



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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(OFFICIAL REPORT—*Unrevised*)

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DÁIL ÉIREANN

Dé Máirt, 14 Bealtaine 2019

Tuesday, 14 May 2019

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

Paidir.

Prayer.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Micheál Martin: Much additional information has emerged since the refusal last week of the Tánaiste, Deputy Coveney, and the Minister for Communications, Climate Action and Environment, Deputy Bruton, to divulge crucial information regarding the amount of money being put up front for the national broadband plan by Granahan McCourt against the taxpayers' contribution of €3 billion. An article by Justine McCarthy in *The Sunday Times* at the weekend was particularly revealing in respect of many of these matters. Speaking on Clare FM at the weekend, the Minister for Agriculture, Food and the Marine, Deputy Creed, was unaware of any of the constraints that beset the other Ministers. He stated Granahan McCourt was "putting in, I think, in the region of something shy of €200 million". There is still a lot of breadth there. The Minister was speaking the day after the Cabinet had decided to award preferred bidder status so he did not pluck that figure from the air. He obviously knew what he was talking about. We have now learned that the Minister, Deputy Bruton, will today tell the Joint Committee on Communications, Climate Action and Environment that the figure is €220 million, between equity and working capital. Will the Taoiseach break down that figure for us today as between equity and working capital?

The context of this is very clear. Why were we looking for the figure and why was the Government refusing to give it? It is because the Secretary General of the Department of Public Expenditure and Reform stated there were "unprecedented risks" to the Exchequer posed by this particular project. He referenced in a memo to the Government that the private sector was only risking so much - the figure was redacted at the time - of its own funds. The general public and taxpayers are entitled to know that figure given the unprecedented risk to them in respect of everything to do with this project.

The Sunday Times article revealed another important matter. It stated that the Department of Communications, Climate Action and Environment had confirmed that Granahan McCourt relied on the financial performance of a US company owned by Frank McCourt, a brother of David McCourt, to meet the qualifying criteria of the procurement process. In other words,

Granahan McCourt did not have enough resources itself and relied entirely on a separate entity to underpin its financial security. Was the Taoiseach aware of that? Was the Government aware of it? This is significant in the context of the meeting in July last year between the former Minister, Deputy Naughten, and David McCourt. Frank McCourt was also at that meeting at which four items were discussed in relation to this project. I always felt those meetings were wrong and inappropriate in the middle of a tendering process. They cast a stain over the entire process.

I do not know whether Peter Smyth interviewed Frank McCourt in the context of his review, but we need clarification in that regard. At issue also is the role of KPMG, which advised the Department on the gap-funding contract. KPMG advised the Department that Granahan McCourt had the capacity to undertake the project but we have also learned that the Department has paid KPMG €11.6 million for its advisory services since 2015. Is it appropriate that KPMG would be the auditor for Granahan McCourt while acting for the Department to reassure it on that company's financial capability? Will the Taoiseach break down the €220 million figure? Does he agree with the Secretary General of the Department of Public Expenditure and Reform that this is an unprecedented risk to the taxpayer and that the value-for-money analysis is not credible? Can the Taoiseach explain the role of Frank McCourt and the global company underpinning the entire project?

The Taoiseach: I thank the Deputy. While I am happy to answer his questions, we should not lose sight of the objective here. The national broadband plan is the largest ever investment in rural Ireland and probably the most significant investment to take place since rural electrification. It is about connecting 1.1 million people, 450,000 homes, 50,000 farms and 50,000 businesses to high-speed broadband. The project is ambitious. Ireland will be one of the first - if not the first - countries in the world to do this. We have chosen fibre as the technology because nothing is faster than the speed of light and nothing ever will be. It is good for the economy through the encouragement of home working and for the environment through the reduction of commuting and emissions. It will help us to enable modern educational techniques and pursue ehealth in particular.

The contract has not yet been signed. It will be September or October before we are in a position to sign it. There will be hearings. The Minister is attending one today at the joint committee. There will be debates in the House. I ask the following sincerely not only of the main Opposition party but of others too. I appeal to them not to rule out supporting the national broadband plan just yet. I ask them to spend some time listening to the arguments and considering the plan because if we fail to sign this contract in a few months' time, we will be back to square one. The digital divide between urban and rural Ireland will remain and deepen and it will take many years before we can put together another plan. I appeal to Members not to rule out supporting the plan until they have had a chance to consider all the facts and scrutinise the alternatives. I came to support this decision in October after Deputy Naughten resigned as Minister and I asked Deputy Bruton to take on this job. I asked him to look at the whole matter afresh, see if it was the right thing to do, consider the alternatives and see if there was an easier, cheaper, better or quicker way to do this. He considered all of the options and came to the same conclusion the Government reached last week, namely, that there is no better option. Any alternative will involve delays, will be slower, will cost as much if not more and might not even meet the objective of connecting all homes, farms and businesses.

As to the financial model, this is a €5 billion project and it is important to bear that in mind. It is €6 billion if one includes VAT and contingencies over 25 years. Of that €5 billion, the company must come up with €2.4 billion in equity, working capital, borrowings and user charges.

The State will only pay the subsidy after the work is done. The company must roll out the fibre and only after it has passed the home, farm and business threshold will it be paid. It will be paid more when those premises are connected. The company must come up with the full €2.4 billion. What Deputy Micheál Martin has zeroed in on is one aspect of the funding, namely, the initial equity and working capital totalling €220 million. This is made up of €175 million in equity and €45 million in working capital. That is only the initial, upfront investment by the company. The total amount it has to find is €2.4 billion for what is a €5 billion project. If the project is successful, the company will get its equity back and a return on that. However, if roll-out is delayed, as some predict, and if take-up is not as fast as we project, the company will have to put in more equity. That is the crux of the matter. National Broadband Ireland, a private company, is taking the risk here. Its risk is not capped, whereas the risk to the State is capped.

Deputy Micheál Martin: I asked the Taoiseach four questions. I have no intention of going into electioneering because everybody is committed to the delivery of broadband. I asked the Taoiseach to give the breakdown he provided at the end of this contribution, but I asked him also whether he agreed with the Secretary General of the Department of Public Expenditure and Reform that this is an unprecedented risk to the taxpayer and that the value-for-money assessment is simply not credible. I asked the Taoiseach a simple, straight question on whether he agrees with the entirety of what the Department of Public Expenditure and Reform has put on the record in relation to this matter. It made very clear that the risk to the State is far greater than the risk to the private sector. It makes the point: “I believe that there are unprecedented risks to the Exchequer posed by this proposed project.” Those are not my words but the words of the Secretary General of the Department of Public Expenditure and Reform.

I asked the Taoiseach to explain the role of Frank McCourt and the company that is underpinning the entire bid and for some reason, he chose to ignore that question in its entirety. I ask the Taoiseach again if he was aware that it was another company that was underpinning the financial criteria governing Granahan McCourt and not Granahan McCourt itself.

I also asked the Taoiseach about KPMG, the auditors to Granahan McCourt, whether it is appropriate that it should also be the advisers to the Department. The Department asked Granahan McCourt’s auditors. What else will KPMG tell the Department about the capacity of Granahan McCourt to proceed? Can the Taoiseach confirm that Peter Smyth spoke to Frank McCourt in relation to the meeting in July at which the financial aspects of this project were discussed in New York in the presence of the former Minister, Deputy Naughten?

The Taoiseach: I do not know the answer to the Deputy’s question about Peter Smyth but I will inquire and let him know as soon as I can find out. That was an independent process audit as the Deputy knows so I did not have any involvement in it.

I do not agree that this is unprecedented. For example, I consider the fact that the State found €8 billion over ten or 20 years to connect our cities by motorway.

Deputy Brendan Howlin: We own the motorways.

The Taoiseach: We connected Dublin, Limerick, Cork, Waterford and Galway by motorway and spent €8 billion doing so. This project involves €3 billion to connect 1.1 million homes across the country, in all 26 counties, so I do not agree that it is an unprecedented investment, nor do I think it is an unprecedented risk

Deputy Timmy Dooley: It is being handed over to a finance company in Boston.

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The Taoiseach: The cost-benefit analysis was done independently and I believe it stacks up.

Deputy Timmy Dooley: It was not independent.

The Taoiseach: It shows that the benefits outweigh the costs in the optimistic scenario, the pessimistic scenario and the central case scenario. The cost-benefit analysis is conservative because it does not take into account the wider societal benefits-----

Deputy Brendan Howlin: Is the Department wrong?

The Taoiseach: -----of connecting 1.1 million people across rural Ireland to high-speed broadband. What are those wider societal benefits? They are, for example, access to ehealth and education online, which is now becoming an increasingly important aspect of education, with kids being able to download from Google and access apps online. It does not take into account the climate action benefits that arise from this. More people will be able to work from home and fewer people will be commuting. It does not take into account the positive impact that it could have on matters such as rural isolation. I think the cost-benefit analysis is actually conservative in that regard.

On the financial and other capacities of the bidder, I am aware that the bidder passed all of the tests for capacity and was assessed in terms of its capacity and capability before it pre-qualified for this.

KPMG is a respected company, accounting house and auditor and it would be wrong to cast aspersions on the company in this House and somehow suggest that it is conflicted. That is unfair.

Deputy Micheál Martin: It is a basic point. Have we learned anything?

Deputy Mary Lou McDonald: Tá ceist agam faoi broadband arís. Caithfidh mé a rá go bhfuil sé dochreidte go bhfuil Granahan McCourt ag íoc €220 milliún agus an cáiníocóir ag íoc €3 billiún. It is crucial that we deliver high-speed broadband to rural Ireland because people want, need and deserve it. That means actual delivery, not delivering an announcement or a pipe dream. There are very serious concerns surrounding the national broadband plan as currently constituted. This very costly plan could still leave homes, farms and businesses across rural Ireland without access.

If we think back, this whole process began in 2012, seven years ago, with a commitment that high-speed broadband would be delivered to every home and business in the State by 2020. That promise has been broken spectacularly. Seven years later, not a yard of cabling has been laid or a single pole erected. Under the new plan, homes, farms and businesses in rural Ireland are being asked to wait again. That is not good enough. The Taoiseach has described the plan as a personal crusade, but there are significant flaws that no one in the Government, including the Taoiseach, has yet addressed. In the documents published last week, the capacity of the bidder to deliver the project was cast in serious doubt, while the capacity of the Department to oversee it has been similarly questioned. Why have those issues not been addressed? The bidding process utterly failed to deliver a competitive tender. In addition, it has been highlighted that the bidder does not have adequate skin in the game and could walk away from the project after it has recouped its investment. What does the Taoiseach say to that? The Minister for Communications, Climate Action and Environment, Deputy Bruton, has confirmed that the firm in question will invest €220 million, yet the State will invest €3 billion in initial capital. The

Taoiseach has stated that this is the largest ever State investment in rural Ireland. In reality, it represents a massive State subsidy to a private firm in respect of infrastructure the State will not own. That is unbelievable.

We all agree rural Ireland needs high-speed broadband but the unfortunate reality is that more than 500,000 homes and businesses are still without it and will be for years to come. Will the Taoiseach express absolute confidence in the deal? Is he prepared to stand over it and guarantee delivery of rural broadband? Will he publish the full details of the contract between the State and Granahan McCourt?

The Taoiseach: I am confident that National Broadband Ireland has the capacity to deliver. If it does not, there are protections in the contract. If the company does not deliver, if it seeks an increased subsidy or if it fails to meet certain milestones, the State can terminate the contract and take over the network. I am confident, therefore, that it has the capacity to deliver but I also understand that if it does not, the contract will protect the State in that regard.

The Deputy's assertion that the State is investing €3 billion upfront as capital is not correct. The State is investing nothing upfront and will make its contribution only after the work has been done. The company must raise the money, lay the fibre and then pass and connect the homes. It will be paid for the work that is done as homes are passed and connected, which is why the way the Deputy has presented the matter does not tell the full story. The project is worth between €5 billion and €6 billion, with approximately half being invested in the form of a State subsidy and the remainder being delivered and provided by the company. It must carry out the work before it is paid and collect the user charges from Sky, Vodafone and all the other operators that will sell on services to the public. The Deputy has zeroed in on the initial investment, that is, the equity or working capital investment of €220 million. If the company does not deliver, it will have to invest more equity. If it does deliver, it will get its investment back and also a return on that investment. The risk to the State is capped; the risk to the company is not. It is important to understand that. We need to bear in mind that only one bidder remained at the end of the process.

Deputy Micheál Martin: Why did only one remain?

The Taoiseach: Other bidders, such as Eir, submitted initial bids for similar sums, but the fact that there was only one bidder at the end of the process should tell us something.

Deputy Timmy Dooley: It should tell us the Government got it wrong. It made a mess of the process.

The Taoiseach: In commercial terms, the project is not enormously attractive.

Deputy Marc MacSharry: The Government did not have dinner with the other bidders.

The Taoiseach: There is risk attached. In this system and approach, the State is not taking on all the risk. A private sector operator is bringing to the table money and expertise and sharing the risk. There is a risk, with no guarantee of commercial return. It is important to understand that is how the project has been established. As a Government, we have a simple choice about whether we sign the contract or go back to the drawing board. If we sign it, the process can be completed by the autumn. Within one year, 10,000 homes throughout rural Ireland and 300 hot spots, community centres, schools, etc., can be connected to high-speed broadband. The following year, another 100,000 to 150,000 homes, farms and businesses will be connected-----

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Deputy Timmy Dooley: The Minister claimed it would be 130,000 homes within a year. There has been another change, therefore, and a further delay.

The Taoiseach: -----in every county. All 26 counties will see connections in the second year. A company is willing to do it, we have the money available and we know we can achieve 100% coverage. If we go back to square one we will not know any of this. We will be saying to rural Ireland that it has waited too long and we will make it wait longer. That would be wrong. Later in the debate I will be happy to discuss some of the alternatives and why they are not viable-----

An Ceann Comhairle: The time is up Taoiseach.

The Taoiseach: -----and why in a previous Government Fine Gael and the Labour Party went down this road in the first place.

Deputy Mary Lou McDonald: I thank the Taoiseach for that. The best way to proceed is for the contract to be made public. If I am correct, I understand the Minister, Deputy Bruton, has undertaken to make that request of Granahan McCourt. This is the best way to go forward. I do not accept the Taoiseach's analysis that risk is being equally shared. Perhaps, more importantly, that is not the conclusion arrived at by the Secretary General of the Department of Public Expenditure and Reform. By his estimation, the deal is front-loaded by the taxpayer. While acknowledging there are break points at year four and year six for a State review, he points out that at that those stages the State will have invested €1.19 billion and €1.95 billion, respectively. He also sets out that by 2026 the taxpayer will have committed €2.2 billion while the private company will have its money back by 2028. That does not sound like a good deal for the taxpayer. The seeds of this mess reside in the tendering process itself which, from the very beginning, did not afford any real competitive tension or edge and here we are.

I ask the Taoiseach for reassurance on the issue of delivery because not alone is this plan very expensive but the really alarming caution presented to us in the documents last week is the question mark over capacity to deliver. I want the Taoiseach to be very explicit on this issue. Is he absolutely sure that rural broadband can be delivered?

An Ceann Comhairle: Please, Deputy, the time is up.

Deputy Mary Lou McDonald: On what basis does the Taoiseach assert this certainty?

The Taoiseach: I have already answered the question on capacity. In some ways, something the former Minister, Deputy Naughten, said last week summed it up for me. He said that if we sign this contract in the next few months rural broadband will be delivered and we will connect 1.1 million homes, farms and businesses throughout the country but if we do not sign the contract it may never happen. He is right in this assessment.

In terms of publishing the contract, I am not sure whether it is possible. It has not been agreed, finalised or signed yet. If it is, I will have no personal difficulty with it but because it is a commercial contract perhaps it is not possible.

The Deputy is right to say it is expensive. Of course it is expensive because it is so ambitious. We want to become one of the first countries, if not the first country in the world, to connect every home, farm and business to high-speed broadband and say to people throughout rural Ireland that they will have the same speeds as those of us who live in the cities of Dublin and

Cork and at the same price. This is enormously ambitious. This is why it is expensive.

One thing the Deputy said about the risk is not the case. The risk to the taxpayer is capped. The risk to the investor is not. If this works out well, if it is rolled out quickly and if there is a lot of take up, the investor will get its money back plus a return.

An Ceann Comhairle: The time is up, Taoiseach.

The Taoiseach: If it does not happen this way, if the roll-out is delayed or the take-up is slower than projections it is the investor that will have to put in the extra equity and money and not the State. Our risk is capped and that of the investor is not.

Deputy Brendan Howlin: After the withering criticism of the Government's broadband plan, Ministers, including the Minister for Public Expenditure and Reform, have called on other parties to explain their proposals for rural broadband. The Labour Party is fully committed to a comprehensive delivery of broadband to every home and business in the country as, I believe, is every other party. That goes without needing to be said. I assure the Taoiseach that our plans would deliver much better value to the taxpayers of this country.

The Government proposes to give €3 billion of public money to a private monopoly without securing ownership of the network. In almost all public private partnerships, and I was directly involved in many, the State owns the asset at the end of the contract. It would be simply unthinkable for the public to pay €1.7 billion for the national children's hospital and not own it at the end. It would be bizarre for the Government to give ownership of the new hospital to a for-profit venture capitalist. Why does the Government believe that it is any less unthinkable to give away the national broadband network? The venture capital firm will, we are now told, provide €220 million in actual cash and rely on operating revenue to make up the rest of the cost of delivering the network. A State-owned national broadband company could just as easily generate the same operating revenue but it would pay a dividend to the people and, ultimately, reduce the net cost to the taxpayer of providing the network and it would have the income in perpetuity. Granahan McCourt intends to borrow against future income but to put up little of its own money in cash investment. In maintaining ownership of the broadband network, the State would be better placed to guarantee the affordability of rural broadband into the future.

Regardless of whether Internet access is necessary now, it will be absolutely essential in 25 years' time. However, there is no guarantee that the Government will be able to control the prices charged by the private monopoly in 25 years' time. We do not even know who will own the network at that stage because the Government's proposals, which we read last week, would allow the shares of the company to be sold again after only nine years. Vulture funds would buy the network, just like they bought Eircom, and milk it for its assets and cash again and again. The Labour Party solution is for a State-owned company to own the broadband network. It would provide access to the network on a wholesale basis, thereby creating a market for a multiple of retailers to sell Internet access to whomever they want and allowing other services to access the network to provide services directly to homes and businesses. This company would be profitable and it should repay some of the costs of providing the network in the first instance. A State-led approach is clearly objectively better. What is the justification for or the logic of the Taoiseach's argument for a private monopoly to own the rural broadband network in perpetuity?

The Taoiseach: ComReg is the price regulator for telecoms in the State and has a role in

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capping prices. The Deputy may not agree but I see this as a Labour Party project, as well as a project of this Government. The Deputy's party and its Ministers were at the centre of making the project a reality, with a decision in 2012 to go to tender and to ask public and private companies on the open market to bid. The Minister at the time was Pat Rabbitte. From an article in *The Sunday Business Post* last weekend, I note that he supports the Government decision to go ahead with this. He was right when he made that decision, because one cannot just hand a massive subsidy to any company, public or private, without a process, without procurement, without a tender and without state aid clearance.

Deputy Micheál Martin: That was seven years ago.

The Taoiseach: Subsequently, in December 2015, his successor in the Department, Alex White, also of the Labour Party, examined five different options of ownership and decided to narrow them down to just two. One was the concession model, the other the gap-funded model. The decision to go for the gap-funded model was made by this Government but the decision to narrow down the options to just two was made by the former Labour Party Minister and Deputy, Alex White. This is a project of which Labour should be proud and I hope that those in the party have not ruled out the possibility of supporting it once they have had a chance to consider all the issues and see whether the alternatives that are being proposed really stack up or would be quicker or cheaper. I do not believe they would be.

As for the ownership issue, the core infrastructure in all of this is the poles and ducts.

Deputy Timmy Dooley: That is not true. It is the relationship with the customers.

The Taoiseach: The poles and the ducts belong to Eircom because they were sold off 20 years ago by a Fianna Fáil-led Government.

Deputy Micheál Martin: Something which the Taoiseach's party supported.

The Taoiseach: If we were to replicate that, a State company would have to put up all its own poles and all its own ducts. The cost of doing that would be phenomenal. Even if we did go down the State company model, it would still be relying on privately owned poles and privately owned ducts that they would have to rent from Eircom.

Deputy Richard Boyd Barrett: Renationalise Eircom.

Deputy Brian Stanley: Use the ESB network.

The Taoiseach: The only physical asset that MBI will own is the fibre and fibre has to be renewed after 20 or 30 years. The advantage of the gap funding model is such that because MBI owns the fibre it is much more likely it will continue to invest in it and renew it. That is one of the reasons the gap funding model was chosen over the State ownership model.

In our deliberations over the past few months, following the appointment of Deputy Bruton, as Minister for Communications, Climate Action and Environment, one of the things we gave consideration to was exactly what Deputy Boyd Barrett proposed, which is the renationalisation of Eircom so that we could get our hands on the real infrastructure, which is the poles and the ducts. Two thirds of that company sold for €3.5 billion not too long ago. To renationalise it, which would take quite some time and, possibly, a legal battle, we would have to compensate the shareholders, probably to the tune of €5 billion or €6 billion. That would be the outlay before we provided any money at all to connect any home in rural Ireland, which would amount

to a cost of €8 billion or €9 billion.

Deputy Dessie Ellis: No lessons learned.

The Taoiseach: That is the alternative. It is not a good one. We thought about it. We thought about all of the alternatives for months and months. This is the best option on the table. This is right for Ireland and right for rural Ireland.

Deputy Michael Healy-Rae: Two weeks before the elections.

The Taoiseach: I appeal to everyone in this House to take a bit of time, a few months, like we did, to see if the alternatives really stack up and not to rule out supporting this proposal just yet.

Deputy Timmy Dooley: The electorate was not given much time to make a decision on it.

The Taoiseach: We can sign this contract and we can make this happen.

Deputy Michael Healy-Rae: Will it be worth a lot of seats?

The Taoiseach: If we do not sign this contract, it may never happen.

Deputy Josepha Madigan: Hear, hear.

