Credit Corporation, the Agricultural Credit Corporation and the Industrial Development Authority, now Enterprise Ireland, which could be regarded as one of the largest venture capital funds in Europe.

The State provision of finance for development was necessary because of the extreme risk aversion of the main banks, which were reluctant to invest in manufacturing industry. The main banks were always eager to invest in so-called “property development”, which in many cases was, in fact, property speculation. The over-exposure of the Irish banks to the property sector led to their collapse in 2008 and their rescue by the taxpayer at the cost of €64 billion. It is important to recall that while the Irish banks tried to blame their insolvency on the global financial crisis, they would have had to be rescued even if the global crisis had not occurred when Ireland’s property bubble inevitably burst.

Since their rescue by the taxpayer, the banks have been frantically rebuilding their capital by charging interest rates to borrowers which are grossly in excess of the rates they pay depositors, or the all-time low rates at which they can borrow on global markets. Having lent recklessly during the building boom which they fuelled, they now will not lend except for the safest of projects and the most demanding of collateral.

I understand the Department of Finance has hired Indecon to carry out the evaluation of community banking promised in July last when the Minister published the local public banking report. I have read the terms of reference for this evaluation and I am concerned that the Department of Finance has written them in a way to tie the hands of Indecon.

Indecon is a very respected group. I believe Indecon will do its work diligently but the Department has it chasing rainbows and looking for unicorns. At least, that is what I think when I read about measuring “market gaps” with regard to SME lending. How can one measure lending that is not happening? The hard-pressed businesses know well the pillar banks are not interested in serving them. How about the Minister reading his own Department’s SME credit survey that records that microenterprises have a 20% loan rejection rate?

Even if an SME is lucky enough to get a loan, the banks will apply crippling interest rates to that loan. The cost of loans to SMEs are way above those of their EU counterparts, by up to 200 basis points in the case of smaller loans of €50,000 or less. There is no justification for this level of price gouging of the indigenous companies.

Any gaps in the SME loan market are currently being filled by shadow banking, which is

what all this alternative finance being offered to SMEs is. This is not a proper banking service that the small businesses up and down the country are crying out for. It is also a source of funding that will likely dry up in the teeth of another recession. History has proven this to be the case.

The report published by the Department of Finance in July last was an incoherent one, opposing investment in a public banking system on the grounds it might “crowd out” the existing pillar banks. Once again, the Department of Finance mandarins appear to confuse the pillar banks’ interests with the national interest. Mr. Draghi has clearly pointed to the quasi-monopoly situation in Ireland as being a cause of our high interest rates.

Still, the Department continues to defend the pillar banks. Most recently, before the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach, it was supporting the right of the banks to sell off loans to vulture funds. They claimed to be speaking truth to power, while all the while they are the ones who have the power to hide the truth - the truth being that the banks are continuing to have a free hand to ride rough-shod over their customers, who have no alternative but to submit.

How come, on the one hand, the Department of Finance can produce a report justifying the pillar banks charging high mortgage interest rates, even blaming the very households that suffered the worst in the last recession, but on the other hand, AIB can suddenly lower mortgage interest rates significantly the day it was appearing before the committee?

The Government, and the Department of Finance mandarins, need to stop their obsession with analysis of whether there are any market gaps and focus instead on the common-good aspects of a public banking system to serve our local economies. What cannot be measured in cold hard facts is the comfort it would bring people up and down the country to know that they had an alternative institution that is mandated to operate in the interests of their local economy, that would not throw in the towel at the first sign of difficulty but would have a real stake in helping businesses to work through and resolve their problems because the bank’s success would be based on its local business success.

Does the Minister believe he is doing the people of Ireland a favour by maintaining the *status quo* for the pillar banks? Mark my words, no one will be thanking the Minister when the next recession comes around and we are still stuck with the same old pillar banks charging us over the odds at every turn.

**Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English):** I thank Deputy Penrose for raising this issue and giving us a chance to make a statement on it. I apologise that the Minister for Finance, Deputy Donohoe, could not make it this evening. I am happy to take this matter on his behalf and pass on the views of the Department in answer to the Deputy’s question. I will pass on the Deputy’s concerns to the Minister as well.