Deputy Michael Healy-Rae: Will it be worth a lot of seats?

Deputy Paul Kehoe: It is about connecting broadband.

An Ceann Comhairle: This is Deputy Howlin's question. Can we have a little silence, please?

Deputy Brendan Howlin: The Taoiseach makes a compelling case against the folly of the privatisation of Telecom Éireann all those years ago. It was a disaster. The point I am making is that instead of learning from that disaster the Government proposes to do the same thing in that it proposes to privatise the next generation of telecommunications. The Taoiseach is right that we had to test the market in the way that we agreed in government because that was what the EU required us to do but now we have proven market failure. From my reading of Article 345 of the Treaty on the Functioning of the European Union there is no impediment for a public company in this area. In terms of the model, I invite the Taoiseach to read the judgment in the Croatia case in regard to its provision of broadband, which is analogous to what we are doing here. The European Commission found that Croatia's next generation network broadband plan is in line with state aid rules. We can create a State monopoly where the market has failed. The management of that scheme is attributed to a public undertaking offering long-term leasing agreements on the infrastructure to all interested parties. No operator has shown any interest in commercially doing it. Therefore, it is perfectly legitimate - this was endorsed by Commissioner Vestager in 2017 - for the State to set up its own company to do that. This is the way to go, and what I am asking the Taoiseach to do.

The Taoiseach: A commercial interest has shown an interest in doing this, namely, MBI-----

Deputy Brendan Howlin: Not without a massive subsidy. It is not a commercial entity.

Deputy Micheál Martin: It is.

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The Taoiseach: -----which is now the preferred bidder. ESB, working with Vodafone, made a bid but pulled out. They said they could not make a business case for it. This cannot be done without a massive subsidy. It is not realistic now-----

Deputy Timmy Dooley: The Government estimated its contribution to be around €500 million.

The Taoiseach: -----for the Government to give to a company that pulled out of the process a massive commercial subsidy and somehow pretend that is not state aid. That is not legitimate.

Deputy Brendan Howlin: That is not true.

Deputy Micheál Martin: The Taoiseach is being disingenuous.

The Taoiseach: We have the Attorney General's advice on this and there were consultations with the European Commission on this. It is not a position that we can hand to an undertaking, even a State-owned enterprise like ESB, a massive subsidy without a process and without a tender operation.

Deputy Micheál Martin: What did the Department of Public Expenditure and Reform have to say about it?

An Ceann Comhairle: This is Deputy Howlin's question.

The Taoiseach: An alternative option, for example, was setting up a new State entity.

Deputy Brendan Howlin: Yes.

The Taoiseach: The difficulties with that are the difficulties that arose when we did that in the past with Irish Water. Enormous costs and difficulties and delays arise in the establishment of a new State company. We would be doing Irish Water all over again. There would be further delays. There would still have to be a procurement process in terms of getting access to Eir's infrastructure and in terms of getting the fibre laid.

Deputy Brendan Howlin: This is a mess.

The Taoiseach: It would cost as much, if not more, and we would bear all the risk. In this case, MBI is-----

Deputy Timmy Dooley: The Government is carrying all the risk anyway.

The Taoiseach: -----bearing the risk.

Deputy Catherine Connolly: Tá an cheist atá agam inniu ag díriú isteach ar athrú aeráide, go háirithe na bearta práinneacha atá ag teastáil ó d'fhógair an Dáil seo éigeandáil an Déardaoin seo caite. Tá mo cheist ag díriú isteach ar na bearta práinneacha atá ag teastáil go háirithe ó thaobh cathair na Gaillimhe de. Ireland became only the second country in the world to declare a climate and biodiversity emergency last Thursday. That declaration was made on foot of amendments tabled by all Opposition parties in the Dáil further to the publication of the report from the Joint Committee on Climate Action. That committee was set up on foot of a recommendation contained in the Citizens' Assembly report which outlined other urgent recommendations on how the State can make Ireland a leader in tackling climate change. It has taken the visual imagery, however, of children protesting on our streets and streets throughout the world

to force the Dáil to take action, along with the numerous reports, both national and international, from UN bodies, the Environmental Protection Agency, EPA, and the Climate Advisory Council. These all clearly show that our trajectory of development is not just unsustainable, but catastrophic.

Last week the UN-commissioned report was published, and it highlighted in the most acute way the gravity of the biodiversity crisis. A few months before that we had the intergovernmental climate report, which cautioned that we had a window of 12 years in which to take action, without which there will be drought, floods, extreme heat and poverty for hundreds of millions of people. We are talking about the most innocent people, who made very little contribution to climate change. While we have taken the first step, which is to be welcomed, it has to have meaning. I have some difficulty with the cognitive dissonance - the Taoiseach is familiar with the concept - that the Government displays. On the very day we declared an emergency, that morning Ireland was conspicuously absent from a list of EU states demanding that 25% of the budget be set aside for climate change. It was conspicuously absent from the list of countries demanding more action on climate change. Indeed, our advisory council has told us that we will miss our targets in 2020 and 2030.

In that context, following on from a specific recommendation on page 97 of the report published last week, I am asking the Government to choose Galway and its regional hinterlands as a blueprint for other cities in relation to the roll-out of climate mitigation measures. As the Taoiseach knows, is cathair álainn dhátheangach ar thairseach na Gaeltachta is mó sa tír í an Ghaillimh. It is a city that is destined for 50% growth. It has been picked out in the national planning framework as one of the five cities. However, in contrast to the other four cities, it has a major traffic problem and a housing crisis. The traffic crisis is actually strangling development in the city. I have asked, and am asking again, that a city be picked. The report asks for the same. I ask the Taoiseach to please pick Galway. It has 80,000 people, and is destined to grow by another 50%. Let us roll out a masterplan that is sustainable and allows for the development within the footprint of the city. In particular, we should carry out a feasibility study for light rail.

The Taoiseach: I welcome the fact Dáil Éireann last week declared a climate action and biodiversity emergency in Ireland. I am also conscious of the fact that declaring an emergency for any other reason than a security reason does not give us any additional powers, tools or resources with which to deal with this problem. It is largely symbolic. It is a gesture, but symbols and gestures matter. We have to take it in that way and follow up on that declaration-----

Deputy Eamon Ryan: It is a security issue.

The Taoiseach: -----through action, which is what is most important in this regard. We are taking measures in the areas of energy, transport, agriculture and heating. Taking energy as an example, we want to increase the amount of renewable energy we produce in Ireland from 30% to 70%. According to the European Commission our CO2 levels went down by almost 7% last year; we were in the top three countries in terms of CO2 emissions falling. That was almost entirely down to the fact that Moneypoint was offline for a period. It shows what can be done. We can get coal out of the system and expand renewables. That is what we need to do with energy.

On transport in particular, we need to expand our electric vehicle network and move more delivery vans and delivery vehicles to the electric system. We are asking the ESB and its balance sheet to do an awful lot. We are asking this State company to deliver much of what we

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need to do with renewables and almost all of what we need to do with electrical vehicle charging points. Asking one company with a limited balance sheet to do another large project must be borne in mind if people really want to pursue that alternative.

In agriculture, we want to focus on a new Common Agricultural Policy, CAP, which encourages diversification and rewards farmers for engaging in sustainable and green food production. This will be a significant change but one which is necessary if we are going to do what we want to do concerning climate action in the period ahead.

I have not seen any detailed proposal on a special designation around Galway. I would welcome one from the Deputy because I have not had a chance to consider it. It is perhaps something we can work into the all-of-Government climate action plan which the Minister, Deputy Bruton, is finalising.

If we are to do what I believe is necessary to meet our obligations on climate change, as well as to engage in climate action to the extent that is necessary, it will not be about designating any one city or county. It will have to be done in every town, village, rural area and parish. Most importantly, it will be about changing the way every home and individual lives their lives.

Deputy Catherine Connolly: The report has singled out that one city should be picked. It was in that context that I raised Galway.

On security, in February, the then Governor of the Central Bank, Professor Philip Lane, warned that if the pace of transition to a low-carbon economy was too slow, a sharper adjustment would ultimately be required, posing macroeconomic and financial stability risks. We have any number of warnings.

I do not think the Taoiseach meant it but if he is telling us that the declaration of emergency last week was symbolic, then we are in serious trouble. I will go back again to the concept of cognitive dissonance. There is something seriously amiss if this is what the Taoiseach thinks this is about. A declaration of an emergency was forced upon us by any number of reports and the actions of our children whose futures we are compromising.

I specifically asked in Irish for an action plan, following on from that emergency declaration, to be brought before us as a matter of urgency. It has national implications. Within that, I asked that Galway city be picked as the project which will show the way forward, given that it has all the ingredients, as it is destined to record 50% growth within the footprint of the city which will feed public transport. My preference for Galway is light rail. At the very least, the Government should carry out a feasibility study if a climate change declaration of emergency is to mean anything.

The Taoiseach: I respect the Deputy a lot and I am sure she would not wish to misrepresent me in any way. However, I will say again what I said but this time in a way that is clearer. I welcome last week's declaration of a climate emergency by the Dáil. It is symbolic in the sense that it does not in itself do anything to reduce emissions and does not give us any tools, powers or resources to achieve what needs to be done when it comes to climate action. However, symbols are important. It is important we follow up on those symbols with real action. That is what we will see in the Minister's all-of-Government climate action plan when it is published.

Up to €200 million has been set aside for BusConnects for Galway city which will significantly improve bus services there, as well as cycling facilities. Several greenways are being

developed such as those in Moycullen and Oranmore.

The case for light rail is stronger in Cork than it is in Galway but I certainly would not rule it out. We know one needs a certain population density for light rail to be viable. It may be worthy of consideration in the future, however.

An tOrd Gnó - Order of Business

Deputy Brendan Ryan: The business this week shall be No. 13, motion re Sectoral Employment Order (Construction), referral to committee; No. 1, Parental Leave (Amendment) Bill 2017, amendments from the Seanad; and No. 9, Gender Pay Gap Information Bill 2019, Order for Second Stage and Second Stage.

In relation to today's business, it is proposed that No. 13, motion re Sectoral Employment Order (Construction), referral to committee, shall be taken without debate and any division demanded thereon shall be taken immediately; and No. 57, Thirty-fifth Amendment of the Constitution (Right to a Home) Bill 2016 - Second Stage, shall conclude within two hours.

In relation to Thursday's business, it is proposed that No. 14, motion re Sectoral Employment Order (Construction), back from committee, shall be taken without debate; and No. 16, motion re Service by the Defence Forces with the United Nations in 2017 and 2018 annual report, back from committee, shall commence after Questions on Promised Legislation, and conclude within 45 minutes and shall be followed immediately by the weekly divisions. Speeches shall be confined to a single round for a Minister or Minister of State and the main spokespersons for parties and groups, or a Member nominated in their stead, for a period not exceeding five minutes each, with a five minute response from a Minister or Minister of State and all Members may share time.

An Ceann Comhairle: Is the proposal for dealing with today's business agreed to? Agreed. Is the proposal for dealing with Thursday's business agreed to? Agreed.

Deputy Micheál Martin: On several occasions, I have raised with the Taoiseach and the former and current Ministers for Education and Skills, Deputies Bruton and McHugh, the European Court of Human Rights, ECHR, judgment in the Louise O'Keeffe case and its aftermath and the degree to which victims have been shamefully, cynically and cruelly treated by the Government in recent years. The ultimate cruelty is to announce a redress scheme knowing that in effect the victims will never pass the test of prior complaint. That is the cruellest thing to do to any victim of sexual abuse and someone who has been through that trauma. Essentially, that is what has happened despite it having been pointed out to the Taoiseach and to the Minister time and again.

When will Mr. Justice Iarfhlaith O'Neill's report be published and sent to the Minister? When will the issue of prior complaint be removed once and for all? It is an appalling insult to suggest that the only way a person is worthy of inclusion in a redress scheme is for someone who had been abused previously to have reported it to the authorities. It is reprehensible.

The Taoiseach: There is no worse crime than one against a child and there is no worse form of crime or a crime that is more unspeakable than child abuse. On this particular issue

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Mr. Justice Iarfhlaith O'Neill is examining about 20 cases and the wider issue as to whether the interpretation of the Louise O'Keeffe judgment is too narrow. I do not have a date yet for that but I have requested one. I understand there may be a separate judicial review which may hold up Mr. Justice O'Neill's work. I appreciate what the Deputy is saying. A scheme in which all applicants are rejected is one which is not working. We need to review that and Mr. Justice O'Neill is reviewing the issues for us. Fundamentally what is behind this is whether the State could have acted in some way and did not do so. I do not have the term which is used to hand but it is on the basis of a failure to act when it could have done so.

Deputy Micheál Martin: The ECHR judgment was on the basis of a systemic failure by the State.

The Taoiseach: We will review the judgment.

Deputy Mary Lou McDonald: Yesterday the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, in response to the publication of the latest quarterly report from *daft.ie* said that rents are rising at a slow rate. Meanwhile in the real world, average rents are in excess of €1,300 across the State, an increase of 8% on the same time last year, and average rents stand in Dublin at over €2,000, a situation that is scandalous. Ten counties in the latest Daft report showed double-digit rent increases, including Waterford, a rise of 16%, and Galway, an incredible rise of almost 17%. All counties bar Dublin saw rent inflation of at least double the rent pressure zone cap, while Dublin rents rose by 7%. The Minister is at best being disingenuous but in reality is being deliberately misleading.

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

Deputy Mary Lou McDonald: In fact, the rent pressure zone legislation is doing nothing for renters - that is the fact - who are facing rents of between €1,300 and €2,200 on new homes.

An Ceann Comhairle: The time is up.

Deputy Mary Lou McDonald: It is clear that we need new measures that will work. What we need immediately is a rent freeze. I am asking if the Taoiseach will finally accept that his plans have failed and act definitively to protect renters.

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I thank the Deputy for the question. I am afraid it is Sinn Féin which is misleading the public on this issue. We know rents are unacceptably high. That is why last week we prioritised in this House legislation that will extend rent pressure zones and rent caps in time but also in geography, that will take away important loopholes that people were abusing, and will for the first time bring in large institutional landlords under rent pressure zones where they were not beforehand.

It is disingenuous of the Deputy to state that rent pressure zones are not working and at the same time support me in extending and improving them. While the Deputy thinks it might be easy to call for a rent freeze, we know from other jurisdictions that while a rent freeze will freeze rents, it will also freeze supply. We have a supply problem in the rent sector, and that is what we are working to address through Rebuilding Ireland. As we fix that supply problem, we are bringing in all these important measures to protect tenants who cannot meet the rents today.

Deputy Mary Lou McDonald: The Minister is not protecting them.

Deputy Eoghan Murphy: That is what we are doing. We will finish that work in the House

this week.

Deputy Brendan Howlin: In the spirit of new politics and harmonious relations between Government and Opposition, I acknowledge that the Government will progress the Harassment, Harmful Communications and Related Offences Bill 2017 that passed Second Stage here in January 2018. I also welcome the fact that the Cabinet has now approved a number of amendments to that Bill and will present them to the House. I am sure that, like myself, Deputies will have received many queries from concerned parents and young people about the urgency of getting this legislation passed. When will the Bill proceed into Committee and would the Taoiseach share my ambition of seeing this Bill enacted by the summer?

The Taoiseach: We do not have a day yet but we are keen to work with the Deputy and get this legislation passed. We should set the objective to have it enacted before the summer recess and if we can work together on it, we would be happy to see that done.

On a separate vein, I was able to sign the money message for the Parental Leave (Amendment) Bill 2017 yesterday. I recognise the role of Deputies Shortall and Catherine Murphy of the Social Democrats in that. We also agreed to grant a money message today for a Seanad Private Members' Bill in relation to people who have gone missing for seven or eight years for whom there is trouble getting a death certificate. These are three examples of Opposition legislation that we are keen to progress. There are others too.

Deputy Richard Boyd Barrett: The school student climate strikers have chosen 24 May, the same day as the European and local elections, for their next major mobilisation to demand emergency action on climate change. While they are delighted that a climate emergency has been declared, they want to see the action follow the symbolism. The need to do so has been further underlined today by the Mauna Loa observatory in Hawaii showing that CO₂ levels in the atmosphere have reached all time highs. There is now more CO₂ in the atmosphere than there has been for 3 million years and at any time in which human life has existed on the planet. We are way beyond emergency levels.

I suggest to the Taoiseach that before 24 May the students would welcome a signal from the Government that it takes this emergency and such shocking news seriously. In that context, I suggest the Taoiseach signal before then that he will drop his opposition to the Petroleum and Other Minerals Development (Amendment) (Climate Emergency Measures) Bill 2018 which seeks to keep fossil fuels in the ground. The Taoiseach should not say that will not make any difference because we are merely one small country.

An Ceann Comhairle: All right. We are way over time.

Deputy Richard Boyd Barrett: This is a global issue. Ms Greta Thunberg's first response to the climate emergency declaration here was that she concurred but that we have got to keep fossil fuels in the ground. Will the Taoiseach agree to that?

The Taoiseach: We have already passed legislation on fracking, for example, and keeping the gas that may be underneath the land of Ireland in the ground. We take a separate and a different view when it comes to offshore natural gas because we appreciate that natural gas is a transition fuel. While we can go from 30% renewables to 70% renewables, and we will do that by 2030, we will still need natural gas under certain circumstances, for example, when the wind is not blowing fast enough, when the sun is not shining bright enough and when batteries do not provide adequate storage. Everyone appreciates that we will still need to use natural gas to

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a certain extent for the foreseeable future. The question is, if we have our own, do we use our own or do we import it instead from the United States, the Middle East, Qatar and other parts of the world and then take the environmental risk that arises from transporting it? On balance we believe it makes more sense if we have natural gas, recognising that it is a transition fuel, that we should use our own.

Deputy Michael Healy-Rae: Going back to the programme for Government, I would like to thank the Minister, Deputy Josepha Madigan, for her interest and the work that she and her officials have done with regard to Moanveanlagh Bog in north Kerry. A couple of weeks ago an official in her Department asked for information which he was duly given and which has not been acted upon yet. It relates to a specific landowner who is very co-operative in wanting turf cut in that particular section of bog. There is a right of way issue and all the information has been given to the Department. All we want is for the officials in Minister's Department to continue the good work they have been doing. I am not being critical of them but I am trying to give them one final push because the weather is very good and whether one knows it or not, it is ideal weather for saving turf.

An Ceann Comhairle: Does the Deputy expect the Minister to go down and foot the turf herself?

Deputy Michael Healy-Rae: No, not right now but her officials can help us in getting the men ready to start work on the turf. All I need is for the officials in her Department to take the information that we and the locals have given them, use it and put in place the measures needed to allow us to get on with the work. I am pleading with the Minister on the record of the Dáil. She was very co-operative until a couple of months ago. I know she has a lot on her plate but given that the sun is shining, I am asking her to approach this in a workperson-like way and to allow us to do the work we want to do and get the turf cut again in Moanveanlagh Bog in Kerry, because it should never have been stopped in the first place.

Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan): The Deputy is aware of the difficulties and challenges facing this particular part of Kerry in respect of turf cutting. I will take the Deputy's concerns back to the Department and, in particular, to Niall Ó Donnchú whose is dealing with this matter on the Deputy's behalf. I am sure we can find a way to move forward.

Deputy Catherine Murphy: I raise an issue in respect of the local government funding baseline review commenced last year. My understanding is this review has reported but the report has not been published. Will the Taoiseach confirm if this report has been received and say when it will be published? Areas have been frozen in time for the last 20 years in respect of population. No account whatsoever has been taken of increased population over the last 20 years in terms of the funding of local authorities. It is urgent that this report is published and that we the make a change to that. Essentially, parts of the country are trying to function with their hands tied behind their backs.

Deputy Eoghan Murphy: I am aware of the difficulties some local authorities are facing because they are tied to the last baseline which was set in 2014 and when we introduced the local property tax, LPT. The Minister of State, Deputy Phelan, has led a review of funding allocations to local authorities which is almost complete. The heavy and substantial work has been done but it is linked into the work we need to do on the local property tax itself. The two are not independent of each other. When we arrive at finalisation of that piece, we can then finalise

the allocation of funding to each local authority that would make up their baseline, which can be added to through the LPT.

Deputy Eamon Ryan: I do not know if the Taoiseach's party or other parties have had a similar experience to my party in regard to online advertising for the European Parliament and local election campaigns. It has been chaotic. The authorisation, approval and oversight process is far from satisfactory.

I looked at www.facebook.com/ads/library, where one is supposed to be able to get a sense of how much different parties are spending. The Taoiseach's party has apparently spent under €10,000 so far in this campaign but to be honest, it is as clear as mud as to what is happening with online advertising. We should not rely on Facebook to regulate our online advertising, which is central to our democratic institutions. How many elections will be allowed to pass before we put in place regulations for full transparency for all online advertising ourselves? When will that change? The current system is chaotic. It is not transparent and it is not democratic so it needs to change. When does the Government intend to introduce such regulations or could we, as a House, organise that collectively?

Deputy Eoghan Murphy: I thank the Deputy for the question. He had a specific point around advertising and a group being led by the Department of the Taoiseach has been working with my Department, the Department of Communications, Climate Action and Environment and others to see how we might address this area as we also address offline advertising. The more important piece of work is the establishment of an electoral commission. Public consultation was conducted earlier this year and it has concluded. A report is being finalised and will come to me with recommendations on the establishment of a statutory electoral commission and the different functions and powers of that commission.

Deputy Eamon Ryan: Will we have it in time for the next general election?

Deputy Pat The Cope Gallagher: I have a question for the Taoiseach in his capacity as Minister for Defence. I corresponded with the Taoiseach's office on Easter Tuesday regarding wildfires in west Donegal over Easter, specifically on Good Friday and Easter Monday. I received a response to that correspondence. Homes and outhouses were burned and thousands of acres of land were destroyed. I also wrote to the Minister of State with responsibility for Defence. Have the Taoiseach and the Minister of State reviewed the matter of the delay of seven hours in mobilising a helicopter from Baldonnell to west Donegal? The local authority made an emergency request for it at 9.30 a.m. and I made one at 10.30 a.m. directly to the Minister of State. At 1.30 p.m., I understood the aircraft was not coming but shortly afterwards we were told it would come. It arrived at 5 p.m. I give full credit to the crew that arrived at Carrickfinn Airport and saved the village of Kincasslagh. Prior to its efforts, the efforts against the fires were led by the Donegal firefighters, the Civil Defence, gardaí and a private helicopter that the council had arranged from early in the morning. Thousands of volunteers put their lives at risk to ensure that the fire could be contained on the day. All the fire services and other bodies played a major role in containing the fire.

The Taoiseach must establish why it took seven hours for the helicopter to arrive, although the crew did an exceptional job when it arrived and should be given full marks. Let us learn from the incident. What protocols are in place and has the Taoiseach requested a full written review of the circumstances of that day?

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The Taoiseach: I have requested a report on that through the office of the Minister of State, Deputy Paul Kehoe. I received it the other day and I would be happy to share it with the Deputy if it has been cleared. I recognise the efforts of the local community in Donegal, the local authority and the fire services, as they did phenomenal work to ensure the fires did not spread and more damage was not done. With regard to the response to fires, the Air Corps is not a standby service and those crews are not waiting for a call-out in the way the fire brigade does. If these crews get a request for backup - and it is backup - the Air Corps would have to assemble equipment and crews, which will always take some hours. There is also flying time to consider.

Deputy Gerry Adams: In the programme for Government, there is a commitment to providing and prioritising protection from and a reduction in crime by giving proper investment to An Garda Síochána. Last week, I attended a public meeting of a Louth policing committee to discuss threats against a local family. I commend that family on the courage it demonstrated in standing up to the thugs who have already attacked the family home. Chief Superintendent Christy Mangan told us Louth does not have enough gardaí. He said he did not have enough gardaí recently to secure a crime scene. He also stated that he is unable to open some stations, such as Ardee, as often as he would like. He further stated - I know this and have raised the matter many times here - that there are not enough resources for drug addiction services, including mental health services, in the area. He then stated - and I wrote this down - that if we do not tackle this, we will lose a generation of our young people. Negotiations on the next budget will commence shortly. Will the Taoiseach commit to providing a significant increase in Garda funding in the next financial year? Will he ensure that the State stands shoulder to shoulder with citizens such as those in Louth who are making a stand for themselves and for the rest of us?

The Taoiseach: I understand that an additional 20 or 23 gardaí are being assigned to Drogheda and County Louth as a result of the crimes that have been committed there recently. I very much welcome this, and I know that Deputy Adams will too. Deputy O'Dowd has been very active on this issue as well. The way in which gardaí are deployed is very much a matter for the Garda Commissioner, as should be the case. The Government's job is to provide additional resources for the Garda: first, to run the economy in such a way that produces additional resources; and, second, to ensure that some of those resources are assigned to security and the Garda. We are recruiting all the time. An additional 600 gardaí will be recruited this year. The Garda budget of €1.5 billion for 2019 is the highest ever. However, there will always be a need for additional resources. Such resources will be provided in the next budget but to the extent that we can afford.

Deputy Marc MacSharry: Is the Taoiseach aware of a crisis in the provision of home care packages throughout the various community healthcare organisations, CHOs? It seems that industrial relations commitments, including the provision of expenses for travel, have hoovered up most of the additional funding allocated by the HSE to CHOs. Many CHO areas are now in a position whereby they must cease issuing home care packages for several months. I am informed that there are waiting lists of 300 people in some areas. This is obviously causing serious distress to the system, where acute beds are being taken up, and among families and patients. To give just one very good example, a 92 year old gentleman in Sligo University Hospital was admitted for just seven days, and some 70 days later, having been approved for home help, he was not in a position to be discharged because the home help was not available due to pressure on budgets. Will the Taoiseach instruct the HSE to provide additional resources to each CHO area to ensure that they have adequate money to issue home care packages or, if necessary, produce an appropriate supplementary budget specifically to deal with this matter?

An Ceann Comhairle: I call Deputies Scanlon and Martin Kenny on the same matter. I expect it will be a raised as a Topical Issue matter.

Deputy Eamon Scanlon: Yes, I hope to raise it later as a Topical Issue matter. I do not know what the situation is in other areas, but in the CHO 1 area there are terminally ill people on a waiting list for home help to allow them to return home. Deputy McLoughlin is aware of this as well. It is very serious issue. I ask that the decent thing be done. The Government should inform the people that there is no home help and that there will not be any or else it should put some structure in place regarding these necessary cases of very sick people in order that will be home help for them. The Government should at least put funding in place such that those to whom I refer can be assisted in remaining at home, which is where they need and want to be.

Deputy Martin Kenny: This is turning into a situation in which very many elderly and sick people feel they have been abandoned by Government, that they have paid taxes all their lives and that in their hour of need when they require a little help, it is not there. As everyone in this House knows and as the general public is aware, any cost-benefit analysis will indicate that home help services and home care packages represent probably the best value for money of all Government spending because they keep people out of hospitals. They are the stitch in time that saves nine, yet we continually come in here and raise this issue to no avail. Since my election to this House, I and many other Deputies have pleaded with Government to provide more money for home help services and home care packages. We continually get the same result. When we go back and talk to our constituents about this, they inform us that their district nurses have stated, "Sorry, there is no money available. You will have to wait."

An Ceann Comhairle: I thank the Deputy. He has made his point.

Deputy Martin Kenny: Then they must pay for the service themselves. Even if they are prepared to do so, the service is not available. The Taoiseach really needs to intervene.

Deputy Tony McLoughlin: I support Deputy MacSharry. In the past two weeks, Dr. Donal Murray, a consultant cardiologist, highlighted the case of one of his patients in Sligo University Hospital to Oireachtas Members. I support what my three colleagues have said regarding a person having to spend an additional 70 days in Sligo University Hospital when he or she could have been at home if the appropriate services were in place.

The Taoiseach: I thank the Deputies for raising this issue. Additional funding was provided in the budget this year for home help and home care packages. I am afraid I do not have details on how it is being distributed around the country or on individual cases. I understand, however, that there will be a Topical Issue debate on this issue later today. I imagine the Minister for Health or a Minister of State in his Department will be present and may be able to give Deputies a more detailed answer.

Deputy Jackie Cahill: Councillors met in Waterford on Friday and voted on Project Ireland 2040, the national planning framework. One of the key points in that plan is the rejuvenation of town centres. An Post took a decision in recent weeks to move the post office in the centre of Thurles to a location in a shopping centre 700 m away. We heard today of a town in Laois where the company has made a similar decision. Is the Government going to stand idly by and allow a State agency to make decisions that fly in the face of its national planning framework? Will this be allowed to continue?

The Taoiseach: What was the question again?

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An Ceann Comhairle: The question concerned moving a post office service from one location to another.

The Taoiseach: I am sorry but the Government does not have any role in where post offices are located in a particular town.

Deputy Jackie Cahill: Does the national framework plan not have a role to play?

The Taoiseach: When it comes to where post offices are located I am afraid it does not.

Deputy Eugene Murphy: I have raised on many occasions decisions by the Health Service Executive, HSE, to close down centres which are looking after vulnerable people. I have made particular and frequent reference to the Rosalie centre in Castlerea, County Roscommon. The centre was catering for 30 people but the HSE has slowly but surely whittled down that number to about ten. It has now decided to close the unit. I have posed this question to the Taoiseach on many occasions but these are vulnerable people. I would like to think that the Taoiseach, as leader of the country, would be a voice for those people. Will he intervene and ask the HSE not to do this to people who have lived most of their lives in these centres and know the people who look after them well? This is causing distress to patients and their families. One person, who is a ward of court, was taken out of the unit and placed in a private nursing home before Easter. The HSE will tell us that it is the expert in this area. Some of the people concerned have asked not to be moved. They made that request to me last year. It strikes a chord with me and is very upsetting. Is the Taoiseach prepared to tell the HSE to stall this process until a better way is found?

Minister of State at the Department of Health (Deputy Catherine Byrne): This issue has been raised a number of times in Topical Issue debates that I have taken on behalf of the Minister for Health, Deputy Harris. I have spoken to the Minister on the matter and there seems to be a lack of communication regarding how this process has developed. I have discussed the concerns raised with the Minister and I understand the patients and their families have been informed that the reason for the transition is to provide better care and improved safety for patients. I will raise the issue again with the Minister when I meet him this afternoon.

Deputy Eugene Murphy: The Taoiseach gave a commitment that he would not allow this to happen when he was the Minister for Health. I am not being smart in stating that.

An Ceann Comhairle: I assume the Minister for Health will be asked to communicate with the Deputy. Is that possible?

Deputy Catherine Byrne: Yes, I will ask the Minister to do that.

Deputy Bernard J. Durkan: Considerable concern has been expressed in recent weeks regarding insurance cover for many sensitive institutions and organisations all over the country, including some that cater for children with special needs. Given the urgency and seriousness of the matter, will some intervention be made with the insurance companies to ensure that a catastrophe does not occur as a result of the quadrupling and more of premiums in some cases?

An Ceann Comhairle: For reasons of time, I ask Deputy Michael Moynihan to pose his question now.

Deputy Michael Moynihan: Irish Community Rapid Response has located an air ambulance service in Rathcoole, which is near Millstreet in County Cork. All the appropriate statu-

tory regulations have been complied and a service level agreement has been entered into with the HSE and Department of Health. However, the documentation is still on the desk of the Minister for Health and this is causing a delay in the commencement of operations. This service will be crucial for the south of the country. Does the Taoiseach know why the Minister has not signed off on approval for the service? Does the Minister or the Government plan to sign off on the project shortly?

An Ceann Comhairle: I call the Taoiseach to respond to the two matters raised.

The Taoiseach: On Deputy Michael Moynihan's question, I am aware that the new air ambulance service for the south of the country is awaiting approval but I am not sure of the details as to why the Minister for Health is unable to approve it at this stage. I will certainly let him know that the Deputy has raised the matter and ask him to communicate with the Deputy directly. We are all keen to see that service up and running as we would then have two services up and running, one for the northern part of the country and the other for the southern part. It is important to get this service right, and I know the Deputy is also keen for that to be the case as well.

On insurance, the Minister of State, Deputy D'Arcy, is working very hard on this issue. We are aware of the cost of insurance and how it is impacting on people and businesses, particularly in respect of public liability. We have enacted three items of legislation in the past year to bring about changes and improvements in respect of insurance but it may be a while before we see those efforts translate into lower premiums. The next step is the Judicial Council Bill 2017, which is currently before the Oireachtas.

Domestic Violence (No-contact order) (Amendment) Bill 2019: First Stage

Deputy Ruth Coppinger: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Domestic Violence Act 2018 to provide for no-contact orders.

I seek leave to introduce new legislation entitled the Domestic Violence (No-contact order) (Amendment) Bill 2019. We are seeking to introduce a new type of order that anybody can apply for, whether that is a victim of ongoing domestic violence or perhaps somebody who has just started to experience harassment and would, therefore, be excluded from applying for a barring or protection order. This legislation would allow an applicant to seek to have a judge award an order mandating that there be no contact whatever from a named person. These orders exist in other countries, for example, Scotland.

The purpose of the Bill is to respond to the epidemic levels of violence against women that we are experiencing. Last year, thousands of people marched last year to support #IBelieveHer or #WeStandWithHer protests in response to victim blaming in rape trials. We have also seen the "This is not consent", #MeToo and #TimesUp movements as global phenomena but we have seen very little concrete change in this Dáil in response to such demands.

The Sexual Assault and Violence in Ireland, SAVI, report was conceded on foot of protests and this is another concrete step we can take. It follows requests from women who have ex-

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perienced domestic violence. Jessica Bowes approached me about this issue in recent months. People may know that Ms Bowes spoke on “The Late Late Show” and “Prime Time” about the horrific assault she experienced. She explained that in the days leading up to the attack she had received increased contact from her ex-partner, some of which had the appearance of being of a romantic and harmless nature. She could not bring it to the Garda as evidence that the barring order was being breached. Those declarations of undying love then turned much more menacing and mutated into emotional abuse and psychological manipulation. We are speaking about someone who did have a barring order. Ms Bowes is extremely anxious that we adopt something like this legislation and she has helped me initiate this Bill.

An order of this type could also be accessed by somebody who has not gone especially far in an emotionally or physically abusive relationship. We all know that young women can experience sexual harassment and we are trying to allow people to act on early warning signs and red flags. What power are we giving people to challenge such behaviour from an early stage? People should be able to stop contact from someone who is causing upset, distress or fear. There is no entitlement, or there should not be, for someone to contact anyone one likes regardless of the impact. What we are trying to do here is prevent, not mourn, and to empower women, or a male, an LGBT person or whoever. However, we are also talking about women who have been the victims of this ongoing harassment. “No contact” orders, which are called “non-harassment orders” in Scotland, would under this Bill allow applicants to have to cite only two occasions or episodes where they have felt such harassment, alarm or distress. In other words, it would not be open to a judge to rely on his or her subjective impression. There would be a baseline in place, which is very important as we have seen sometimes a lack of education on the part of some judges. The legislation is clear and simple. It is in place in Scotland which is a similar jurisdiction and culture to ours. Such orders were introduced there some years ago and they are now used by people in relationships. We ask that the Minister adopts this proposal and agrees to amend the Domestic Violence Act himself. It would mean not having to wait for Private Members’ time but would be taken on board quickly.

This is a pernicious form of control. Don Hennessy, who has studied this area, discusses how someone in a relationship can be manipulated by phone or social media messages as well as through physical contact. This Bill is by no means going to solve the problem. We need massive resources to be provided in this area. We need to stop the cuts to the Rape Crisis Network and Women’s Aid and to introduce an RSE programme in schools in which the issues of coercive control and violence, including gender-based violence, are central and taught in all schools. We need this throughout society, including in workplaces and colleges.

An Ceann Comhairle: Is the Bill opposed?

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): No.

Question put and agreed to.

An Ceann Comhairle: Since this is a Private Members’ Bill, Second Stage must, under Standing Orders, be taken in Private Members’ time.

Deputy Ruth Coppinger: I move: “That the Bill be taken in Private Members’ time.”

Question put and agreed to.

Sectoral Employment Order: Referral to Joint Committee

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

That the proposal that Dáil Éireann approves the following Order in draft:

(i) Sectoral Employment Order (Construction Sector) 2019,

a copy of which have been laid in draft form before Dáil Éireann on 9th May, 2019, be referred to the Joint Committee on Business, Enterprise and Innovation, in accordance with Standing Order 84A(4)(k), which, not later than 16th May, 2019, shall send a message to the Dáil in the manner prescribed in Standing Order 90, and Standing Order 89(2) shall accordingly apply.

Question put and agreed to.

Ceisteanna - Questions

European Council Meetings

1. **Deputy Mary Lou McDonald** asked the Taoiseach when Cabinet committee C, European Union, including Brexit, last met; and when it is scheduled to meet again. [15017/19]

2. **Deputy Brendan Howlin** asked the Taoiseach when Cabinet committee C, European Union, including Brexit, last met. [16384/19]

3. **Deputy Micheál Martin** asked the Taoiseach if he will report on the EU Council meeting held on 10 April 2019; the issues that were discussed; and if he had bilaterals before or after same. [16667/19]

4. **Deputy Eamon Ryan** asked the Taoiseach if he will report on his recent meeting with EU leaders. [17623/19]

5. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his attendance at the European Council on 10 April 2019. [17715/19]

6. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his recent telephone conversations with EU Heads of Government as indicated in his statement in advance of the special European Council of 9 April 2019. [17716/19]

7. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on the EU Council meeting of 10 April 2019. [17788/19]

8. **Deputy Micheál Martin** asked the Taoiseach if he had bilateral meetings at the EU Council meeting on 10 April 2019; and the issues that were discussed. [17816/19]

9. **Deputy Micheál Martin** asked the Taoiseach if he spoke with or met with President Macron at the April 2019 EU Council meeting. [17820/19]

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10. **Deputy Seán Haughey** asked the Taoiseach if he will report on his attendance at the European Council meeting held in Brussels on 10 April 2019. [18735/19]

11. **Deputy Joan Burton** asked the Taoiseach when Cabinet committee C, European Union, including Brexit, last met; and when it is scheduled to meet again. [20535/19]

The Taoiseach: I propose to take Questions Nos. 1 to 11, inclusive, together.

I attended a special meeting of the European Council in Article 50 format in Brussels on 10 April. At the request of the UK Government and in light of the fact that the UK had not ratified the withdrawal agreement, we agreed to a further extension of Article 50, to last only as long as necessary and no longer than 31 October 2019. If the withdrawal agreement is ratified by both parties before that date, the UK will leave on the first day of the following month. In agreeing this extension, the European Council reiterated that the withdrawal agreement, including the backstop, cannot be renegotiated and that any unilateral commitments made by the UK must be compatible with its letter and spirit. Prime Minister May has acknowledged this fully. We made it clear that the period of extension cannot be used to start negotiations on the future relationship between the EU and the UK. However, we said also that if the UK's position evolves, we are prepared to reconsider the political declaration on the future relationship. As it is still a member state, the UK has committed to participating in the European Parliament elections later this month. If it fails to live up to this obligation, withdrawal will take place on 1 June. The UK has also committed to act in a responsible and constructive way during the extension period. This is important in order to safeguard the effective functioning of the EU. Given the ongoing uncertainty, a no-deal outcome is still a possibility and the Government therefore is continuing to prepare for all outcomes.

While I did not have any formal bilateral meetings on 10 April, I had extensive engagement with several of my EU counterparts, including at a meeting of the European People's Party leaders. In addition, I attended a meeting hosted by Prime Minister Michel of Belgium, which included President Macron of France and the Prime Ministers of Sweden, Denmark and the Netherlands as neighbouring states of the United Kingdom. I also took the opportunity to speak with colleagues on the margins of the European Council meeting itself. I had formal bilateral meetings with President Macron, Chancellor Merkel and Michel Barnier on 2, 4 and 8 April, respectively. I also spoke by phone with the Prime Ministers of the Netherlands, Luxembourg and Malta in the days before the European Council. I thanked all my colleagues for their support and for the support they have shown to Ireland throughout the course of Brexit. I spoke with Prime Minister May by phone on Monday, 8 April before the summit. Most recently, I met the Prime Minister at the funeral of Lyra McKee on 24 April. We will meet tomorrow again in Paris. I had a bilateral meeting with Prime Minister Rutte in the Hague on 8 May, at which we discussed bilateral relations between Ireland and the Netherlands and the Union's future agenda. I also attended an informal meeting of EU Heads of State and Government in Sibiu, Romania, on 9 May where I had further engagement with my EU counterparts. Prime Minister May was not present at that meeting.

Cabinet committee C, which covers EU and international issues, including Brexit, met last on 21 June 2018 and its next meeting has not yet been scheduled. Given the significance of Brexit for the country, it is discussed regularly at full Cabinet level rather than at Cabinet committee level. That included discussions on Brexit today.

An Ceann Comhairle: There are a lot of questions taken together so I ask people to stick

to the allocated time.

Deputy Mary Lou McDonald: As the Taoiseach said, a no-deal outcome remains a real and most undesirable possibility in the Brexit scenario. This is causing huge difficulties across Irish society, North and South. Damage is already accruing to many industrial and economic sectors, not least agriculture and farming. Also, the population has been unnerved by the lack of clarity around whether a deal will in fact be landed across the water on the island of Britain. Particular sensitivities exist in the North around the rights of citizens in all Brexit scenarios but in particular in the case of a disorderly, no-deal Brexit. I ask the Taoiseach to comment on the De Souza case which cuts to the chase in respect of citizenship rights and the recognition of Irish nationality. The Taoiseach is familiar with the case. Can he confirm whether it has been the subject of discussions between the Irish State and Britain and what remedy he has secured for Irish citizens living in the North?

On a separate issue, I register the dismay felt by many people right across Irish society at the decision of RTÉ to participate in the Eurovision song contest in Israel. It is a reprehensible decision and a wrong one given the record of Israel and the ongoing brutalisation of the Palestinian people.

An Ceann Comhairle: I thank the Deputy.

Deputy Mary Lou McDonald: It is not a decision which the majority of Irish people support. I resent deeply the spending of even 1 cent of the taxes I pay to facilitate participation in what should be a celebratory event but which is now deeply unacceptable for being held in Israel.

An Ceann Comhairle: The Deputy is way over time.

Deputy Mary Lou McDonald: If the Taoiseach has a view on that matter, he might share it with us.

Deputy Brendan Howlin: Yesterday, the Tánaiste implied that a change of British Prime Minister would not end the Brexit deadlock. He said this is not about personalities, but about facts and the complexities of Brexit. Unfortunately, we have seen the complete disregard for facts by some of the key figures throughout the Brexit saga and indeed from the initial referendum. Events are now moving at a fast and unpredictable pace, not to find a solution to Brexit issues but in terms of the political realities of Westminster. We have no idea what Prime Minister will be in office when we approach the new Brexit deadline to which the Taoiseach referred. For instance, we know the newly formed Brexit party, led by Nigel Farage, who has described the withdrawal agreement negotiated and endorsed by this House, as a surrender document, is leading the European election polls in Britain. I watched “Newsnight” on BBC last night. I saw a Tory backbencher call for a formal alliance between the Tory Party and the Brexit Party to form a Government in Britain and I saw a British Labour Party member describe the current British Parliament as being like the end of days where everybody is sitting around and nobody knows what is happening or how matters are progressing. In that context, I will ask the Taoiseach a difficult question. What is his assessment of how this additional period between now and October is being used? The fear is that it is simply an endless recycling of the same issues to no avail or purpose and that the chances are that by the end of October we will be in the same set of circumstances in which would find ourselves at the previous deadline.

Deputy Micheál Martin: With the stalemate in Britain and the likely radicalisation of the

situation after the European elections, no one really has an idea where matters are going to go from here. That issue of the radicalisation of the political situation post the European elections is significant in that, on the one hand, it could potentially radicalise and harden people's attitudes, perhaps making no deal more possible, and, on the other hand, it is entirely possible that the withdrawal agreement could be ratified because that would require only a very few MPs to change their minds. If the agreement were to be accepted, we would immediately enter a period of negotiations. Can the Taoiseach explain how these negotiations are to be handled? What preparations are under way for our technical submissions, for example? It has been established that the European Union side is legally obliged to act in good faith in these negotiations, which requires making proposals about future relations, particularly the operation of trade and regulation on this island. If the withdrawal treaty is accepted, the next phase of negotiations would be different from the discussions that took place over the past two and a half years. How will those discussions be handled?