As Deputy Penrose mentioned, the Department of Finance and the Department of Rural and Community Development were tasked with fulfilling a programme for Government commitment to thoroughly investigate the German Sparkassen model for the development of local public banks that operate in well defined regions. Both Departments prepared a report of the findings of their investigation which involved an analysis of the Sparkassen model and the local public banking in Ireland report was published in the summer of 2018. There was considerable

18 April 2019

analysis undertaken and careful consideration of a proposal for how the German Sparkassen model of local public banking might have been implemented in Ireland. Ultimately, the report found that there is not a compelling case for the State to establish a new local public banking system in Ireland in the proposed form. The cost to the Exchequer of the proposed new model was estimated at a minimum of €170 million.

However, the Department wants to be very clear that there is no impediment to any interested parties pursuing the establishment of a system of local public banks without the involvement of Exchequer funding or State ownership. From my own personal interest in this topic, I originally thought the campaign and movement needed permission to be able to establish the public banking system. I met a local man who we all know, Mr. Noel Kinahan, who is doing great work in pursuing this area. My understanding was that the campaign was for a licence to be able to do this and not necessarily to have State investment. The report has said it is not necessary for the State to invest in this model but it can still happen by itself.

Notwithstanding the conclusion of the local public banking report, a commitment was included in the report to carry out an independent evaluation of local community banking to establish whether its objectives, including financial inclusion and rural and regional development, could be furthered by other means in Ireland. Following a procurement process, the contract was awarded to Indecon earlier this year and work on the independent evaluation is well under way. The report is expected to be completed later this year and will be a useful document.

The Government is committed to supporting access to finance by indigenous small and medium enterprises, SMEs, as well as regional and rural economic growth. A range of supports and schemes have been put in place over the past few years, including a €300 million Brexit loan scheme launched in March 2018. The scheme provides working capital loans of up to three years to Irish SMEs to enable them to adapt and innovate in response to the challenges posed by Brexit. More recently, a future growth loan scheme has been developed to provide long-term investment finance of eight to ten years to help Irish businesses invest strategically in a post-Brexit environment. The scheme was launched on 27 March and, since yesterday, SMEs are able to apply for loan eligibility through the Strategic Banking Corporation of Ireland, SBCI.

As well as the Brexit loan scheme and the future growth loan scheme, there are other Government measures in place to support the financing needs of SMEs. They include the credit guarantee scheme, the micro-enterprise loan fund, local enterprise offices and the credit review office. The matter refers to the difficulties in lending to SMEs and in that regard it is worth noting the finding from the most recent Department of Finance SME credit demand survey which highlighted that when pending applications are excluded, 86% of credit applications to banks were approved or partially approved. The main stated reason for credit declines was a failure to meet the bank's lending criteria, particularly in terms of account performance and history, followed by the applicant's ability to repay.

It is also worth noting the consistently low demand for credit from Irish small businesses indicated by SME credit demand survey. The demand for bank lending by Irish SMEs has fallen from 40% in the initial survey in 2011 to the current level of 20% in the most recent survey, covering the period April 2018 to September 2018. Many Irish businesses are doing well and appear to be using their own funds instead of external financing to meet their needs. The uncertainty surrounding Brexit may also be contributing towards the subdued demand for banking lending.



Additionally, it is worth noting that only 1% of SMEs that did not seek credit stated it was due to it being too expensive to borrow. The main stated reason for not having sought credit in the past six months is a simple lack of credit requirements, a reason cited by 89% of businesses not seeking credit.

That is a report that was done independently of ourselves but, naturally, we all get different feedback and I am happy to hear the concerns and issues of Deputy Penrose and I will pass them on to the Minister for Finance.