At last week's informal summit, there was a discussion about choosing the new heads of the European Council, the Commission and the European Central Bank. To date, the only comment the Taoiseach has made on this is to back the European People's Party, EPP, candidate for President of the Commission. Given the importance of these positions, can the Taoiseach outline what he stated on Ireland's behalf as opposed to on behalf of Fine Gael? What was Ireland's position at the summit? Fianna Fáil's position is that the priorities of the new presidents are more important than where they come from. Can the Taoiseach assure us that under no circumstances will Ireland support the replacement of Mario Draghi with someone who will try to reverse the latter's highly successful policies, which saved Europe from deflation and prevented the break up of the euro. This is a crucial appointment for Ireland and it is important that we have a clear policy framework for appointing and supporting Mario Draghi's successor.

Deputy Richard Boyd Barrett: I also want to ask about Ireland and RTÉ's participation in the Eurovision Song Contest, particularly in light of the horrific treatment by Israel of the Palestinians, the fact of an apartheid state in Israel and the systematic, regular and relentless flouting of international law and the human rights and civil rights of the Palestinians by Israel. I put it to the Taoiseach in simple terms - were people right to boycott apartheid South Africa? Most people around the world think we were. They are of the view that the boycott had a significant impact on bringing down apartheid in South Africa and Nelson Mandela testified to that. Can the Taoiseach provide any reason for the arguments which justified the boycott against apartheid South Africa not applying to Israel? To my mind, they do in spades? To a major extent, what Israel is doing to the Palestinians is even worse than what was done to black people in South Africa. Is the call for a boycott, sanctions and divestment and also the boycott of the Eurovision Song Contest in Israel not justified?

If we are to deal with the rise of the far right, we first need to understand that what is happening is not a peculiarly British phenomenon. It is happening all across Europe and we need to pull the rug from under these people. The way to do so is to deal with issues such as deprivation, alienation from the political system, homelessness and so on. All of these things are on the increase right across the Continent. At the informal meeting where the strategic goals for the European Union were being set out, was there any acknowledgement that there is a real problem with poverty, deprivation and homelessness, not just in this country but right across Europe, and that unless we address those issues as a matter of urgency, the growth of the far right will continue?

Deputy Seán Haughey: As the Taoiseach knows, there have been a number of develop-

ments since the European Council meeting last month. We have had the signing of the memorandum of understanding on the common travel area by the Irish and British Governments. As he also knows, this affirms the commitment of both Governments to maintaining the rights, reciprocal arrangements and social benefits associated with the common travel area. However, it is not a legal document and it could be changed in the future. Has the Government given any consideration to making the common travel area an internationally-binding treaty? I throw that out there because of the uncertainty in British politics and in all aspects of Brexit.

Last month, we debated the national statement on the future of Europe. This informed the debate at the European Council meeting in Sibiu on 9 May and I understand that a strategic agenda will then be agreed at the June meeting of the European Council. Nine member states put forward proposals regarding action on climate change in advance of the meeting but Ireland did not feel that it was in a position to sign the letter containing them. Why was that and what is the Taoiseach's commitment to climate change in the context of the meeting in Sibiu?

To take up a point raised by my party leader, Deputy Micheál Martin, on the election of the new President of the European Commission, at that European Council meeting in Sibiu there seemed to be a tension regarding how the latter will be appointed in the context of whether the European Parliament will have a role or whether the European Council will be central to the process. Can the Taoiseach outline his views on the matter? As Deputy Micheál Martin stated, we want to get the best person for the job. The Taoiseach is committed to the EPP nominee, Manfred Weber, but can he comment on how the process is likely to unfold? There was uncertainty following that European Council meeting and how we will get a new President of the European Commission. What are the Taoiseach's views on that?

Deputy Joan Burton: I attended the meeting of the British-Irish Parliamentary Assembly yesterday and this morning. Many of the people attending from the United Kingdom, whether Conservative or Labour Party members, are deeply concerned. In the context of European policy, while the Barnier withdrawal agreement is available, I doubt if the United Kingdom will sign up to it as is. I presume that the diplomats are doing what they normally do, namely, working to express the ideas in a form of language which will win the approval of the different parties in the UK. However, these European elections are important because of the growth of extreme populist forces, most on the right but some on the left. I wonder if the European Council had an opportunity to discuss what in many ways is possibly the worst threat to democracy in Europe for a long period. I know the Council did not discuss Brexit, but the EU should reflect on what is going to happen in the context of maintaining - whatever the outcome - a strong friendship with Britain and its people. I say this because, inevitably, there is going to be a significant change in the relationship between Britain and the EU. Whatever the precise outcome, Ireland's interests must be protected. However, we also need access to the British market. Farmers know that. The support for Ireland among the other EU member states has been impressive and strong. Does the Taoiseach have any sense of how it is moving? The Prime Minister of Hungary, Mr. Orbán, was delighted with his party's suspension from Fine Gael's group because it suits him down to the ground. Is the Taoiseach satisfied he could become a party to supporting the candidate of Fine Gael's group for election to various European offices? The Taoiseach should state his position on that.

An Ceann Comhairle: As we have run well over time, we will take five minutes from the next item to allow the Taoiseach time to respond. We have already taken three minutes. Is that agreed? Agreed.

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The Taoiseach: On the De Souza case, which I was asked about earlier, I always refer back to the Good Friday Agreement in respect of issues of this nature. The Good Friday Agreement is explicit that people in Northern Ireland are entitled to be British, or Irish, or both, and are accepted as such. I think the British Government has got it wrong in this case and the matter has been raised in our bilateral conversations. I have raised it with the Prime Minister, and the Tánaiste has raised it too. While we respect that the British have their own courts system, the Good Friday Agreement is clear in both letter and spirit and I think the UK Government has got it wrong in that case.

The British-Irish Intergovernmental Conference, BIIGC, met last week. Our delegation was led by the Tánaiste, while the British delegation was led by Mr. David Lidington. At the meeting, the bilateral agreement between Britain and Ireland to continue the common travel area was signed, which will protect and strengthen it by giving it a stronger political and legal underpinning. It was an important achievement and a significant outcome for Irish and British people alike, as it gives us a guarantee that no matter what else may happen as a consequence of Brexit, we will still be able to live, travel, work and access healthcare, education, housing and the welfare system in each other's country as though we are citizens of both. That is being protected and retained and I am pleased we were able to bring that to a conclusion last week, notwithstanding the great uncertainty of other matters.

The BIIGC can also be an institution through which we maintain the strong friendship to which Deputy Burton referred. Irrespective of what happens as a consequence of Brexit, we will naturally want to continue to have a close economic and political relationship with the United Kingdom, our nearest neighbour and one of our largest trading partners, which is particularly important for the agrifood sector, some small exporters and others. We will try to do that with two methods. Through the European Union, we will negotiate a new free trade agreement and a close relationship with the UK, while we will also enhance our bilateral relations, for which extra work will have to be done because the UK will not be in the EU any more. We can use the institutional framework of the BIIGC as part of that but we will also take other steps, such as reopening our consulate in Wales and examining the opening of a consulate in the midlands or the north of England, perhaps in Manchester or Birmingham, to deepen our diplomatic and agency presence in Britain. We will have to undertake many more ministerial visits to the UK because until now, we have had the opportunity to meet our UK counterparts three or four times a year, at Council of Europe meetings in Brussels, but that will no longer be the case. We will have to make a special effort, therefore, to maintain the bilateral relationship, for which organisations such as the BIIGC can play a useful part.

Deputy Howlin asked about my assessment but it is difficult to know. Nobody can predict the future with any certainty in respect of Brexit and we must continue to prepare for the various potential outcomes. Currently, we must await developments in Westminster. European elections will be held next week here, in Britain and in Northern Ireland, the last of which could be especially interesting as the third seat is very much up for grabs. We will have to assess the outcome of those elections in the following week. Talks are ongoing between the Conservative Party and the British Labour Party. We do not know whether they will be able to come to a conclusion, although I hope they can in such a way that allows the UK to leave the EU in an orderly fashion, if it must leave at all. I am told by the Prime Minister that if those talks fail, Westminster will move to a further set of indicative parliamentary votes, which may help to guide the outcome. The European elections and their outcome could harden attitudes in the UK but we should bear in mind that many parties are in favour of a second referendum or are pro-

Remain but their vote is divided. That is less the case with those forces that support a no-deal Brexit or hard Brexit, which must be taken into account.

The next phase of negotiations will arise only if the withdrawal agreement is ratified. We anticipate that those talks will be led by the European Commission, which would be logical, and they may involve the establishment of a task force, or something similar to what currently exists under the leadership of Mr. Michel Barnier, although that has not yet been worked out in detail.

Strategic Communications Unit

12. **Deputy Brendan Howlin** asked the Taoiseach the status of the research survey his Department was to commission in 2018 as part of the strategic communications unit; if it was proceeded with; and if so, the outcomes. [15463/19]

The Taoiseach: Given competing demands, it has been decided not to undertake the research survey at this time. If the position should change, I will, as previously committed to, brief Opposition parties in advance of the running of the survey.

Deputy Brendan Howlin: It is interesting that the survey promised after the winding-up of the strategic communications unit was not proceeded with. It was intended to happen and we were to be briefed on it. As the European and local elections approach, we are faced with launch after launch by the Government, the Taoiseach and his Ministers. The Government spent more than €4.3 million on advertising last year, of which €1.3 million was spent by the Department of the Taoiseach. That is interesting given that the Department does not have much direct involvement in strategic oversight and is not a line Department *per se*.

The strategic communications unit was established under the Department and, after public furore, was disbanded after its communication campaign for Project Ireland 2040. I will not get into the exact issues that arose. Two weeks ago, there was another launch of Project Ireland 2040, namely, the launch of its so-called first annual report, which was attended by the Taoiseach and the Minister for Finance, Deputy Donohoe. It was another chance for Government to set out everything it is going to do. Does the Taoiseach understand that what people want is not repeated launches or glossy documentation, which we all received last week in respect of the national broadband plan?

Deputy Micheál Martin: No contract has been signed, however.

Deputy Brendan Howlin: Some Ministers had distributed the documentation to the media before some Deputies received it. It was voluminous and printed in full colour, although no contract has been signed and there is no likelihood of any contract for months. People have gone beyond the point of constant announcements of strategic issues. They want action. Does the Taoiseach agree the debacle over the strategic communications unit should have been the wake-up call to stop the spin and have proper announcements of delivery? The people should be spoken to on the basis that they will receive not simply spin but rather an explanation of what is being delivered to them.

Deputy Micheál Martin: In late 2017, the Taoiseach stated his marketing unit was tendering for research of public attitudes to State communication. He assured the House that all parties would be consulted before it went ahead and apologised for his office seeking to poll only

general election voters, thereby excluding younger people and those without Irish or UK citizenship. There was no consultation, however. In early 2018, the Taoiseach informed the House that the tender had been awarded to a company and that he would ensure that other parties were consulted on the survey contents. Again, there was no consultation. When he eventually agreed to close the marketing unit, he told the House that because the contract had been awarded, the survey would proceed in any event and there would be consultations on revised survey content. Once again, there was no consultation. The reason the question keeps arising is there is no clarity on what happened to the contract, whether the money was retained by the Department of the Taoiseach or whether it has been entirely abandoned. Who paid for the glossy broadband brochures issued last week? How much did they cost? I was amazed those brochures were put together in the absence of any contract being signed. Today, the Taoiseach said it would be September or October before a contract on broadband would be signed yet glossy brochures have been sent to every Deputy and probably to every public representative by the Government telling us how much will be done this year and next year, notwithstanding the fact nothing was done for seven years with regard to this contract. How do brochures get financed and published by the Government in advance of contracts being signed? It reduces the Government's leverage when negotiating contracts. The €5 million spend on this is extraordinary. We are being treated to launch after launch and, unfortunately, very little delivery on a lot of issues.

Deputy Mary Lou McDonald: I simply want to know what has changed between 2018 and now. This was to be a priority. It was a must do item. What has changed the Government's perspective?

The Taoiseach: Very simply, the contract for the research survey was awarded to Behaviour & Attitudes but we decided not to continue and not to do it because, quite frankly, there are many other priorities in the Department and it had become politicised. Initially, this was seen as a genuine effort to track public perceptions on public services, the information received from the Government and the performance of the Government and the public sector. It was a genuine project but it got caught up in the party political back and forth we have had in the Chamber. Everyone thought there was no point in going ahead in that context. Perhaps a future Government, perhaps even involving people here, might see the value of it and decide to go with it. It would have been misrepresented and for those reasons it was judged best not to do it. It was not done and will not be done.

Deputy Howlin asked about the €1.3 million. I imagine it was all from the first half of 2018 when the strategic communications unit was operating. At that time, communication campaigns were being centrally managed. They are not any more. The communications on Project Ireland 2040 are now done through the Department of Public Expenditure and Reform in the way they were done in the past. The national development plan was done through the old Department of Finance.

What was launched was not promises for the future, it was a one year report on what had already been achieved in the years since Project Ireland 2040 was launched. It included road projects, such as the fact the N4 and the western distributor road projects in Sligo that are now being built.

Deputy Micheál Martin: What about broadband brochures?

The Taoiseach: The long promised new runway for Dublin Airport is under construction. The report listed all the new schools that have been built and completed.

Deputy Micheál Martin: How did the broadband brochures happen?

The Taoiseach: The Deputy would have to ask the Department of Public Expenditure and Reform. It does not fall under my remit any more.

Deputy Micheál Martin: How did they happen?

The Taoiseach: I do not know. The Deputy would have to ask the Department of Public Expenditure and Reform.

Deputy Micheál Martin: Before a contract has been signed how does such documentation get produced?

The Taoiseach: I do not think it is about a contract.

An Ceann Comhairle: We need to move on to Question No. 13.

Cabinet Committee Meetings

13. **Deputy Brendan Howlin** asked the Taoiseach when Cabinet committee G, justice and equality, last met. [15465/19]

14. **Deputy Mary Lou McDonald** asked the Taoiseach when Cabinet committee G, justice and equality, last met; and when it is scheduled to meet again. [17457/19]

15. **Deputy Joan Burton** asked the Taoiseach when Cabinet committee G, justice and equality, last met; and when it is scheduled to meet again. [20537/19]

16. **Deputy Richard Boyd Barrett** asked the Taoiseach when Cabinet committee G, justice and equality, last met. [20545/19]

The Taoiseach: I propose to take Questions Nos. 13 to 16, inclusive, together.

Cabinet Committee G last met on 12 December 2018 and the next meeting will take place on Monday, 10 June 2019. Cabinet committee G provides political oversight of developments in justice and equality issues, including implementation of the Government's programme of reform for the justice sector. In relation to justice reform, the third report of the effectiveness and renewal group was published in February. The report highlights the substantial progress and commitment displayed by the Department of Justice and Equality throughout this programme of transformation.

The Minister for Justice and Equality recently received the group's fourth report, which he intends to bring to the Government shortly and publish thereafter. In relation to policing reform, A Policing Service for the Future, the Government's four year plan to implement the report of the Commission on the Future of Policing, was published in December. Implementation of the plan is progressing, with the building blocks phase well under way. Cabinet committee G is part of the oversight architecture of the plan and will receive regular progress reports on its implementation. The plan envisages two meetings per year of Cabinet committee G focusing on community safety.

Deputy Brendan Howlin: Last Friday, an 18 year old boy, Azzam Raguragui, was tragi-

cally stabbed in Dundrum and died a short time later. I know the thoughts and sympathies of all of us in the House go out to Azzam's family. No one in our society should have to suffer the loss of a child but the sad fact is it could have been anybody's child, with knife crime becoming more and more common. The case highlights the serious escalating problem with knife crime. We can look across the Irish Sea to see what is happening in Britain in this regard. The number of knives seized by gardaí here has risen by two thirds since 2016. A total of 264 knives were seized by the Garda in the first six weeks of this year alone. The family of the late Azzam have stated, very heroically, that they are resting their faith in the Irish justice system to hold the perpetrators to account. Does the Taoiseach see the issue of knife crime as a particular menacing situation that needs to be addressed? What specific plans does he have to tackle it?

Deputy Mary Lou McDonald: This morning, the Minister for Justice and Equality brought a memo to Cabinet in respect of a study to be carried out on the introduction of domestic homicide reviews in addition to other supports for victims of familicide. I extend again my deepest sympathies to the family and friends of Clodagh Hawe, including her mother Mary and her sister Jacqueline, and those of her three sons, Liam, Niall and Ryan, who were killed by her husband and their father in August 2016. It should be said that Clodagh Hawe is not alone. Tragically and sadly, many women and children have fallen victim to this crime.

There is an onus on all of us to ensure the necessary statutory provisions are in place to understand how and why this type of crime occurs and to do our absolute utmost to ensure families get the answers they deserve. Previously, I have called for the introduction of multi-agency domestic homicide reviews and for them to be underpinned in legislation. This needs to happen urgently. Domestic homicide reviews have been in place in Britain since 2011 and they are to be introduced in the North following a public consultation process so it is about time we got our act together. Women's Aid has long advocated for their introduction and for the family and friends of victims to be included in the review process. I support this. Does the Taoiseach personally support the introduction of independent multi-agency domestic homicide reviews? When will the Minister's proposed study be completed? What is the timeframe for the introduction of legislation in this area? Is it proposed to undertake a review of the Coroners Act and laws surrounding exhumations as well as the Succession Act? The Taoiseach will recall serious issues were raised in the case of the family of Clodagh Hawe in this regard.

An Ceann Comhairle: We are going to be way over time.

Deputy Mary Lou McDonald: These suggestions need to be fully considered.

Deputy Joan Burton: In all the recent reviews of policing, community policing has been identified as being at the heart of a really good community based policing service where people develop confidence in the police, the police can get to know people and crime can be headed off before it is committed. In the constituency shared by the Taoiseach and I, the Minister for Justice and Equality has confessed we have one sergeant and approximately 12 gardaí. Given they work over a 24 hour day in two to three shifts, the Taoiseach can work out the mathematics of how many community police are required by an area of more than 100,000 people, which is bigger than Waterford and Limerick. I have drawn to the Taoiseach's attention to situations near a primary school of gunmen shooting at each other. Thankfully, nobody was injured. We have also had gun attacks at a secondary school on the opposite side of the area. We have police searches in neighbourhoods of the constituency where they pick up Makarov pistols, bullets, ammunition and shotguns.

4 o'clock

How long will it take the Taoiseach to start acting as the Taoiseach of all the people of Ireland, rather than just the rich people who will get the broadband contracts? The people of Ireland want to be safe when they take a train or the DART and when their children go out to play or meet friends in a park. Does the Taoiseach understand that people genuinely feel afraid? Drug gangs and cocaine are at their height, such as we have not seen for 30 years, and parents are besieged with drug debt but the Taoiseach has no answer.

Deputy Richard Boyd Barrett: Everybody is appalled by the killing of Azzam Raguragui in Dundrum. My son hangs out in that area and would have seen Azzam, and the kids he hung around with there, regularly. The knife crime to which Deputies have referred is shocking. Beyond condemning what is atrocious, however, we have to think about how we are going to address the problem. It is getting worse and worse and I do not think we are looking at the problem in the right way. I do not have all the answers but I think we have to recognise that we do not know how to deal with teenagers. We do not know how to relate to teenagers or how to engage with them. We do not consult with them and we are not providing them with other and more productive things to do.

We have to get our act together in this regard. In my area, where there was quite a lot of antisocial behaviour, there was a brilliant outreach project for young people and the guy who worked on it, a friend of mine, had a relationship with the young people there but the project was cut. He said the situation would deteriorate and it did so, really badly. We are even cutting the young people's community projects that work. We need to expand our horizons massively in the area of engaging with young people and providing them with productive outlets if we are to move them in a different direction.

Deputy Seán Haughey: I wish to raise a Dublin issue, which Deputy Burton touched on. A serious situation is emerging for passengers travelling on the DART, with which I am sure the Taoiseach is familiar from his own constituents, articles in *The Irish Times* and the local elections, with queries being brought to us as public representatives. People are genuinely afraid to travel on the DART at certain times of the day and at weekends. We have glorious weather but certain people are travelling to the beaches and causing mayhem on the DART, in some cases taking over carriages and intimidating passengers, particularly women. The situation will get worse over the summer so what is the Minister for Transport, Tourism and Sport doing, in association An Garda Síochána and Iarnród Éireann, about this? Is there going to be a dedicated police force on the DART? Is Iarnród Éireann going to introduce creative measures to deal with the situation? I read that a text alert system was going to be introduced. Something has to be done. I will not mention the DART stations on the north side of the city but there is a big issue and if people, especially women, feel threatened as they go about their daily business, there is a real problem. I am sure the Taoiseach is aware of the problem so I plead with him to engage with the Minister for Transport, Tourism and Sport to bang heads together with Iarnród Éireann and An Garda Síochána to deal with the situation once and for all.

The Taoiseach: I read and heard about the very sad killing of Azzam, the young man in Dundrum. I join with everyone else in extending my sympathies to his family and friends. It is a shocking thing for a young man of that age to be stabbed in a public park and I call on anyone who has information about this terrible crime to pass it on to gardaí and the authorities. I heard his father say that he has trust in our justice system, in our police and in our courts, to ensure the perpetrators are found and prosecuted. It is our job to make sure that trust is not misplaced by putting all efforts into finding those who committed the crime and to make sure that they are prosecuted so that justice can be done.

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I am very aware of the debate that is ongoing in the United Kingdom, and England in particular, around the rise of knife crime. I am not quite sure if knife crimes are as frequent here as they are in the UK but they certainly are occurring and they should be of concern to all of us.

Deputy McDonald asked some very detailed and good questions about the memo the Minister for Justice and Equality, Deputy Flanagan, brought to Cabinet today. I do not have it in front of me but it is quite detailed and a number of actions were agreed. The Minister will make an announcement on the matter today and will set out exactly what actions the Government is taking to respond to the issue of familicides. It follows on from the murder of Clodagh Hawe and her children, as well as the Chada family and other cases. The Minister has engaged with the Coll family and responded to some of the proposals they put forward, which we are keen to progress. Familicide is not as rare as we may think and every month this year so far, a woman has been killed by a relative. I hope the decisions made by Government today will help us to deal with it better and support families better than has been the case in the past. We also need to see how we can better support communities because the wider community is also very affected, as was the case in Ballyjamesduff. We want to see how we can learn from these cases and do better into the future.

Deputy Burton asked about the crime being experienced in the Blanchardstown area. The Minister, Deputy Flanagan, visited the station recently and met with gardaí and staff to thank them for the work they are doing to tackle crime in the area. The deployment of Garda resources is, of course, a matter for the Garda Commissioner and should be so, rather than one for politicians, but the job of Government is to run the economy well and make sure we produce the resources that allow us to recruit more gardaí, more civilians to free up garda time and more investment in equipment such as IT and vehicles. That is happening, it has been happening for several years and it will continue into the future.

I am disappointed that Deputy Burton characterises the broadband project as one in which rich people get the contract. This is not about who gets the contract but about the 1.1 million people who do not currently have access to high-speed broadband, who come from all backgrounds and live in all parts of the country, including some parts of Dublin.

Deputy Joan Burton: In that case the Government should nationalise it and have the State own it. If it is the people's broadband, it should be owned by the people.

The Taoiseach: We want to achieve, on the people's behalf, a broadband service which has the same speeds as we get in the cities and for the same price. That is why the subsidy is being provided and, given the fact that the Labour Party started this process, I hope its Members will come in behind it when they have a chance to consider it.

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 Niamh Smyth, John Lahart, Margaret Murphy O'Mahony - to address the crisis in rehab care; (2) Deputy Maurice Quinlivan - to ask the Minister for Education and Skills to explain why no payments have been made to date under the State's *ex gratia* scheme set up in

the wake of the Louise O’Keeffe judgment; (3) Deputy Fergus O’Dowd - to ask the Minister to outline in detail the measures she will be taking to address the significant drug-related activity that has escalated in Ireland’s largest town, Drogheda, and its surrounding areas; what actions the Minister will take to address the complete lack of drug outreach workers in the biggest town in Ireland; in light of the recent drug-related criminality, whether the Minister will apply for emergency funding to fund a Mulvey-type report to assess and plan appropriately to manage the drugs crisis; and to make a statement on the matter; (4) Deputy Eamon Scanlon - to discuss the provision of home care packages in Sligo-Leitrim; (5) Deputy Noel Rock - for an update on legislation in relation to regulations regarding electric scooters; (6) Deputy Robert Troy - to address recent reports that the final cost of the MetroLink project are as yet undetermined and that the cost may be as high as €5 billion; (7) Deputy Brian Stanley - to raise with the Minister for Communications, Climate Action and Environment the transfer of the post office in Mountmellick, County Laois, to a new location; (8) Deputies Kathleen Funchion, John McGuinness and Bobby Aylward - to discuss the urgent need to review Irish patients’ access to the immune inhibitor Pembrolizumab, manufactured by MSD, which is made available to patients in Ireland for the treatment of only particular types of cancer; and (9) Deputy Pat The Cope Gallagher - to discuss protocols currently in place between the Department and the fire services in the local authorities, with particular reference to recent wild fires in County Donegal.

The matters raised by Deputies Niamh Smyth, John Lahart and Margaret Murphy O’Mahony; Kathleen Funchion, John McGuinness and Bobby Aylward; Eamon Scanlon; and Maurice Quinlivan have been selected for discussion.

Ceisteanna - Questions (resumed)

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

An Leas-Cheann Comhairle: Permission has been given to Deputy Butler to take Deputy Kelleher’s questions.

Economic Competitiveness

41. **Deputy Billy Kelleher** asked the Minister for Business, Enterprise and Innovation the actions being taken to reduce the cost of doing business in Ireland and to reverse competitiveness deficiencies; and if she will make a statement on the matter. [20851/19]

Deputy Mary Butler: I thank the House for allowing me to stand in for Deputy Kelleher today. What actions are being taken to reduce the cost of doing business in Ireland and to reverse Irish competitiveness deficiencies?

Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys): I thank the Deputy for raising this matter.

Ireland is a competitive economy, as reflected in a range of economic metrics such as high economic growth, the strong performance of the labour market across sectors and regions, strong trade figures and productivity figures. For example, the results from the Labour Force Survey show there was a 2.3% increase in employment in the year to quarter 4 2018, bringing total employment to 2,281,300, the highest number on record. In quarter 4 2018, there were 128,800 people unemployed, a decrease of 10.5% compared to the previous year. However, this strong competitiveness position cannot be taken for granted. There is no room for complacency. Improving Ireland's competitiveness position is a key priority for this Government and my Department.

The National Competitiveness Council report, *Cost of Doing Business in Ireland 2019*, found that while Ireland is a high cost economy - the fifth most expensive in the EU - the cost base for enterprise is internationally competitive across a range of metrics, including, for example, the cost of starting a business, communications costs and average income taxes. However, the council noted that cost pressures are evident in some areas, including the labour market, credit, business services and residential property.

Future Jobs Ireland 2019, launched in March, is a whole of Government framework designed to improve our economy's resilience in the face of emerging and future challenges. It sets out 26 ambitions to 2025 across five pillars in the areas of innovation, productivity, skills and talent, participation and transitioning to a low carbon economy. Along with *Project Ireland 2040*, *Global Ireland 2025* and the Government's forthcoming *All of Government Climate Plan*, *Future Jobs Ireland 2019* represents an integrated approach to prepare for the opportunities and challenge of the future economy.

A range of specific deliverables in *Future Jobs Ireland 2019* aim to enhance the business environment and improve competitiveness, as well as other factors, that contribute to specific sectoral cost challenges. For example, on credit and financial costs, the future growth loan scheme will provide long-term debt financing for strategic investments at competitive rates in a post-Brexit environment; on legal services, new business models for legal services will be introduced, including new legal partnerships and limited liability partnerships; and on construction, an implementation plan for actions to stimulate construction sector productivity will be delivered, including greater deployment of building information modelling. As a small open economy, we must never underestimate the importance of maintaining competitiveness and ensuring that the cost of doing business does not impede it. In this regard, *Future Jobs Ireland 2019* is an integral component of the Government's overarching plan for the future of the Irish economy.

Deputy Mary Butler: The cost of doing business is a major issue for Irish competitiveness. As stated by the Minister, Ireland is a small open economy and we rely on our businesses to compete internationally and at home. The latest National Competitiveness Council report is another detailed examination of serious Irish competitiveness deficiencies across the board. The Minister is correct that we cannot take anything for granted. Ireland remains an expensive location in which to do business across several cost metrics, including property, insurance, transport, energy and business services. The cost of doing business report states that the cost profile of Ireland is a high cost, at the same level as Japan, Iceland, Denmark and Sweden. I ask the Minister to set out the actionable timetable for the implementation across her Department of the recommendations of the National Competitiveness Council, if possible?

Deputy Heather Humphreys: In the 2018 IMD World Competitiveness Yearbook Ireland

was ranked 12th in the world, as compared with 24th in 2011. As such, we have made substantial progress in recent years. We continue to attract high levels of foreign direct investment, FDI. IDA Ireland had another record year for job creation in 2018 in a highly competitive global market. This shows that internationally Ireland is considered a strong place in which to do business. We have a young, well educated workforce and so there is a strong talent pool here. For companies experiencing difficulty finding skills here our employment permits system is flexible, which I demonstrated recently in terms of the changes to the system in respect of companies with genuine difficulties sourcing workers in the construction, meat processing, horticulture and dairy sectors. In any country, there will always be challenges sourcing workers. What is important is how one responds to those challenges. The new Future Jobs Ireland 2019 initiative will have a key role to play in that regard.

Deputy Mary Butler: Last year, the Joint Oireachtas Committee on Business, Enterprise and Innovation held extensive hearings with stakeholders on the cost of doing business in Ireland, in respect of which it published a report. The common denominators across all sectors were, the cost of rates, insurance and banking, and labour and skills shortages. Have any of the committee's recommendations been taken on board by the Department? Leaving aside the issues of insurance and rate costs, which I know do not come under the Minister's remit, have any of the committee's recommendations around labour costs and skill shortages been implemented?

Deputy Heather Humphreys: In terms of the skill shortages, my Department has reviewed economic migration policies to ensure they are fully supportive of Ireland's emerging labour market needs, be they skills or labour shortages. The report of the review, which was published in September 2018, confirms that the current employment system is robust and has served the country well in recent years. An action plan has been formulated to drive the recommendations of the review. I was pleased to be able to remove particular sectors from the ineligible list, including the construction sector. I have issued a number of work permits to enable the construction sector to address critical skills shortages in terms of quantity surveyors, engineers and so on, from outside of the EU, which the sector has welcomed.

Brexit Supports

42. **Deputy Maurice Quinlivan** asked the Minister for Business, Enterprise and Innovation the uptake of the Brexit business supports to date; the number of businesses that have availed of the Brexit loan scheme, the future growth loan scheme, be prepared grant and the market discovery grant; the number of businesses that have had their applications for these grants rejected; and if she will make a statement on the matter. [20613/19]

Deputy Maurice Quinlivan: I am seeking an update from the Minister on the uptake of the Brexit supports to date to include how many have been allocated per category and how many have been denied; and if she plans to introduce new measures to help businesses prepare for Brexit. I have asked this question in different guises over the past number of months.

Deputy Heather Humphreys: I thank the Deputy for raising this matter.

We have been preparing for Brexit for well over two years. The last three budgets introduced supports to help businesses prepare for Brexit. Informed by detailed research, my Department and its agencies have put in place extensive supports, schemes and advice to ensure that busi-

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nesses are prepared for Brexit. These measures aim to assist businesses in identifying key risk areas and the practical preparatory actions to be taken over the coming weeks and months.

The €300 million Brexit loan scheme provides relatively short-term working capital - one to three years - to eligible businesses with up to 499 employees to help them innovate, change or adapt to mitigate their Brexit challenges. The scheme is open to eligible businesses from all regions of the country, including those in the Border counties. The scheme was launched in March 2018 and, as at close of business on 3 May, 608 eligible applications were received, of which 550 have been approved, with 124 loans progressed to sanction at bank level to a value of €27.76 million.

The future growth loan scheme was launched in March 2019. The scheme provides a longer-term facility - eight to ten years - of up to €300 million to support strategic capital investment for a post-Brexit environment by business at competitive rates. This scheme makes available loans of €50,000 to €3 million, with loans of under €500,000 being provided on an unsecured basis. To date, there have been 115 applications for eligibility under the scheme, of which all have been approved and none have been deemed ineligible.

The Enterprise Ireland Be Prepared grant supports its clients in planning to mitigate risks arising from Brexit. To date, 194 grants have been approved. The Enterprise Ireland market discovery fund encourages businesses to undertake market research and develop viable and sustainable market entry strategies in new geographical markets. To date, 149 businesses have had projects approved under the market discovery fund.

Enterprise Ireland engages with client companies through teams of sectoral focused development advisers. Based on this, the agency can tailor a support package to the companies' growth potential based on their ambition, capability and need. The market discovery fund and Be Prepared grant are grant supports available to companies to deliver on the identified potential. For example, in the case of the market discovery fund, client companies seeking support under this grant will undergo a due diligence process with their Enterprise Ireland development advisers. As a result of this interaction and process, Enterprise Ireland does not keep track of rejected applications.

While I have seen a very positive uptake of the supports available, I am conscious that the delays to Brexit may have led businesses to defer their immediate planning. However, the UK's exit from the EU will mean changes for Irish business. I want businesses to know that my Department and its agencies are here to help.

Deputy Maurice Quinlivan: It is very concerning to hear the figures provided by the Minister. Only 9% of the total of €300 million Brexit loan scheme has been sanctioned at bank level to date. Does the Minister have a target for this scheme? Is there an expected uptake rate and a timeframe for achieving that? Has the figure of €300 million been plucked from thin air to sound good or is the Minister expecting the remaining €272 million to be allocated before Brexit? Clearly that is unlikely to happen. Will the Minister indicate what types of companies have been allocated these cheap loans so far? Are they indigenous Irish companies and businesses or multinational companies? How many employees do they have on average?

Deputy Heather Humphreys: The Government has been working to raise awareness of the Brexit supports through events, including through clinics and seminars, and the Getting Ireland Brexit Ready campaign. When it comes to Brexit preparedness, it is important to note that

companies are choosing from a full suite of supports available from the agencies. A wide array of different supports is in place to help businesses prepare across Departments and agencies. Businesses must ultimately decide for themselves whether they want or need to avail of those supports. In the case of the Brexit loan scheme, it is important to remember that this is a loan and that businesses will still have to pay it back. Understandably, there is a natural reluctance on the part of businesses to take on debt until the full details of the Brexit challenge become clearer. It is important that the loan is in place in order that businesses are able to avail of it when it is needed. I encourage them to apply for the loan and leave it in place without drawing it down immediately. I engage with and meet businesses on a regular basis.

Deputy Maurice Quinlivan: The uptake rate is less than 10%. Unfortunately, the Minister did not answer my question, which concerned the types of companies that are availing of the loans. In the case of the market discovery fund, more should be done to diversify our export markets and reduce our over-reliance on American foreign direct investment, FDI, as welcome as that is. According to Enterprise Ireland's export performance in global markets reports, just 1% of our exports went to the entire continent of South America in 2017. In addition, just 9% of exports went to the continent of Africa, the Middle East and India combined. We need to diversify our export destinations to avoid a repeat of an over-reliance on any single market. Furthermore, steps must be taken to diversify the locations from which we secure foreign direct investment. Recent figures show that of the 1,444 client companies, more than 53% are from the United States, with just seven of the 1,444 coming from the entire continent of Africa. Will the Minister outline what steps she has taken to diversify our export markets and the countries of origin of IDA Ireland client companies?

Deputy Heather Humphreys: Additional funding was provided to both Enterprise Ireland and the IDA to get more boots on the ground and to diversify our markets. There have been extensive trade missions to China and Japan. The Minister for Agriculture, Food and the Marine, Deputy Creed, is in China at the minute, and I myself have been there, as well as to Singapore. The Minister of State at the Department of Business, Enterprise and Innovation, Deputy Breen, has been to a number of different countries in South America. The EU is carrying out negotiations at the moment; a trade deal is currently being negotiated with New Zealand, and I plan to travel there in June. I have also been to Australia. A huge amount of work is being done in terms of diversifying markets. We have also increased our share of the European market. Funding was provided so that Enterprise Ireland could put additional people out there to look for new markets. There is a lot of work going on in that space in terms of broadening our market base.

Personal Injury Claims

43. **Deputy Billy Kelleher** asked the Minister for Business, Enterprise and Innovation the timeline for the implementation of each of the 14 recommendations made by the Personal Injuries Commission regarding personal injury awards. [20852/19]

Deputy Mary Butler: Will the Minister provide the timeline for the implementation of each of the 14 recommendations made by the Personal Injuries Commission regarding personal injury awards?

Minister of State at the Department of Business, Enterprise and Innovation (Deputy Pat Breen): Deputy Kelleher has, in Deputy Butler, a good substitute in place for this afternoon's priority questions. I am very aware of the serious impacts on businesses and consumers

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of high insurance costs. It is important that consumers and businesses can obtain insurance cover at a reasonable and fair price.

The cost of insurance working group, chaired by my colleague, the Minister of State with responsibility for financial services and insurance, Deputy D'Arcy, and associated subgroups have been continuing to meet regularly to ensure the focus remains fixed upon the timely implementation of all the recommendations of the report on the cost of motor insurance and the report on the cost of employer and public liability insurance. The work of the cost of insurance working group is complemented by the work of the Personal Injuries Commission. The first report of the Personal Injuries Commission was published in December 2017 and made four recommendations, of which two are ongoing. One recommendation is partially complete and the final recommendation, relating to the book of quantum, has been superseded by the Personal Injuries Commission's recommendation that a judicial council, when established, be requested by the Minister for Justice and Equality to compile judicial guidelines for appropriate general damages for various types of personal injury.

The second and final report made a further ten recommendations. While these are not time-bound, I expect that they will be implemented as soon as possible by the relevant bodies. Following publication of this report, the Minister, Deputy Humphreys, wrote to relevant colleagues in the Government and other organisations seeking co-operation in advancing the implementation of the recommendations relevant to them. Progress on implementing the recommendations is reported on through the cost of insurance working group progress reports. Four of the recommendations relate directly to recommendations in the two cost of insurance working group reports. Of the remaining six, as at the end of 2018, one is complete and the remaining five recommendations, including two relating to the development of judicial guidelines, were under consideration by relevant organisations.

The Personal Injuries Assessment Board (Amendment) Act 2019 came into effect on 3 April with the aim of strengthening the board in terms of operational issues to ensure greater compliance with the Personal Injuries Assessment Board process. This measure forms part of the Government's response to facilitate cost savings in the claims environment.

The cumulative effects of the implementation of all the recommendations I have outlined, namely, the two reports of the Personal Injuries Commission, the reports of the cost of insurance working group and the measures contained in the 2019 Act, should bring greater consistency and predictability to awards, which is really important, and faster resolution of claims and ultimately, a reduction in insurance premiums. This will benefit consumers, businesses and society as a whole.

Deputy Mary Butler: Small businesses up and down the country have been crippled by massive increases in insurance costs. Pubs, bars, farms and marts have all seen their insurance premiums rise by thousands of euro in recent years. Among the reasons for the increases in premiums advanced to us at the committee were the increasing levels of awards. The Personal Injuries Commission confirmed that the level of damages for soft tissue whiplash injuries in Ireland is 4.4 times higher than in England and Wales. In addition, the level of fraudulent, false or exaggerated claims was highlighted as a major concern by a large number of stakeholders. Several witnesses told the committee that in the current system there is little disincentive to make fraudulent, false or exaggerated claims.

I accept the Minister of State referred to the first four recommendations. However, regard-

ing the other ten recommendations which are not timebound, will he agree that it would be more effective if a timescale for implementation was put on them?

Deputy Pat Breen: I agree with the Deputy on the awards made in certain cases. The Government is committed to ensure we get these measures put in place. As I stated already, it is about the cumulative effect of what we have been putting into place. The Personal Injuries Assessment Board (Amendment) Act 2019 is important legislation as it encourages people to settle awards out of court. That will mean reduced costs and fewer high awards. As my colleague, the Minister of State, Deputy D'Arcy, has said, there is no silver bullet in this matter. The cumulative effect of the 14 recommendations, however, will be important, together with the recommendations from the Personal Injuries Commission report. It wants to include the judicial council and the awards of the Court of Appeal. In many cases, the awards have been halved by the Court of Appeal. All these factors have to be taken into consideration.

The Deputy has pointed out how high insurance costs are in Ireland compared to the UK and how soft tissue injury awards are 4.4 times higher here than for similar injuries in England and Wales.

Deputy Mary Butler: We can suggest many measures to tackle increasing insurance costs and insurance fraud. Without follow-up action, however, we will not see the benefits of these implementations. It is unacceptable that we are still without a dedicated Garda unit specifically tasked with fighting insurance fraud. Setting up such a unit would be an important development.

Last week it was reported that senior members of the Judiciary have called for proposals for a working group to be set up comprising judges, officials from the Department of Justice and Equality and the Personal Injuries Assessment Board to revise guidelines for awards levels for less serious injuries such as whiplash.

Has the Minister of State had any engagement with the Personal Injuries Assessment Board and the Minister for Justice and Equality on this proposed work?

Deputy Pat Breen: The Minister for Justice and Equality is working on this. We have published guidelines on the reporting of fraudulent insurance claims to the Garda Síochána.

The combination of what we have done over the past several years will bear fruition shortly. The Deputy referred to small businesses and she did a report on that for the enterprise committee. It is important to ensure that the measures put into place work out.

The European Commission carried out a report on the Irish motor insurance industry in 2017. Today, it announced that it decided to carry out an in-depth investigation as a matter of priority. As it is the subject of a formal investigation by the Commission, we do not want to comment on it or prejudge what is going on with the insurance industry in Ireland. We are determined to get to the bottom of this to ensure we can get cheaper insurance, not just for motorists but for businesses for which the Deputy has a concern.

Job Creation

44. **Deputy Carol Nolan** asked the Minister for Business, Enterprise and Innovation the actions and preventions taken to support the midlands region in terms of employment in view

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of the recent job losses in Bord na Móna. [20901/19]

Deputy Carol Nolan: Will the Minister outline the actions and preventions taken to support the midlands region in terms of employment in view of the recent job losses in Bord na Móna?

Deputy Heather Humphreys: While recognising the challenges posed in the necessary transition to a low-carbon economy, I especially regret that individual workers, their families and the community will be negatively impacted by the job losses announced by Bord na Móna.

Since I became Minister for Business, Enterprise and Innovation, I have made job creation and enterprise development in the regions a top priority. I launched the new midlands regional enterprise plan on 6 February last in Mountmellick, County Laois. It has emerged from a bottom-up collaborative process which ensures regional stakeholders remain focused on delivering on the employment targets set to 2020 under the original regional action plan for jobs, as well as ensuring the plans are robust and relevant in the context of today's challenges and opportunities.

The midlands have made excellent progress with employment growth of 18.5%, well above the 2020 target. The midlands plan complements the ongoing work of the enterprise agencies and the local enterprise offices in the region through driving collaborative initiatives with the local authorities, the regional skills forum, tourism bodies, enterprise champions and higher and further education bodies.

The midlands plan sets out seven strategic objectives for enterprise growth which span areas such as addressing the challenges posed by the transition to a low-carbon economy, big data opportunities, advanced manufacturing, place-making and marketing, tourism, food and skills development. The first of these objectives aims to ensure the midlands is well positioned to address the challenges posed by the transition to a low-carbon economy and renewable energy. Actions include development of Portlaoise as a low-carbon town, county climate adaptation strategies, feasibility of developing an energy park, along with progressing aquaculture and herb production opportunities.