**Deputy Willie Penrose:** According to the Public Banking Institute, “[a] public bank is a chartered depository bank in which public funds are deposited. A public bank is owned by a government unit - a state, county, city, or tribe - and mandated to serve a public mission that reflects the values and needs of the public that it represents.” Public banks come in a variety of models. A public bank might be capitalised through an initial investment by the city or state, as well as through tax and fee revenue. A public bank, like a private bank, can take tax revenues and other government income as deposits, create money in the form of bank credit, and lend at very low interest rates and that is a critical thing which the Minister of State overlooked. Where private banks are committed by their business model to take advantage of low interest rates by charging higher rates to borrowers, which the Minister of State also forgot to mention, a public bank has no shareholders to pay and so can pass the low rates onto borrowers such as public agencies, local businesses, residents, and students.

Public banks can also partner to underwrite or guarantee the loans of local banks to fund projects that might otherwise not be funded. Such partnering with local banks shows that public banks can be partners, as well as competitors, with local private financial institutions. Public savings banks, such as postal banks, typically offer individual savings accounts, savings bonds, remittances and other services. Around three out of four postal systems worldwide offer such banking services. Public banks are a major financial force in Germany, the EU’s most successful economy.

The need for public banks or a third banking force has long been recognised in Ireland and the Labour Party has been its proponent. The Fianna Fáil and the Labour Party programme for a partnership government 1993-1997 stated that the coalition would “develop a vigorous third banking force from within the State sector by merging the ICC Bank and ACC Bank and by seeking a merger of the new entity with the Trustee Savings Banks”. The so-called rainbow coalition was also committed to creating a third banking force, but the proposal was never implemented.

Ireland is now one of the very few countries which does not have public banks that would lend on favourable terms to SMEs. The Irish economy is perilously dependent on a small number of multinational companies for our economic growth. While Enterprise Ireland does a fine job in supporting domestic industry, access to affordable finance is still a major obstacle to the development of SMEs. A public bank would be in a position to provide affordable finance for SMEs and could also offer cheap banking services through the post office network for the many people in rural Ireland who have difficulty accessing such services.

We have a great opportunity in Ireland to strengthen regional development with an alternative in the form of a public bank that would not only reshape our financial services to the real economy but also provide increased financial inclusion to all wherever they live. Does this Government have the political will to think not just of the next election but to act like statesmen

and think of the next generation of industry, entrepreneurs and small businesses?

The bureaucratic reply that the Minister of State, Deputy English, gave on behalf of the Minister of State, Deputy D'Arcy, tells its own tale and is revealing of the mindset in the Department of Finance. It is adamantly against any prospect of introducing competition for the pillar banks. That is the central and key issue which is blocking the progress of a worthy proposal of a public bank.

**Deputy Damien English:** I thank Deputy Penrose and I know his heart is close to this issue of public banking. I want to be clear. As I mentioned in my opening remarks on behalf of the Department of Finance, the Government recognises that there are a number of positive principles underlying the concept of local community banking in general and that includes the public banking concept the Deputy has put forward. There is an issue over who invests in that and who permits it.

The response I gave was not bureaucratic, it was factual. The Government made a commitment to look into this under the programme for Government because we recognised there was a strong campaign over a long period of years by the proposers of the public banking system, some of whom the Deputy and I both know, who have done a very good job of making that case. For that reason, the Government looked into this and there was a report done and an evaluation of that, after which the Government made a decision. That is not a bureaucratic response, it is a factual one. The Deputy might not have liked the outcome of the report but we have to pass that on.

Work by Indecon on the evaluation of community banking and local provision of banking and financial services is well under way. A public consultation exercise closed on Monday and the submissions received will be reviewed by Indecon over the coming period. It will continue to engage with stakeholders and other interested parties on this issue by way of a stakeholder forum and let us track that system and see what comes out of it.

Anyone who made a submission as part of the public consultation will be invited to attend the stakeholder forum. I imagine those who are proposing a public banking concept based on the German model have made a submission and will get a chance to talk it through in that forum.

There was a strong commitment to continue to work with An Post and the credit unions on the development and provision of financial and banking services provided by them to retail customers and SMEs, especially in regional and rural areas. I recently attended an event in my local credit union. I support the credit union model and that is another form of community or public banking. I am a strong proponent of that. Navan Credit Union, through Credit Union Plus, has put together a new range of services directed towards business and SMEs that will see a greater movement of the credit union sector into the provision of loans to small and medium sized businesses and that is an important step because we do encourage accommodation.

It is also important that SMEs are aware of the range of financial and non-financial supports available from the Government and its agencies. Enabling Irish SMEs to create employment and continue economic growth remains an important Government priority, as well as supporting rural and regional economic growth and development.

In a previous Government, I spent time in the then Department of Jobs, Enterprise and Innovation and it is important that we work with businesses, especially start-ups and companies

that want to grow, to help them with support for their applications for finance. Very often the future plans and growth strategy of the businesses do not facilitate them seeking the finances they need. We need to work with them on that. There are soft supports available, through our agencies, to enable that conversation and the development of business plans that help SMEs to draw down finance, regardless of who provides it.

## **Housing Policy**

**Deputy Robert Troy:** As the Minister of State is aware, the deputy leader of Fianna Fáil raised this issue during Leaders' Questions today with the Tánaiste following reports in today's newspapers that a further 295 houses in Leopardstown will be sold directly to an institutional investor. What this does is reinforce how Fine Gael favours financial institutions and big corporations over ordinary citizens. The Tánaiste's answer was really disappointing. It reminds me of what the previous Government did when it welcomed the vulture funds to this country. They were welcomed and enabled to purchase non-performing loans at knock-down rates thus enabling them to make huge profits on the back of ordinary citizens. A total of 2,923 houses were sold to these institutional investors. We are forcing young people out of the market. It is not just us on this side of the House who are saying this. The Minister of State will be aware that the UN rapporteur wrote a very strong letter to the Government condemning its policies saying that we are institutionalising home ownership.

The preferential tax laws constitute a significant incentive for these people to come in and purchase blocks of apartments and large housing developments. The tax laws that are applicable to these institutional investors are completely different from those that are applicable to small landlords with two or three properties that were probably bought as a pension fund. Typically, self-employed people buy a number of properties to use as a pension fund. They do not get the big write downs that these institutional investors get.

We also have a problem with the State itself buying wholesale instead of building local authority houses, again forcing young couples out of the market. Young couples are being priced out of the market and are not getting the support they need to purchase their first home. The other night, I was out with Mary Fitzpatrick, who is running in the local elections. Planning permission is being sought for a large block of apartments on Botanic Road. People living in three different houses I visited told me that they would not mind if this development went ahead if it could be guaranteed that they could buy one of the apartments. These are elderly people living in large four-bedroom houses who want to downsize to open up opportunities to bring those type of houses back into the market but they are afraid they will be unable to do so. Unless the Government changes the regulations, they will be unable to do so.

It is really something that is hitting a nerve with the general public. It is not just people in the affected areas in large urban settings. Even when I travel around my constituency with local election candidates, people who will not be affected ask me how the State can do what it is doing. They ask how the State prioritises international funds over our own citizens and prevents them from getting on the property ladder and purchasing their first house. Change is needed. I know the Minister of State understands the challenges facing young couples. I ask him to tell me in his reply that the Government has listened to what has been said on this side of the House and that change is imminent.

**Deputy Damien English:** I thank Deputy Troy for raising this issue in a formal capacity

so we can have a debate around it and bring some rationality to the conversation. Like Deputy Troy, I spend a lot of time meeting people for many different reasons on a weekly basis. There is a misunderstanding of what is happening in some parts of the housing market. When one spends time with people and has the chance to tease things through with them about the importance of all the different types of house building programmes and the different types of investors such as the State for social housing, pension funds, individuals buying their second or third home, first-time buyers and second-home buyers, one can see that we need all the different types of financial arrangements and purchases coming into a system to generate a full and sustainable market for housing. I want to be very clear about this because Deputy Troy tried to allude to what Fine Gael is supposedly about. Fine Gael and Independent members of this Government, with the support of many others here, want to deliver a sustainable housing construction market. This means that we need a combination of all sorts of different sources of finance and a combination of private housing, affordable housing, which is subsidised, properties for rent and properties for purchase. We need to supply the market for first-time buyers. All the different categories of market need to be supplied. The overall target must be the number of houses we need every year.