In October 2018, Bord na Móna detailed plans to implement strand 1 of its brown-to-green strategy to consolidate and simplify traditional peat harvesting operations. In response to this announcement, a regional transition team, including the local authorities, enterprise agencies and others, was established by Offaly County Council.

Additional information not given on the floor of the House

The midlands regional enterprise plan to 2020 is strongly aligned with and supports the work of the regional transition team, in particular, by encouraging collaboration to develop employment opportunities.

Finally, it is important to note that the Government has put several funding streams in place to support regional development including my Department's regional enterprise development fund, the rural and urban regeneration and development funds under Project Ireland 2040 and the town and village renewal scheme. Under the €60 million competitive regional enterprise development fund, the midlands have secured total funding of over €2.8 million under the two completed calls to date.

Deputy Carol Nolan: I thank the Minister for her response and agree the job losses will

affect workers and their families. That is why we must ensure that every effort possible is made for the midlands, which are a disadvantaged region.

I acknowledge and welcome the necessary seven objectives which the Department has outlined in the midlands regional enterprise plan to 2020. Since October 2018 when Bord na Móna announced 430 job losses, the midlands region has been deeply concerned about the need to transition to a more sustainable employment model. Will the Minister clarify what role or assistance her Department has provided to the Department of Communications, Climate Action and Environment concerning the recent application to the European Commission's coal regions in transition platform?

Deputy Heather Humphreys: The Minister for Communications, Climate Action and Environment and I, along with the local authority, met with a group from the midlands regarding the Bord na Móna job losses at the time. The regional transition team was established by Offaly County Council in response to the announcement to consolidate and simplify traditional peat-harvesting operations. It aims to pursue funding opportunities and actions to mitigate the impact of the Bord na Móna job losses on the individuals concerned, as well as the impact on the local and regional economy. It also aims at positioning the region to develop alternative forms of employment, attract investment, as well as maximising existing employment opportunity and resources. It comprises Offaly County Council and all stakeholders, including the Athlone Institute of Technology, education and training boards, chambers of commerce and the eastern and midlands regional climate action office. I understand they would have all been part of that application.

Deputy Carol Nolan: I thank the Minister for her response. The first objective of the midlands enterprise plan aims to ensure the midlands are well positioned to address the challenges posed by the transition to a low-carbon economy and renewable energy. This clearly means it would be a cross-departmental effort. I acknowledge the transition forum which is working well. However, more is needed and it will require a whole-of-government approach.

I was disappointed by the reply to a parliamentary question last week regarding the European Commission's request to include the midlands as part of the platform on coal regions in transition. Given that the platform was launched in early 2017, a full year before Bord na Móna announced job losses, the Government's reaction seems a little lethargic. I would have liked it to have been more proactive. I have highlighted my concerns about the midlands region and the need to generate more jobs there and also the fact that the Government should give the greater attention and have more input in respect of it.

An Leas-Cheann Comhairle: Go raibh maith agat. The Minister to respond.

Deputy Carol Nolan: The purpose of the platform on coal regions in transition is to facilitate investments for structural transformation, growth and jobs. There is no mention of it in the midlands regional enterprise plan.

An Leas-Cheann Comhairle: The Minister to respond.

Deputy Heather Humphreys: There are six objectives in the regional enterprise development plan. The Government supports all the agencies to provide the necessary support in the region. Hearing that there will be job losses in a traditional industry is a big blow to any region. Much work has been done. Many of the agencies, driven especially by the local authority, have collaborated here. The regional enterprise development fund is there to support companies and

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regions to come together to put forward good proposals, where agencies, industry and education work together, and a total of €2.841 million went into Westmeath, Laois and Offaly. The rural regeneration development fund has invested €5.3 million and a further €7.3 million has been invested through urban funds.

Science Foundation Ireland

45. **Deputy Eamon Ryan** asked the Minister for Business, Enterprise and Innovation the strategic priorities she plans to deliver via the research programme supported by Science Foundation Ireland. [20929/19]

Deputy Eamon Ryan: Earlier, the Taoiseach stated that the Dáil's declaration of a climate emergency was just symbolic. His statement is symbolic of the Government's approach to climate change. At a meeting with the Minister of State, Deputy Halligan, last year, we discussed controversial comments by the head of Science Foundation Ireland in which he appeared to downplay the significance of the climate change issue. That was a cause of real concern. We raised our concerns at the time that Science Foundation Ireland's priorities were not focused on moving to a decarbonised economy. What has changed since then? What is changing? What does the Government intend to do, in conjunction with Science Foundation Ireland, to put decarbonisation centre stage in Ireland's research priorities. It is not central to those priorities now and there is no evidence that the position is changing.

Minister of State at the Department of Business, Enterprise and Innovation (Deputy John Halligan): The research funded through Science Foundation Ireland and the strategic direction that the agency provides is central to achieving many of the Government's national strategic priorities as outlined across a range of policies and strategies Project Ireland 2040 and Innovation 2020.

Science Foundation Ireland's funding of scientific excellence with economic impact is also crucial to many aspects of the Government's Future Jobs strategy. Future Jobs Ireland 2019, launched on 10 March last, is the first in a series of annual reports as part of a new multi-annual framework to ensure that our enterprises and workers are resilient and prepared for future challenges and opportunities. This is a whole-of-Government approach that will form a key part of Ireland's economic agenda over the medium term.

As one of the major agencies of my Department, representatives from which I meet regularly, Science Foundation Ireland was allocated €206.61 million in funding in 2019. One of its key priorities for this year is the development of the network of 17 research centres to provide world-leading capacity in strategically important areas of research for the economy. Last week, the second phase funding for six of the original 2012 centres was announced, involving an investment of €230 million and match funding from industry of another €230 million, bringing the total amount involved to €460 million.

In March 2019, an additional €15.5 million in dedicated funding was announced for PhD and research masters enrolment through new six centres for researcher training. The centres will train 700 postgraduate students in areas of nationally and internationally identified future skills needs of digital, data and ICT. The first student intake will be in September. This new programme will be the subject of an investment of over €100 million from the Government over an eight-year period. The six centres are in the areas of machine learning, digitally enhanced

reality, advanced networks for sustainable societies, foundations of data science and artificial intelligence.

This new programme is a direct response to the action in innovation 2020 to increase PhD and research masters output in areas aligned to enterprise needs.

Additional information not given on the floor of the House

Ireland needs to take a proactive approach to supporting its research and innovation sector in the light of Brexit, one which focuses on maximising the opportunities as well as mitigating the risks. Science Foundation Ireland is targeting globally-renowned researchers to relocate their research operations to Irish universities, benefitting Ireland but also offering these researchers certain access to EU funding.

Science Foundation Ireland has recently undertaken a widespread consultation as part of preparing the new strategy for the period 2020 to 2025. This new ambitious plan will be brought to Government for agreement and published by the end of the year.

Deputy Eamon Ryan: I was in the Dáil when we passed the legislation to establish Science Foundation Ireland. We asked its first CEO, Bill Harris, why decarbonisation was not one of its priorities. He agreed that this was regrettable but the agency went on to concentrate on the areas of data analytics and biopharma. In the Green Party's time in government we changed this and added the third leg to the stool. It was starting to be implemented but that has disappeared in the past eight years.

It is welcome that €230 million will be invested in the six centres, as the Minister outlined, but this is symbolic of where we stand. I have nothing against AMBER, APC, Insight or the areas of data analytics and the bioeconomy. However, only one of those six centres, the marine and renewable energy research, development and innovation centre, MaREI, in Cork, is directly linked to the third leg of the stool of investment in climate action. What is changing? Where is the evidence of that priority being reflected in funding and the research centres to which reference is being made? I do not see it under the current programme.

Deputy John Halligan: Science Foundation Ireland funds large-scale research projects that are relevant to many of the recommendations outlined in the Citizens' Assembly report on how the State can make Ireland a leader in tackling climate change. Examples include climate-friendly agricultural practices, renewable energy sources and the mitigation of climate change effects. These projects are being funded in partnership with industry. Both SMEs and multinational corporations investment in fundamental research is critical to ensuring that Ireland is well positioned to deploy future climate mitigation technology.

The Deputy referred to the MaREI centre in Cork. The Minister and I announced new funding for the centre some days ago.

World-leading researchers and experts matter. Science Foundation Ireland is actively recruiting these researchers to Ireland. For example, the world-leading economic geologist Professor Murray Hitzman – I do not know if Deputy Eamon Ryan has heard of him, but I have – was appointed director of the Irish Centre for Research in Applied Geosciences, iCRAG, in 2018. Professor Hitzman moved to Ireland from the USA to take up the post. Science Foundation Ireland investments are producing the skills required to advance the relevant sectors here through funding MSc., PhDs and postdoctoral positions.

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Deputy Eamon Ryan: I very much welcome the arrival here of the likes of Professor Hitzman. I wish him and iCRAG the very best of luck. It is important. However, I hoped for a breakdown of the figures. The Minister of State might provide one in a written response. The percentage of funding going to various categories suggests that the priorities in the State research sector are the two founding areas, namely, data analytics and biopharma. That needs to change. I seek evidence of change, other than the investment in the MaREI centre, which I welcome, or Professor Hitzman's arrival. I do not see this in the overall direction of investment and the priorities in SFI. That needs to change. This is the area where globally the most advanced research will be needed. Every country will be doing this. If we are going to become climate leaders, we should lead in this area too. Under the current Science Foundation Ireland programme, we are not doing so.

Deputy John Halligan: I will provide an analysis and breakdown in respect of the 17 research centres. For the Deputy's information, a former MaREI researcher is now technical director of Ocean Energy, an SME that is building a 1.2 MW energy device in Portland, Oregon, as part of a USA-Ireland collaboration. The Deputy will be well aware how the 17 research centres are funded and how they have been developed over the past number of years.

Ireland is now ranked ninth in innovation on the innovation scoreboards in Europe. In the top ten science subjects, Ireland is now second in agri-science, second in nanotechnology, fourth in chemistry and fifth in material sciences. Much of that has to do with the work that is being done through Science Foundation Ireland and our collaboration and co-operation with major industries, universities and institutes of technology.

The Deputy is correct in saying that a lot more needs to be done on defining what climate change is, how we deal with it and whether we can deal with it through our research centres. Within a week, I will have an analysis done as to where we work on and how we address climate change through any of the centres and I will have it sent on to the Deputy.

Deputy Eamon Ryan: I appreciate that.

Ceisteanna Eile - Other Questions

Work Permits Eligibility

46. **Deputy Martin Heydon** asked the Minister for Business, Enterprise and Innovation the process for changes to the work permits system in view of labour shortages in certain sectors; and if she will make a statement on the matter. [20608/19]

Deputy Martin Heydon: I ask the Minister about the process for changes to the work permits system in view of labour shortages in certain sectors. This obviously is a problem linked with recovery. Following on from the work done by this and the previous Government in terms of the Action Plan for Jobs and getting people back into the workplace, we now see these new challenges where sectors are short of necessary skilled workers. Can the Minister outline what steps the Department has taken to date, what sectors it has worked with and what process the sectors which identify a shortage must go through to make a case to the Minister?

Deputy Heather Humphreys: I thank the Deputy for raising this issue. I am very well aware of the skills shortages currently being experienced in some sectors of the economy. The issue is all the more pressing given the strong economic growth being experienced and high demand being placed on a number of sectors to respond to a range of needs across the economy.

Ireland operates a managed employment permits system maximising the benefits of economic migration and minimising the risk of disrupting Ireland's labour market. The system is intended to act as a conduit for key skills which are required to develop enterprise in the State for the benefit of our economy, while simultaneously protecting the balance of the labour market.

It is important to consider that while we are moving towards full employment with 5.4% unemployment, we still have 194,700 people in Ireland and 15.9 million in the EU who are unemployed.

The system is, by design, vacancy led and driven by the changing needs of the labour market, expanding and contracting in tandem with its inherent fluctuations. Only where specific skills prove difficult to source within the State and wider EEA may an employment permit be sought by an employer to hire a non-EEA national. In order to ensure that the employment permits schemes are responsive to changes in economic circumstances and labour market conditions, the system is managed through the operation of the critical skills occupations list and the ineligible occupations list for the purpose of granting an employment permit.

These lists are subject to twice-yearly evidence based review which involves consideration of the research and analysis undertaken by the skills and labour market research unit of SOLAS, the expert group on future skills needs, the National Skills Council and input by relevant Departments in addition to a public consultation process. Submissions to the review process are also considered by the economic migration policy interdepartmental group chaired by my Department and with membership drawn from senior officials of key Departments and SOLAS.

The report, Review of Economic Migration Policy, which I published last September, included the recommendation that in order to make changes to the occupation lists, there would need to be a clear demonstration that recruitment difficulties are solely due to shortages across the EEA and not to other factors, such as salary and-or employment conditions.

Recent changes to the occupations lists include removing a number of occupations in construction and road haulage from the ineligible list and moving a number of occupations in construction and high-performance sports to the critical skills occupation list. These changes were made in response to the needs of sectors in addressing real labour shortages.

Deputy Martin Heydon: I thank the Minister for her response and acknowledge the changes, particularly in the construction and road haulage sectors, areas that are critical in logistics to the broader roll-out of business around the country.

I raise with the Minister another area where there is a significant skills shortage, namely, the breeding and the training sectors in the equine industry and it is the very specific role of skilled work-riders. The equine industry is worth close to €2 billion to the overall economy. It provides 16,000 jobs throughout the length and breadth of this country, many of which are in rural areas where there is not any alternative.

Through Horse Racing Ireland, HRI, I am aware the industry is making a strong case

through the Department of Agriculture, Food and the Marine to be moved off the ineligible list in light of the difficulty in accessing work-riders across the EU. When one considers the spin-off jobs from the equine industry, including veterinary, horse laundries, transportation, grooms and stable hands, which as I said, are spread throughout the country, it is a key area on which I hope we can see progress. Can the Minister outline when the Department will next look at a new round of sectors or when sectors will have an opportunity to apply again?

Deputy Heather Humphreys: I thank the Deputy who has raised this matter on a number of occasions. Work-riders are currently not eligible for employment permits. A submission was made by Horse Racing Ireland and the Irish Racehorse Trainers Association to the most recent review of the occupation list and this was considered on the available evidence.

The horse racing industry is recognised as a significant economic sporting sector. Evidence suggests that there are good efforts in the industry to provide training and career progression opportunities in this employment. It is acknowledged that the unique physical criteria applying to individuals in this role may be challenging to source within the EEA. However, there is currently insufficient data available on this occupation to suggest shortages. Based on the evidence available, no change was proposed for this occupation at this time. However, it is proposed that the sector provide more information, in particular, detailed evidence of efforts to recruit from within the EEA, for consideration during the next review. This could include, for example, evidence of engagement with the Department of Employment Affairs and Social Protection and the European Employment Services - the other employment network.

In order to have an occupation considered for either being added to the critical skills list or being removed from the ineligible list, there would need to be clear demonstration that recruitment difficulties are solely due to shortages across the EEA and not to other factors such as salary and-or employment conditions. The views of the lead policy Department for the sector, in this case, the Department of Agriculture, Food and the Marine, are an important part of the decision-making process and I recommend engagement with the Department in advance of any further action.

Deputy Martin Heydon: I accept the Minister's response. I am aware that HRI continues to engage through the Department of Agriculture, Food and the Marine to provide that additional necessary data. The key word in the Minister's response when she referenced the racing and breeding sectors was "industry". That is what it is. I acknowledge it is a sport, but it is a sport that employs a great many people and is worth a considerable amount to the rural economy in terms of economic turnover. That is why this skills-specific shortage is a key element. I completely accept the Minister's point. It has to be where there is that clear demonstrable shortage. No doubt the industry will prove that point in the future.

In general, I welcome the role the Department of Business, Enterprise and Innovation plays. I understand the balance involved in making sure that while we still have people who are unemployed, there is not any displacement but when one looks at the sectors the Department has dealt with already, such as construction, there is clear evidence that we need to get workers in. Where we get people in, including into the road haulage sector and, hopefully, work-riders in the future, they can help to sustain and to improve existing jobs in those areas.

Deputy Heather Humphreys: The important point is that the sector needs to show it cannot get the workers in Ireland and in Europe and make the case to the Department of Agriculture, Food and the Marine. I assure the Deputy that when that case is made, we will not be

found wanting in terms of reviewing it positively.

The Minister of State, Deputy Breen, was in Deputy Heydon's county today where he announced 80 jobs in Open Sky, an IT solutions company, in Naas. It is an innovative company. It actually supplies the software to the work permits section of my Department.

The current processing time for employment permits is three weeks for trusted partner applications, which made up 71% of all applications in 2018, and 11 weeks for standard applications, which made up 29% of applications in 2019.

Deputy Martin Heydon: I welcome all jobs to Kildare. I am sure the Acting Chairman, Deputy Durkan, is particularly happy about jobs going to Naas.

Acting Chairman (Deputy Bernard J. Durkan): It is north Kildare this time.

Deputy Martin Heydon: North Kildare this time. We like to share them. I thank the Minister.

Acting Chairman (Deputy Bernard J. Durkan): I thank the Minister.

Question No. 47 replied to with Written Answers.

Brexit Preparations

48. **Deputy Thomas P. Broughan** asked the Minister for Business, Enterprise and Innovation her main concerns regarding the Brexit readiness of businesses here; if she is concerned in relation to a particular sector; if so, the measures she is undertaking to ensure the sectors increase preparedness; and if she will make a statement on the matter. [20356/19]

Deputy Thomas P. Broughan: I am aware the Minister already answered a question of Brexit readiness. I commend our officials who are preparing the Getting Ireland Brexit Ready materials and sending out updates and communicating as much as possible with the public and business about the steps needed to get us Brexit ready. Is the Minister happy with the level of uptake of these materials and of the various schemes by businesses? The Minister sent us on details of InterTradeIreland, the local enterprise offices, LEOs, and the Brexit loan schemes. How do these numbers fit in with the overall number of companies that will be affected?

Deputy Heather Humphreys: I thank the Deputy for raising this matter. My Department is engaged in ongoing research to assess the extent of Brexit preparation among Irish businesses. Over the last two years, my Department has worked to raise awareness of the key Brexit challenges which include supply chain, tariffs, customs, regulatory standards, working capital and movement of labour, goods and services to build business preparedness levels and to put a comprehensive set of supports in place for business.

My Department's ongoing engagement with businesses indicates that the proportion of businesses preparing for Brexit is increasing, particularly among those businesses identified as most exposed to Brexit-related impacts and that awareness of the key Brexit challenges is increasing.

Earlier this year my Department published a Quick Brexit Guide for business to answer many of the questions that Irish businesses may have and to provide information on the practi-

cal steps they can take to deal with Brexit.

In addition to these events, Enterprise Ireland has rolled out a series of Brexit advisory clinics to help businesses across the country and has established a Prepare for Brexit online portal and communications campaign, as well as an online Brexit SME Scorecard to help Irish businesses self-assess their exposure to Brexit and a Be Prepared grant to support SME clients in planning to mitigate risks arising from Brexit.

In addition, Enterprise Ireland and the local enterprise offices, LEOs, have developed an online customs insights course.

InterTradeIreland, ITI, works with SMEs on an all-island basis. As part of this service, ITI has organised a series of awareness-raising events focused on improving knowledge of customs processes and procedures and identifying actions that can be taken in areas such as logistics and supply chain management. InterTradeIreland also offers a Brexit planning voucher worth up to €2,250 and an implementation voucher, which offers 50% financial support of up to £5,000 towards implementing critical changes in relation to Brexit matters.

The Brexit loan scheme makes available relatively short-term working capital to eligible businesses with up to 499 employees to help them innovate, change or adapt to mitigate their Brexit challenges. Similarly, the future growth loan scheme, which was launched at the end of March, makes available longer-term capital to support investment in a post-Brexit environment.

While I have seen a very positive uptake of the supports available, I am conscious that the delays to Brexit may have led businesses to defer their immediate planning. However, the UK's exit from the EU will mean changes for Irish businesses. I want businesses to know that my Department and its agencies are here to help.

Deputy Thomas P. Broughan: Effectively, the postponement towards October has had an impact in making people less anxious to get ready by availing of the various schemes. Recently, InterTradeIreland did a survey of companies in Belfast and there were some dismal reports about investment plans being postponed. People were very worried about what would happen at the Border, regarding employment, etc.

The Minister gave me a very thorough list a number of months ago of the various supports, including the Brexit loan scheme for which 479 applications have been received, of which 430 have been approved; the Enterprise Ireland Brexit Scorecard, of which 4,500 have been completed; the Be Prepared grant for which 168 applications have been received; the Market Discovery Fund in respect of which there are 251 projects; and 13 Brexit advisory clinics, one of which was attended by 1,000 people. I noticed the LEOs, in which Deputies have a strong interest in their constituencies and throughout the regions, had 419 clients for the micro schemes. I mention the InterTradeIreland Brexit advisory service.

What kind of take-up do the figures the Minister gave represent in terms of all the companies which could have applied for each of those schemes?

Deputy Heather Humphreys: We have identified a number of categories of businesses that are particularly exposed to Brexit-related difficulties, including businesses in the agrifood sector, in the Border region and engaged in export and import to, from and through the UK. The Getting Ireland Brexit Ready public information campaign included workshop events throughout the country aimed primarily at businesses and people most affected by Brexit. Enterprise

Ireland has also launched a eurozone strategy to help SMEs broaden their export footprint beyond the UK. We continue to go on trade missions to the Far East and across the globe. We bring companies with us so that they can find and diversify into new markets on a global basis. Enterprise Ireland and the LEOs help businesses look at customs for the first time, to understand the key customs concepts, documentation and processes. InterTradeIreland works with the SMEs and an all-island basis.

The Deputy mentioned companies in Belfast. I recently visited companies there through the Confederation of British Industry, CBI, and it is clear they are very concerned about Brexit. I took the opportunity in budget 2019 to increase the funding to InterTradeIreland by a further €1 million, which represented a 17% increase in its budget. InterTradeIreland does not just help companies south of the Border but it helps companies north of the Border as well and it was very much welcomed by it. It has been able to move on to issue implementation vouchers of up to £5,000.

Deputy Thomas P. Broughan: The Minister said recently that there has been much-enhanced take-up of the two voucher schemes. She should be commended on launching those financial supports and encouraging the cross-Border traders. There seems to be grave anxiety among companies in Belfast, which is evident from the survey done by InterTradeIreland.

I think the Minister for Finance has sanctioned an extra 400 Revenue staff for customs and so on. Has there been any contact between the Minister and her UK counterpart on a possible customs arrangement? We sometimes hear in the media that the UK thinks technological solutions will enable a no-border situation and the backstop, which we must maintain. Has the Minister and her Department been involved in any discussions or have any proposals been put to her by the comparable Department in the UK as to trade between here and the UK?

Deputy Heather Humphreys: As the Deputy knows, all negotiations on Brexit issues are done through the EU. I had the opportunity last year to meet Liam Fox, the Secretary of State for Trade in the UK, and he talked about technological solutions. I was not very clear about how they would work. For somebody who lives on the Border, I am still not clear how they are going to work.

Businesses, both large and small, should undertake to register with Revenue for a customs number; make contact with their own UK suppliers; check to see if their suppliers use the UK as a landbridge; review their supply chain; check if their business relies on products or services that are certified for compliance with EU standards by a UK body; engage with any trade representative body of which they are a member; and avail of the Government's range of advisory and financial supports. There is more information at www.gov.ie/brexit. Businesses need to be aware of the risks that Brexit poses to them and to mitigate against those risks. There is a responsibility on businesses to engage with the supports that are there.

As the Deputy stated, there are a lot of supports and the staff in my Department have worked extremely hard to put a full suite of supports in place, including the Brexit working capital loan facility, the Brexit loan scheme and the future growth loan scheme. Although Brexit as an issue may not be as immediate as it was leading up to 29 March this year, I encourage businesses to engage in this process and be ready.

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Brexit Supports

49. **Deputy Niamh Smyth** asked the Minister for Business, Enterprise and Innovation the uptake of the Brexit loan scheme; the number of applications applied for and granted; and if she will make a statement on the matter. [20360/19]

Deputy Niamh Smyth: As a representative of a Border constituency, Cavan-Monaghan, I know there is much concern about Brexit and what the future holds or does not hold for people in the Border area. I am interested in the figures the Minister may have for the Brexit loan scheme, although I know she touched on this in responding to previous questions today. Will the Minister provide clarity on the uptake of this scheme, particularly for the Border area? I would be interested in hearing those figures.

Deputy Heather Humphreys: I thank the Deputy for her question. As I have said on a many occasions, Brexit of any kind means change and we must prepare for this unprecedented challenge. A no-deal Brexit is the worst possible outcome and that is why we welcome the agreement of the European Council to an extension of the Article 50 process until 31 October 2019, which prevented a no-deal outcome on 12 April and provides the UK with more time to ensure an orderly withdrawal. However, notwithstanding that the Article 50 process has been extended, it is critical that we continue to prepare for all potential Brexit scenarios.

My Department and its agencies have, over the past two years, put in place extensive supports, schemes and advisory services to ensure that businesses are prepared for Brexit. These measures aim to assist businesses in identifying key risk areas and the practical preparatory actions to be taken over the coming weeks and months. The €300 million Brexit loan scheme provides relatively short-term working capital of between one and three years to eligible businesses with up to 499 employees to help them innovate, change or adapt to mitigate their Brexit challenges. The scheme is open to eligible businesses from all regions of the country, including those in the Border counties. Businesses can confirm their eligibility with the Strategic Banking Corporation of Ireland, SBCI, and if deemed eligible can apply to one of the participating finance providers for a loan under the scheme. The scheme was launched in March 2018 and as at close of business on 3 May, there were 608 eligibility applications received, of which 550 had been approved, with 124 loans progressed to sanction at bank level to a value of €27.76 million. The SBCI website also has details of the Government's new future growth loan scheme and the credit guarantee scheme, which may also be suitable depending on individual business needs.

I have seen a very positive uptake of the supports available but I encourage all businesses to continue to put necessary plans in place. There are a number of essential actions that businesses can now take if they have not already done so, such as registering with the Revenue Commissioners for their customs or economic operators' registration and identification number, reviewing their supply chains and contacting their UK suppliers and checking the certification of UK imports. While the UK's exit from the EU will mean changes for Irish businesses, I want businesses to know that my Department and its agencies are here to help. The existing supports, schemes and advice are in place to ensure that businesses are prepared for any Brexit scenario. The full range of supports is available on the website.

Deputy Niamh Smyth: The Minister knows that many of our agrifood and agricultural sectors have been feeling the repercussions in Cavan-Monaghan almost from the day of the announcement of the Brexit referendum result. The mushroom industry was very badly affected in the Cavan-Monaghan area.

The Minister mentioned the €300 million in the Brexit small and medium enterprise working capital loan scheme. That would be wonderful but as the Minister alluded to, the drawdown is only approximately 10% of the total fund if we go on the figures released. In other words, only one in five applications is being sanctioned for finance. I reiterate the point about Cavan-Monaghan. Will the Minister drill down into the detail in terms of the number of applications being made and the success rate for firms in Cavan-Monaghan? Why has uptake, at 10% of the fund total, been so abysmal?

Deputy Heather Humphreys: I do not agree that the uptake has been abysmal. It is important to remember the Brexit loan scheme, whether it is the working capital facility or the long-term loan scheme I launched last month, comprises loans which businesses have to repay. I can understand a natural reluctance on the part of some businesses to take on debt until the full details of the Brexit challenge become clearer. The loan scheme is in place so businesses can avail of it when they need it. I encourage them to put in their applications and have them ready in case they need this assistance.

I meet representatives of businesses regularly and I am particularly familiar with the mushroom sector. I was delighted that in preparing the region for Brexit, I prioritised a number of significant investments in the Border region. A sum of €5 million has been provided, for example, for a new bio-economy research centre in Monaghan, which has the potential to create 200 high-quality jobs. That relates to research in the mushroom industry and right across the food sector, and it is very important that this is in the area.

Deputy Niamh Smyth: Is a reluctance to apply for the scheme really the problem if only 10% of the total fund has been drawn down? It is a very low figure. The Government allocated €300 million for the future growth loan scheme, a long-term scheme for farmers, fishermen and food businesses that was announced in October 2017. It has taken 18 months for the scheme to open. Does the Minister agree the Government has been very slow in reacting to the Brexit fiasco? I question the Minister's comments about a natural reluctance among businesses to apply for this funding. Should we instead blame bureaucracy, which is deterring business people from engaging with this?

The Minister and other senior Ministers came to Cootehill not long ago to announce the Regional Enterprise Plan to 2020: North-East. It is a nice, glossy document that was launched with much fanfare but the chair of the implementation committee, Mr. Richard Hanlon, made stark comments on the day on infrastructural plans that the Government may have to put in place. He mentioned strategy and so on and asked what would be the practical outcomes. There was also mention of the north west to north east road links. All that road infrastructure will be very important if the Government is serious about Brexit-proofing the Border counties.

Deputy Heather Humphreys: There have been approximately 600 applications to the Brexit loan scheme, with 550 approved-----

Deputy Niamh Smyth: The drawdown is 10%.

Deputy Heather Humphreys: I worked in the banking sector for many years and I know businesses are often reluctant to borrow money because it must be repaid. If the Deputy can describe any cases of businesses having difficulty with this, she should bring them to me. I have had no complaints about this loan scheme so if the Deputy has such an example, she should give it to me and I will follow it up without any problem.

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With respect to preparations for Brexit specifically on the Border, a design team has been appointed for a new IDA Ireland building in Monaghan. With the support of the Department of Rural and Community Development, we will build a new enterprise centre in Castleblayney that is vital for job creation in the town, given that the current enterprise centre is at capacity. A new regional development manager has been appointed by IDA Ireland to specifically focus on Cavan, Monaghan and Louth, and Donegal, Sligo and Leitrim have their own specific IDA Ireland person as well. Only yesterday, I announced €2 million in funding for a disruptive technology project at Bio-Marine Ingredients Ireland at Lough Egish food park in Monaghan, which is working with the National University of Ireland, Galway, Teagasc and the Marine Institute on groundbreaking research for the aquaculture sector. This project is the first of its kind in Europe and it is great to see it happening in the Border region. All these investments in the Border region, which I know the Deputy welcomes, will support the area in the face of Brexit.

Enterprise Support Schemes

50. **Deputy Pat Deering** asked the Minister for Business, Enterprise and Innovation the status of the regional enterprise plans; her views on the way in which these will benefit County Carlow; and if she will make a statement on the matter. [20593/19]

Deputy Pat Deering: What is the status of the regional enterprise plans and how will my county of Carlow be affected? Carlow suffered quite a bit in recent years from unemployment as we lost the sugar industry and the Braun plant, which was a major employer in the area. We have been playing catch-up to a large extent in recent years. Will the Minister give an update on the regional enterprise plans?

Deputy Heather Humphreys: I thank the Deputy for raising this matter.

During February and March of this year, I launched nine new regional enterprise plans to 2020, which build on the very strong progress made on employment creation under the Regional Action Plan for Jobs 2015-2017. I am pleased to say that implementation has commenced in all regions. Shaped from the bottom up by regional stakeholders and overseen by my Department, the new regional enterprise plans complement national level policies and programmes emanating from the top down, and there is strong alignment with Ireland's national enterprise policy, Enterprise 2025 Renewed and Future Jobs Ireland 2019.

The principle behind the regional enterprise plans is collaboration between regional stakeholders on initiatives that can help to realise the region's enterprise development potential and add value to the core work of the enterprise agencies. These stakeholders include local authorities, the local enterprise offices, the enterprise agencies, the regional skills forum, tourism boards, private sector enterprise champions, higher and further education institutions, business representative bodies and others. County Carlow is part of the new regional enterprise plan for the south-east region, which also includes counties Kilkenny, Wexford, Tipperary and Waterford. The regional steering committee for the plan, chaired by Frank O'Regan, formerly of Bausch & Lomb, Waterford, has already met to commence the plan's implementation.

There are five strategic objectives in the south-east plan, with a focus on County Carlow as part of the south-east region. These include building enterprise resilience; marketing the region; a regional engagement strategy on key infrastructure priorities; ensuring the south east is a learning region; and tourism growth. Actions in the plan that are of significance to Carlow in

particular include industry led enterprise clustering; building on collaboration between industry, higher education institutes, including IT Carlow, and others to solve enterprise challenges; and supporting skills development and greater adoption of science, technology, engineering, arts and maths, STEAM, subjects, through making the south east a learning region.

The unemployment rate in the south-east region has decreased from 11.7% in quarter 1 of 2015 to 7.7% in quarter 4 of 2018. Despite this very significant progress, more needs to be done through the regional enterprise plan to reduce the unemployment rate to within 1% of the national average. The collaborative actions in this plan, along with the ongoing core activities of the enterprise agencies and local enterprise offices, LEOs, and the new initiatives in Future Jobs Ireland, will support this.

Deputy Pat Deering: I thank the Minister for her comprehensive reply. I think she acknowledges that the south east and Carlow have suffered quite a bit and have been playing catch-up compared with other areas in the country. I also acknowledge and agree with her point that education is a key driver in the region. It is disappointing that the technological university for the south east project has slowed down, if I may put it that way. I am hopeful that progress will be made in the area very shortly. It is essential that the project moves on at pace in the coming period. It is not for want of political pressure that it has slowed down but it needs to move on now. I encourage those who are involved in the project to move it on in order that we may have the process in place by the academic year beginning September.

From time to time, people in Carlow feel, because of the county's geographic location in the northern part of the south east, that it tends to lose out. The northern part is in no man's land to a certain extent - in limbo perhaps. Should it be considered as being in the south east, the midlands region, the wider Dublin region or somewhere else? From time to time, there is a feeling in Carlow that it is not getting its fair crack of the whip in this regard. We have also seen the slow progress being made on the IDA Ireland advanced facility in recent times. It was supposed to be developed in 2019, which is not looking likely at this stage. Perhaps the Minister could give us an update on that as well. Its development would be a key indicator of progress going forward.

Deputy Heather Humphreys: The Deputy has raised this issue with me on a number of occasions. As part of its €150 million regional property programme, IDA Ireland is directly investing in a building programme to help ensure that property solutions are in place for overseas companies. I understand that IDA Ireland has now completed the acquisition of a suitable site for the Carlow advanced technology building, ATB, and has appointed a design team, which is working on the detailed plans for the building. Planning permission is expected to be lodged in the coming months. Construction is scheduled to begin in late 2019 or early 2020, subject to planning permission being granted. I know that this issue is very important and that the Deputy has worked very hard on it. I am pleased it has been resolved with the successful acquisition of land in Carlow. The agency has assured me, subject of course to planning permission, that the facility will now proceed according to schedule. I look forward to visiting the building once it is complete and I have every confidence that it will be a significant asset to Carlow in attracting further multinational investment into the town and the wider region.

Deputy Pat Deering: I thank the Minister for her answer. I am glad to hear that the acquisition has been completed. I was concerned this would not happen for a long time as the dates were being pushed out further and further. This will be a key driver and major confidence boost for the local economy. In the past, we have seen the development of similar advanced technol-

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ogy buildings and we ended up with the building in Carlow town of a top-class Merck Sharp & Dohme facility, which is now extending into a second building. When complete, it will employ more than 800 people directly and another 300 or 400 indirectly in the next two years. We need something similar to be developed once this facility is built. Obviously, planning permission is required first but I encourage the Minister to apply pressure to make sure this does not drag on any longer. She indicated deadlines and dates in her response. These must be very firm. We have seen them drag on through no fault of the Minister. At this stage, this is a kind of pet project. Every other Question Time I put this question on the Minister's agenda, as she knows. It is very important to the local area and I encourage her to ensure that it does not drag on any further and that the deadlines she has indicated will be those that will actually deliver the project on time. I look forward to welcoming the Minister-----

An Leas-Cheann Comhairle: I call the Minister to respond. I must fit in two further questions.

Deputy Pat Deering: -----in 2020, before the next general election, to turn the sod on this facility.

Deputy Heather Humphreys: As the Deputy knows, the agency did not own the land in Carlow and had to acquire a site through the open market. This was a lengthy and complicated process that resulted in the overall completion objective for the facility being delayed. I will certainly keep a close eye on the timelines I have given the Deputy and I have no doubt he will keep an even closer eye on them. I look forward to the completion of the facility. The Deputy has been raising this matter with me since I became Minister about a year and a half ago.

Competition and Consumer Protection Commission Remit

51. **Deputy Thomas P. Broughan** asked the Minister for Business, Enterprise and Innovation her plans to bring forward the legislated powers of the Competition and Consumer Protection Commission, CCPC, to issue fines for breaches of European and Irish competition law; and if she will make a statement on the matter. [20355/19]

Deputy Thomas P. Broughan: Many of us have read the recent report of the National Competitiveness Council, titled Costs of Doing Business in Ireland 2018. Professor Peter Clinch of the council spoke recently to the Committee on Budgetary Oversight. The report makes for fairly dismal reading. Regarding the ECN+ directive to empower competition authorities of member states to be more effective enforcers of the Internal Market, Competition and Consumer Protection Commission chairperson, Isolde Goggin, recently asked that additional powers be given to the CCPC. Are we in the process of doing so? Will these powers be brought forward or have some of them already been brought into effect?

Deputy Pat Breen: I thank Deputy Broughan for raising this very important issue. One of the principal statutory functions of the Competition and Consumer Protection Commission is to investigate breaches of EU and Irish competition law, that is, Articles 101 and 102 of the Treaty on the Functioning of the European Union and sections 4 and 5 of the Competition Act 2002. At the conclusion of an investigation into a suspected breach of Irish or EU competition law, the CCPC may form the view that an infringement of either section 4 or section 5 of the Competition Act 2002 or, if relevant, Article 101 or Article 102 has occurred.

EU Directive 2019/1 of the European Parliament and of the Council of 11 December 2018, to empower the competition authorities of the member states to be more effective enforcers and to ensure the proper functioning of the internal market, was published in the EU's Official Journal on 14 January 2019. The directive, known as the ECN+ directive, must be transposed by 4 February 2021. It will give the CCPC additional enforcement powers and will herald the introduction of non-criminal fines for breaches of EU competition law.

I am also aware that the Law Reform Commission made recommendations for additional powers for regulatory bodies in its report on regulatory powers and corporate offences in November 2018. We are considering the recommendations of this report, including those related to administrative financial sanctions, in the context of the transposition of the ECN+ directive.

I believe it will be necessary to transpose the directive by primary legislation, given the necessity of the introduction of a new system of financial sanctions for non-criminal breaches of EU law. I emphasise that further additional powers are under consideration alongside the transposition of the directive. The transposition of the directive will result in the strengthening of the tools at the disposal of the CCPC for future competition law enforcement in Ireland.

Deputy Thomas P. Broughan: The Cost of Doing Business in Ireland report has some findings that need to be addressed soon. The Minister of State referred to legislation coming into effect in 2021 but more urgency is required. To give an example, the report states that Ireland is the fifth most expensive economy of all 28 EU countries. Our prices are generally 13% above the EU average. Delving into some of the various sectors, we have some of the highest childcare costs in Europe and a lack of competition in beef processing, for example. The CCPC has been asked to investigate that. We have also had umpteen discussions here concerning high costs in the insurance industry and the Chairman of the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach has published a report on the issue. Regarding construction costs for commercial building, only London is more expensive than Dublin. We are a very costly economy across a whole plethora of activities and ordinary citizens have to bear those costs.

Deputy Pat Breen: We agree the CCPC needs more powers. Up to now in civil cases, all the CCPC could do was fine bodies for infractions. I refer in particular to companies in a dominant position. The only power the CCPC had involved getting an injunction in the courts to stop such behaviour. It had no powers to impose fines and we are conscious the CCPC needs that power as well as the ability to enforce clawbacks. I have worked with Deputy Broughan before. He knows preparation for legislation can be complex.

We have until February 2021 to do this and I guarantee that the legislation will be in place before then. There will be an opportunity for people to look at all options in respect of this legislation. It is important to point that out. Primary legislation is the best way forward. We saw how it worked well for the general data protection regulation, GDPR, and that was something that came from Europe as well. This is the best way to look at this issue. We must have robust legislation in this area and we need to prepare well to bring in such legislation. That is why it is going to take considerable time. The Oireachtas will, however, have an opportunity to comment and work on the legislation.

Deputy Thomas P. Broughan: I and various other Deputies have spoken about being Brexit-ready. Is it not critical that we control costs in the context of a post-Brexit economy? The Minister of State will, I am sure, agree that costs matter. His colleague, the Minister for Justice

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and Equality, Deputy Flanagan, and others were looking at the role the courts may play in respect of insurance costs and other kinds of costs. In the case of business expenses, I have again heard remarks made on all sides of the House regarding interest rates and why our membership of the European Union cannot benefit us in the financial sector. Why do businesses and families have to pay such higher rates here, particularly in areas such as insurance and energy costs? I refer to all the areas affecting businesses and households. People feel we should go about tackling this legislation for the CCPC and implement it as urgently as possible.

Deputy Pat Breen: I thank Deputy Broughan again for raising this matter. It is, of course, of primary importance to the Government that the costs of doing business here are kept down. It is important for Ireland to be competitive, especially in the context of an approaching Brexit. That is why we have brought in a number of initiatives, in particular in respect of Brexit, such as low-cost loans. The Deputy rightly pointed out the issue of insurance costs, which has been raised frequently in the House. Much work is being done on this issue by the Government. We will have seen today that the European Commission will be carrying out a further investigation. I and the Government will not be commenting on that for the moment because the European Commission is independent. All this means that it is important in the extreme for Ireland, and all our businesses, to be competitive. We must bring costs down as much as possible to make that happen. That is why we are giving the CCPC these extra powers to bring us on a par with our European partners.

An Leas-Cheann Comhairle: I want to accommodate Deputy Durkan, so I call Deputy Quinlivan.

Deputy Pat Breen: I think much work will be done and Deputy Broughan will have an input into that.

An Leas-Cheann Comhairle: Members are losing out because Ministers and others are going on too long. I ask Deputy Quinlivan to forfeit the 30-second introduction to his question and I ask the Minister to respond immediately.

Ticket Touting

52. **Deputy Maurice Quinlivan** asked the Minister for Business, Enterprise and Innovation the reason no legislation to tackle the issue of ticket touting has progressed through Dáil Éireann; if she will honour the commitment given to an organisation (details supplied) regarding having ticket touting legislation in place for the Euro 2020 games to be held here; and if she will make a statement on the matter. [20602/19]

Deputy Heather Humphreys: As I indicated in a recent reply to the Deputy, my Department is currently working with the Office of the Parliamentary Counsel, OPC, on the preparation of amendments to the Prohibition of Above-cost Ticket Touting Bill 2017. While good progress is being made on these amendments and it is my aim to finalise them as soon as possible, it is not possible to provide a precise timeframe for their completion. I would very much like to see the Bill progress more quickly, but this has not been possible for a number of reasons. As the Deputy will be aware, the OPC had to prioritise Brexit-related legislation in the first quarter of this year.

A case submitted to the Court of Justice of the European Free Trade Association, EFTA,

States, or EFTA Court, earlier this year raised issues regarding the compatibility with EU law of the prohibition on unauthorised ticket resale in the London Olympic Games and Paralympic Games Act 2006. Given the potential implications of the case for our proposed legislation, the Government decided that Ireland should submit written observations to the court and the preparation of these observations required a considerable commitment of time by the officials dealing with the Bill.

During the trilogue negotiations on a proposed directive on the better enforcement and modernisation of EU consumer protection legislation, agreement was reached on an amendment from the European Parliament prohibiting the sale of tickets acquired through the use of bot software. As one of the amendments to the ticket touting Bill approved by Government related to the use of bots to purchase tickets, the examination of, and discussions on, this provision also took up a considerable amount of time. As its adoption could have constrained our ability to introduce domestic legislation on ticket resale, I am glad to be able to report that, along with a number of other member states, we were successful in having a provision included in the directive which recognises the right of member states to introduce additional national measures, including measures regulating the resale price of tickets.