In the past, we have had boom and bust when it came to construction. We have had 10,000 houses one year, up to 20,000 in another year, up to 90,000 in another year and then back down to 10,000. That is not a sustainable housing construction sector. It is not a sector in which people can safely invest their time and skills in education to develop for work in the construction sector. It is not a sector in which someone can develop his or her skills running and developing a company because it is not a safe place in which to do so. A safe place to invest is a housing construction sector that delivers about 30,000 units every year for the next 25 years. We have produced the population projections under Project Ireland 2040 and we know we need to deliver and get to about 30,000 houses every year for 20 years. Naturally, it would be great if we could wave a magic wand and have 50,000 tomorrow to deal with the current crisis but we must build up to that level. This year, about 23,000 houses will be built. We must also put in place a system that brings us close to 30,000 and keeps it at that in a managed and co-ordinated way that is right for everybody. I met people last night who paid probably twice as much for their house 15 years ago - a price they should not have paid but were allowed to pay because they were allowed to borrow way beyond their capacity. It was never sustainable in the first place yet they were allowed to do it. We cannot repeat that. I want to be clear on that before I go into further detail.

The Government is committed to increasing the supply of all types of housing, including social, affordable and private housing. Institutional investment in the private rented sector is just one aspect of this increasing supply. The Deputy is right that it should not make up all of it and it certainly is nowhere near that. It will not be near that because institutional investors will invest to a certain level and that is where it will go. The economic division of the Department of Finance recently published a report, Institutional Investment in the Housing Market, to bring clarity to the potential impacts of higher levels of institutional investment on the residential property market. The report examined the role of institutional investors and large-scale landlords in the Irish residential property market. It found that the combined purchasing activity of property funds, real estate firms and real estate investment trusts is relatively small accounting for a net 1% of transacted units in 2017 and not far above that in 2018. We checked the figures as well. Ownership of rental properties by large-scale landlords - those who own more than 100 rental units - is also low, accounting for 4.6% of the wider market. Yes, there is some activity this year. This is housing supply that will probably come in during 2020 and 2021, not neces-

sarily this year. In some cases, they are pre-orders.

There are approximately 340,000 tenancies registered with the Residential Tenancies Board, RTB, of which approximately 310,000 are private rented tenancies. The vast majority of landlords, just over 70%, own just one property with a further 16% owning just two properties. Almost 86% of the registered rental housing stock is possessed by landlords with less than ten properties so it is not the case that it is 100% of the market, which was the impression being given this week. In any given week, there will be certain news items that take over. It gives the impression that all the activity involves these multinational investors. That is not the case.

In the context of a residential rental sector which is largely composed of small-scale landlords, there are certain benefits associated with institutional landlords as part of that mix. Product mix is important and some tenants may prefer to lease from a larger landlord while some may not. What is important here is that we increase the overall supply as well as introduce changes in legislation to protect tenants and give them more rights and services. There is a focus on this issue because the price is quite high in some cases because we still have a dysfunctional housing market and a dysfunctional rental sector. As we increase supply across all the different sectors, it will help smooth that over and deal with that crisis and people will then accept that we need to have different types of investors, including the person buying his or her own house. We need to generate enough supply and to do that: we need all people coming to the table.

**Deputy Robert Troy:** The Minister of State is not saying anything new. Nobody is saying that it involves 100% of the market but institutional investors' share of the market is growing rapidly because they are buying more and small landlords are getting out. The reason small landlords are getting out is because they are taxed to within an inch of their lives. A total of 52% or 53% of the rent a small landlord gets goes on tax. Does the Minister of State think it is fair that there is a different tax system for institutional investors versus small landlords? I do not think it is. Does he think it is right that these funds are coming in, distorting the market and driving up the cost of properties and rent?

Savills projects that rent will increase by a further 17% in the next three years. I really do not know how people can afford to rent any more.

If the Minister of State wants to talk about supporting and changing the market, he needs to support the young couples who dearly want to get into the market and buy their first house but who are unable to do so. As for the Rebuilding Ireland mortgage which the  
6 o'clock Government announced and launched and which was hailed as the panacea for all things, that money has been used up and the criteria for the scheme are very restrictive. I have been in contact with a young man who is separated and looking to buy a second house with his new future wife. Due to the fact that he was in a situation before, he was automatically disqualified. The scheme is far too restrictive.

If we want to change the market and support our citizens, the Government needs to change the regulations brought in a number of years ago that drove up the cost of houses. I am not talking about reducing the number or quality of the regulations or their quality but the time it takes to go through the certification process in the Republic of Ireland should not be a multiple of the time it takes in Northern Ireland. That simply should not be the case. We need to suspend development levies for developers who are willing to sell their houses as affordable houses to young clients. What we should be doing is giving breaks to our own citizens, not tax breaks



and incentives to large institutional companies to come in and piggyback on our citizens. Unfortunately, the Minister of State has said nothing thus far which gives me any comfort that the Government will change tack.

**Deputy Damien English:** Again, I need to address a number of those issues. First, I will address the issue of regulations. The Deputy will be familiar with projects in his area that were built to a poor standard. In fairness, I know he is not a supporter of the latter. I wish to clarify to everyone here that there is no intention of changing the regulations such that we will have a poorer standard of property building.

**Deputy Robert Troy:** I referred to the certification process.

**Deputy Damien English:** We entered government with a regulation process that had allowed too many developments to be built to a very poor standard. A lot of my time is spent working with people in Donegal and Mayo living in homes affected by mica, people in our counties whose homes are affected by pyrite, and people in apartment blocks in Dublin that are built to a poor standard. We are not going back to that.

**Deputy Robert Troy:** That is not what I said. The Minister of State should be fair.

**Deputy Damien English:** I am not stating that it is what the Deputy said. I will be very clear, however: there is no intention of relaxing regulations. We want top-class, quality houses, and that is what people are investing in. There are too many people out there who have high mortgages on poor-quality houses. That cannot happen again.

The certification process is often blamed here. It is claimed it is too costly. The cost does not necessarily relate to the certification process; it is the additional cost to build a house properly, which did not always happen in the past, to meet those regulations. There are high-quality homes being built because of the certification process and proper regulations and adherence to them. If done properly, the certification process can be carried out without causing too much distress to people. I ask the Deputy to trust me on this, though: people are much better off investing in a certification process. I know that people choose not to go this route when building their own one-off homes. I would not recommend this because I have seen too many houses that are not built to a high standard.

I want to be very clear that the tax system for individual landlords is being considered. A working group is in place to examine this in order to see whether individual landlords are being treated fairly. As for institutional investors, tax changes have been made to encourage resources to be pooled together to be invested in housing because we want to develop a proper, functional rental market. We accept that the rent is too high and we are all working to increase supply to bring rental costs down. This is a problem in the short term, but we will be fixed with supply in the long term. I have been working with the various developers weekly on many of the sites to which I refer. The State does get involved. We purchase houses and compete for vacant properties that no one else is purchasing. Some of these sites often get activated because an investor, the State or someone else steps in to buy a chunk of the properties from the plans to get the scheme started. We do this in some cases too because, again, we want to keep sites open and keep activity going. It is important that we get the right blend, and we are getting it.

An impression has been given this week that it is all skewed one way, which is just not factually true. If Deputy Troy analyses the market last year, he will see the sectors involved. There are probably fewer than 4,000 units in the investment sector; up to 6,000 units are being

used for social housing purposes; the housing market itself accounts for over 11,500 units; and one-off housing accounts for 5,000 units. This is quite a reasonable divide across the system, so the impression being given this week that it is all skewed in one direction does not represent the truth.

The Dáil adjourned at 6.05 p.m. until 2 p.m. on Wednesday, 8 May 2019.