Additional information not given on the floor of the House

As I also indicated, it will be necessary to submit the amended Bill to the European Commission in accordance with Directive (EU) 2015/1535 on the procedure for the provision of information on technical regulations and rules on information society services. The directive requires member states to postpone the adoption of legislation within its scope for three months from the date of its submission to the Commission.

I intend to honour the commitment given to the organisation referred to in the details submitted by the Deputy. Officials of my Department have been in contact with that organisation regarding the timeframe for the enactment of provisions relating to the sale of tickets for the Euro 2020 championship. The organisation has indicated that it is satisfied with the proposed timeframe.

An Leas-Cheann Comhairle: Deputy Quinlivan has one supplementary question. I ask him to make the best of it.

Deputy Maurice Quinlivan: The Minister is not dealing with the issue. This has now turned into something bigger than it should have been. I presented a Bill to the Joint Committee on Business, Enterprise and Innovation this time last year. We went through that but the Government decided to block it. It would not issue a money message. The Minister has dragged her feet on the issue and, as a result, consumers are being ripped off. She is now responsible for that. Ticket touting has been raised in this House for decades. Deputy Naughten introduced the first Bill in the 1990s. It is utter madness that this has been going for more than 20 years and we are still here talking about the issue due to the inaction of the Government. It is really frustrating for people. When she was introducing the other Bill in this area, the Minister stated that significant amendments would be needed. Will that Bill be ready and in place for those Euro 2020 games Ireland will be hosting? The Minister told us previously that she would be making substantial amendments to that Bill. When can we get sight of those? Will she outline what those amendments are going to be? We have not seen anything yet.

Deputy Heather Humphreys: I am committed to progressing this Bill. It is an important

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issue for consumers and fans. As I stated previously, I do not want to see them getting ripped off anymore. There have been delays in drafting the amendments because the drafting of Brexit-related legislation had to take priority. The Deputy will understand why that is the case. While this is an important issue for fans, I am sure Deputy Quinlivan will agree that Brexit legislation had to take precedence. Regardless of who takes the Bill forward, we are required to submit the Bill to the European Commission. There is absolutely no way around that. It is easy to throw something together for a Private Members' Bill but legislation has to be properly drafted and it needs to be able to stand up to legal scrutiny. The Government cannot enact flawed legislation. If it was easy and straightforward, this would have been done a long time ago. As I stated, I am absolutely committed to progressing this legislation and UEFA has indicated that it will be satisfied, provided it is enacted by the end of this year. I look forward to the co-operation of the House to get the legislation passed whenever it is drafted.

Project Ireland 2040

53. **Deputy Bernard J. Durkan** asked the Minister for Business, Enterprise and Innovation when the next round of the Project Ireland 2040 disruptive technologies innovation fund will open for applications; and if she will make a statement on the matter. [20581/19]

An Leas-Cheann Comhairle: I am anxious to facilitate Deputy Durkan. I ask him to forfeit his 30 seconds.

Deputy Bernard J. Durkan: That is fine.

An Leas-Cheann Comhairle: I ask the Minister to begin her response. All of it will be in the Official Record. There will be a short supplementary question.

Deputy Heather Humphreys: My Department launched the €500 million disruptive technologies innovation fund in June 2018. Information on the fund and how to apply was provided by my Department with the support of Enterprise Ireland, IDA Ireland and Science Foundation Ireland, SFI. Expressions of interest were sought for funding commencing in 2019.

In December 2018, I was delighted to announce the 27 projects that were approved in principle for funding under the first call for proposals.

Each project is a collaborative partnership to develop, deploy and commercialise disruptive technologies to transform business and each is focused on industrial research.

These projects can be funded for up to three years and will ultimately create the jobs of the future. These projects, representing the health, food, ICT and manufacturing sectors in Ireland, will receive over €70 million in Government funding between now and 2021. That they involve partners right across the country shows that excellence in collaborative research, development and innovation transcends county borders and that every part of Ireland is capable of participation in one of the most unique funds Ireland has developed. In fact, 18 of the successful projects involve partners based outside the capital. The projects, all of which are required to include at least one SME, are co-funded by the enterprise partners in each consortium.

The disruptive technologies innovation fund is a competitive offer and all applications for funding under this first call were subject to the same assessment and selection criteria with an international panel scoring the eligible proposals to assist us in our deliberations.

It is my intention that a second call for proposals will issue in June.

Deputy Bernard J. Durkan: Does the Minister remain satisfied that the process is working well and to the advantage of Irish business? Can she give an indication of when the next tranche might be launched?

Deputy Heather Humphreys: I hope to launch the next tranche in June. The projects which have been funded to date have been very successful. For example, I was at the Tyndall research centre only two weeks ago where I saw that a hand-held MRI machine was in development. That is something for the future. I also saw a tiny camera. It was smaller even than the head of a pin. The project will allow cameras to enter the body to look at the heart. What is going on out there is amazing, including in the area of photonics. It is important to make the public aware of these projects. For example, a needle has been developed which administers an injection painlessly. I said it would be very useful for the dentist's office. There is a great deal of excitement around what is happening in technology in Ireland. Over €1 billion worth of applications for the disruptive technology came forward and we made a point of writing back to every applicant to explain where their applications may have failed and whether there was any other funding on which the applicants could draw. We want to capture and maintain that real interest in new technology.

Written Answers are published on the Oireachtas website.

Saincheisteanna Tráthúla - Topical Issue Debate

Services for People with Disabilities

Deputy Margaret Murphy O'Mahony: As Fianna Fáil's spokesperson on disability, I thank the Ceann Comhairle for selecting this issue. It is both topical and serious. I acknowledge first the fantastic work RehabCare does for 3,000 people in 117 locations nationally. The centre most familiar to me is in Bantry in south-west Cork. I acknowledge sincerely the fantastic work that is done there. I understand that after many requests by RehabCare, the Minister of State, Deputy Finian McGrath, the Minister for Health, Deputy Simon Harris, and the HSE met representative of RehabCare last week. I understand also that there will be a further meeting tomorrow. I hope sincerely that it will resolve matters and ensure these vital services can continue to operate. Behind every service user is a family and I ask the Minister of State to keep that in mind as he meets these people. I suggest humbly that the Minister of State brings his cheque book with him when he tries to resolve this issue.

Deputy Niamh Smyth: The Minister of State and I are good friends at this stage given our ongoing engagement and discussion on people with disabilities. Our RehabCare service in Cavan-Monaghan is no different to the wonderful services the Minister of State will have seen and it includes the services at the Holy Family School and in Analee View respite centre in Cootehill. There is a broad range of facilities, including the centre in Bailieborough where there is a RehabCare centre. There is also one in Cavan. Cavan-Monaghan might have one of the largest service user bases in the country. Again, we see people with disabilities being sidelined and

not being viewed as a priority. I am not talking about the Minister of State in that regard as I know he has a deep understanding of and appreciation for people with disabilities. He knows the importance of respite and rehabilitation care, whether provided in day service or residential settings. These are services without which families cannot function. Families depend on them. Most families are providing a 24-7 service themselves for 12 months a year. Respite care, day services and residential care are very important, including for adults with disabilities. It was most unfortunate to see last week how far staff and management were pushed in having to write to families to tell them services were on the verge of collapse. I hope the Minister of State has come to the Chamber today with positive news from which families can take some comfort.

Minister of State at the Department of Health (Deputy Finian McGrath): I thank Deputies Murphy O'Mahony and Smyth for raising this important issue. I know they care passionately and genuinely about disabilities. They have campaigned for and supported developments for the last number of years. I thank them for giving me the opportunity to outline the position in relation to RehabCare. The Government is committed to providing services and supports to people with disabilities which will empower them to live independent lives, provide greater independence in accessing the services they choose and enhance their ability to tailor the supports required to meet their needs and plan their lives. This commitment is outlined in A Programme for a Partnership Government and it is guided by two principles, namely equality of opportunity and improving the quality of life for all people with disabilities. Significant resources have been invested by the health sector in disability services over the past number of years. This year alone, the Health Service Executive has allocated €1.9 billion to its disability services programme, which represents an increase of €346 million since 2016. This is the highest ever level of funding in the history of the State. I thank my colleagues opposite for their support in that regard. I recognise that support.

I acknowledge the important services and the commitment to people with disabilities and their families provided by the staff of the Rehab Group. The Rehab Group provides short-term and long-term services to young people and adults with physical, sensory and intellectual disabilities, mental health difficulties, autism and acquired brain injury. Services are co-ordinated through Rehab's three service delivery divisions, RehabCare, the National Learning Network and Rehab Enterprises. RehabCare provides health and social care supports to about 3,000 adults and children each year, enabling them to become active members of their own communities, achieve life goals and experience new opportunities. The National Learning Network provides a range of flexible training courses and support services for some 5,000 students, including jobseekers and people with an illness or disability, from age 16 upwards who need specialist support in 50 centres around the country. The National Learning Network provides a wide range of vocational training and education programmes which are funded by SOLAS, as well as rehabilitative training, funded by the HSE. Rehab Enterprises does not receive funding from the HSE. The Rehab Group is funded by the HSE under section 39 of the Health Act and operates in all nine HSE CHO areas. Services are provided through a service arrangement which is signed on an annual basis and reviewed continually. The 2019 budget allocation for the Rehab Group is €56.1 million, which is €1 million more than in the previous year.

Last Tuesday, the Minister for Health, Deputy Harris, and I held a joint meeting with Rehab and the HSE. I have met representatives from the Rehab Group and many families of service users personally over the last three years also. Arising from reported financial challenges, Rehab and the HSE have committed to work intensively with a view to understanding the group's financial position and cost base. My primary concern is to ensure continuity of disability ser-

vices for service users and their families, delivered in line with strong governance mechanisms in a cost-effective and equitable manner which is consistent with care and support needs. RehabCare has agreed not to issue a notice of termination, pending the outcome of this intensive work with the HSE. The Minister and I have committed to meeting RehabCare and the HSE tomorrow, Wednesday, 15 May, at 5 p.m. The answer is that I am pushing this agenda very strongly and I thank the Minister for his support.

Deputy Margaret Murphy O'Mahony: I am glad the Minister of State acknowledges the fantastic work done by RehabCare but he is still not answering my question. I know it is difficult to pre-empt the meeting tomorrow but I was hoping he would state that he will continue to fund this fantastic organisation. I am a bit disappointed with his response. Does the Minister of State think that the HSE could provide the services that RehabCare provides and is he prepared to state that the HSE would provide a better service?

Deputy Niamh Smyth: As my colleague, Deputy Murphy O'Mahony stated, what RehabCare does for people on the ground is magnificent. It is in no small way a relief and a support for families. As we would say in Cavan-Monaghan, the Minister of State's response was watery. We have nothing tangible to take back to our families or to the management of RehabCare across Cavan-Monaghan. I appreciate that it may be difficult for the Minister of State to provide anything concrete ahead of that meeting tomorrow. However, I would ask that everything be done to ensure that these services continue and that there will be no break in the day service or the residential service. In recent times, people with disabilities and service users in places such as Steadfast House in Carrickmacross have been hit with ongoing charges in respect of their daily services, whether it be to get their bus or their lunch. There seems to be all these sneaky ways of introducing charges that take away from the little bit of social protection these people enjoy. I reiterate the point that RehabCare is providing a fantastic service and everything should be done to ensure that this continues.

Deputy Finian McGrath: I thank Deputies Niamh Smyth and Murphy O'Mahony again for their support on this issue. I support RehabCare and I am supporting it in government. That is my clear position. I also agree strongly that my job is to look after people with disabilities. I am not interested in any other aspect of the issue. The families are my job. Of course we need tangible results and I am hoping to get them tomorrow.

I mentioned the HSE's 2019 budget earlier. This year, €1.9 billion has been allocated to the HSE's disability service programme. That is an increase of €346 million during the lifetime of this Government. This will fund the provision of a wide and complex range of services and supports to people with disabilities. Additional funding this year is being focused on a number of priority areas as a result of ongoing demographic changes and the fact that population is increasing. These areas include: the expansion of community disability services to meet the needs of school leavers; the 100 new therapy posts to address the assessment of need waiting lists for children with disabilities; personal assistance and home support service hours; and residential and respite places. At our meeting last Tuesday, which was difficult and direct, both RehabCare and the HSE remained committed to working together intensively with a view to making substantive progress in arriving at a solution in respect of this issue. The Minister and I are working closely together on this issue. I have also raised it at Government level. A further meeting is scheduled to take place tomorrow and I hope major progress will be made in respect of the genuine concerns the Deputies have raised. As stated, my focus is on the people with disabilities and their families. I want to see the funding going there and I want to see them get maximum support.

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Medicinal Products Availability

Deputy Kathleen Funchion: I am glad that this issue was selected, which is important to the people of Kilkenny. I mean no disrespect to the Minister of State but I was hoping that the Minister for Health would be present because it is relevant to his brief. The first thing I want to do is obtain a commitment from the Minister of State that he will bring this matter to the Minister's attention.

This issue relates to pembrolizumab, a drug that is available for the treatment of patients with certain cancers in this country. Patients with a particular type of cancer are not able to access the drug, making this another example of the two-tier health system with which, unfortunately, we are all too familiar. Deputy McGuinness and I want to refer specifically to John Holmes, a Kilkenny man who has had to resort to having friends and family establish a fundraising committee in order that he can access the drug pembrolizumab. There are regular fundraisers throughout Kilkenny to try to fund his treatment. It is not nice for anyone to be diagnosed with any type of illness, not to mention having then to go out and fundraise in order to pay for one's medication. Ironically, pembrolizumab is manufactured in Carlow, one of the counties bordering Kilkenny. The drug is not available to Mr. Holmes but it is available to certain other patients. We are seeking a firm commitment from the Minister that he will meet Mr. Holmes and his fundraising committee to discuss the matter, that he will examine the position and that he will not offer some sort of watery reply whereby he states that he will come back to the matter and then kicks the can down the road.

Time is of the essence. We need a definite commitment that he will meet the fundraising committee and that he will consider the matter and come up with a solution in order that John Holmes can get access to this vital drug because it is working and, thankfully, he has seen results from it. Obviously, it costs approximately €5,000 per session so treatment is out of the reach of most people.

Deputy John McGuinness: John Holmes began to have investigations into his health in 2010 when it was established that he had cancer. From 2010 to today, he has been battling cancer. He has had chemotherapy and he has had various invasive surgeries. Professor John Crown has recommended that he undergo an aggressive form of chemotherapy. That has all happened and now it is being recommended that he be treated with pembrolizumab. The local community and John have been out begging for funds to fund the 30 infusions of pembrolizumab he needs at a cost of €5,111 each. Nobody can afford this. This man will die if he does not receive the treatment needed to give him an extension of his time. The Government can provide the answer by assisting Mr. Holmes in accessing the pembrolizumab.

I have asked the Minister to meet the family and to meet John Holmes. We tabled this matter in the belief that the Minister would come to the House and provide an answer. It is a sad reflection on the Government that the Minister is not here to answer the question being put to him by Deputy Funchion and me. That is a disgraceful way to treat the family. I ask that the Minister of State request an immediate meeting between John Holmes and the Minister, that he take immediate steps to remove VAT from this drug and that he ensure that the drug is made available to John, who has a unique type of cancer and who requires this drug immediately.

I have asked the Minister to meet the family and to meet John Holmes. We tabled this matter in the belief that the Minister would come to the House and provide an answer. It is a sad reflection on the Government that the Minister is not in here answering the queries that are being

put to him by Deputy Funchion and me. That is a disgraceful way to treat the family. I ask that the Minister of State request an immediate meeting between John Holmes and the Minister, that he take immediate steps to remove VAT from this drug and that he ensure that the drug is made available to John, who has a unique type of cancer where he requires this drug immediately.

Deputy Finian McGrath: I thank Deputies Funchion and McGuinness for raising this very important and serious issue. The Deputies described in great detail the sad case of John Holmes.

I wish to inform the Deputies that pembrolizumab is available to public cancer patients in Ireland for a number of licensed indications and is included on the HSE reimbursement list for some of those indications. Furthermore, pembrolizumab is currently being assessed by the HSE, using the criteria as set out in the Health (Pricing and Supply of Medical Goods) Act 2013, for a number of other indications for which it has received marketing authorisation.

The Deputies will be aware that the Oireachtas has put in place a robust legal framework in the Health (Pricing and Supply of Medical Goods) Act 2013. This Act gives full statutory powers to the HSE to assess and make decisions on the reimbursement of medicines, taking account of a range of objective factors and expert opinion as appropriate. The Act specifies the criteria to be applied in the making of reimbursement decisions which include the clinical and cost effectiveness of the product, the opportunity cost and the impact on resources available to the HSE.

6 o'clock

In line with the 2013 Act and the national framework agreed with industry, if a company would like a medicine to be reimbursed by the HSE, it must first submit an application to have the new medicine added to the reimbursement list. Reimbursement is for licensed indications which have been granted market authorisation by the European Medicines Agency or the Health Products Regulatory Authority.

HSE decisions on which medicines are reimbursed by the taxpayer are made on objective, scientific and economic grounds on the advice of the National Centre for Pharmacoeconomics, NCPE. The NCPE conducts health technology assessments, HTAs, for the HSE and makes recommendations on reimbursement to assist decisions. It uses a decision framework to assess systematically whether a drug is cost effective as a health intervention. Clinical trials for various immunotherapies, including pembrolizumab, are ongoing globally for a range of other possible indications which may receive marketing authorisation in the EU over the next number of years. Each of those indications will be considered for reimbursement as market authorisations are granted and applications received by the HSE.

The Deputies will be aware that as an exceptional measure, the Government made a decision in May 2018 to put in place a package of support measures for women and families affected by issues related to CervicalCheck. These measures included medicines which might not be approved for reimbursement, including pembrolizumab, once they are prescribed by the treating clinician. The establishment of such a comprehensive support package reflected the impact of the lack of disclosure of the result of clinical audit and the ensuing controversy on individual women and their families. In January 2019, after careful consideration of the situation which had arisen in respect of patients with cervical cancer who were not encompassed by the terms of the support package agreed by the Government for those affected by the CervicalCheck clinical audit non-disclosure issue, it was agreed the HSE would put in place arrangements to facilitate access to pembrolizumab for cervical cancer patients on a case-by-case basis in public hospitals

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when a treating clinician determined this to be in the patient's best interests. The Minister for Health has no role in how doctors manage or the care of individual patients. All prescribing decisions are entirely a matter for the treating clinician, in line with patient safety protocols and the Medical Council guide to professional conduct and ethics.

Additional information not given on the floor of the House

The Deputies may also be aware that on 29 March 2019, the VHI sent a circular to oncologists advising them that it was extending cover to a number of new cancer medicines, including pembrolizumab. This decision by the VHI applies only to private care for VHI private patients in private hospitals and will have no impact on the provision of care in public hospitals. The effect of the VHI decision will be that VHI private patients in private hospitals may have access to a medicine not yet available in the public hospital system. A number of the medicines or indications which the VHI has now decided to cover are at various stages of the HSE assessment and reimbursement process in accordance with the provisions laid down in the 2013 Act.

Deputy John McGuinness: It was not worth including in the record the additional information not given on the floor of the House. The Minister of State did not address the question.

An Ceann Comhairle: So be it.

Deputy John McGuinness: Not so be it.

Deputy Kathleen Funchion: I should have said earlier that Deputy Aylward had sent his apologies for his absence.

With respect, the Minister of State's reply is a load of nonsense. We know about the women with cervical cancer. We are all well aware the medicine is not one on trial or that has not been approved by the HSE. It is available for a number of types of cancer but not for the cancer John Holmes has, which has been diagnosed as a metastatic neo-endocrine tumour. He has been forced to fundraise for the drug and the HSE can see that the drug is working. Providing access to the drug makes sense. It is available through the HSE for other cancer patients and has been clinically shown to work. What is preventing John Holmes from accessing it?

We need an urgent meeting with the Minister. Common sense is needed but it is utterly lacking. All the scripts and paperwork being presented to deal with the matter do not do so. The campaign group has been in contact with the Minister and has requested a meeting, as has Deputy McGuinness on our behalf. It is important the matter is not kicked down the road. I know how the House operates, where in two months we will be speaking about the same issue. The man in question does not have that time and we need a commitment this week that we will have a meeting with the Minister.

Deputy John McGuinness: What the Minister of State has outlined has nothing to do with the question that was asked. He should be ashamed of himself. He was asked a specific question about supporting Mr. Holmes in the context of a cost of €5,111 for 30 treatments of the drug. All the Minister of State did, however, was give us a history lesson. The Government is cold and callous if it can stand back and watch the likes of John Holmes die when all he needs is the Government's permission to allow what Professor Crown has said Mr. Holmes needs, namely, to be given pembrolizumab. That is a simple instruction to the Minister to follow the medical need of Mr. Holmes, but the Government has refused to do that. Not only that, but the Minister of State has put this waffle on the record.

Will the Minister meet Mr. Holmes? Will the Government remove VAT from the drug? Will it assist the man to live or will it let him die? That is the question. The Government did the same in the case of young Isaac Brennan and Spinraza. The same argument was made in the Chamber, where the Government stated it would wait and see. Last week, the HSE made the decision to push out again the date for the final decision.

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

Deputy John McGuinness: On a point of order, a Cheann Comhairle, it is a disgrace that a Minister of State would use that script in the Chamber and fail to address a question about a man who is seriously ill. The Government can be described as cold and callous.

An Ceann Comhairle: With respect, Deputy McGuinness-----

Deputy John McGuinness: The Government is being seriously disrespectful to Mr. Holmes by not responding properly or adequately to the requests made of it.

An Ceann Comhairle: I fully accept this is an inordinately difficult problem for two representatives of someone in a gravely ill condition. Nevertheless, I do not see the name of any patient on the notes before me.

Deputy John McGuinness: Mr. Holmes met the Minister. I sent a text message to the Minister and asked him to meet. I sent him a note in Deputy Funchion's presence but he ignored it. How will people build respect and trust for politicians when this nonsense is put on the record and when the real issues of Mr. Holmes and Isaac Brennan are not addressed in the Parliament?

An Ceann Comhairle: To be clear, I reiterate that the name of Mr. Holmes or of anybody else does not appear on the subject matter before us.

Deputy John McGuinness: Nor does any of the nonsense the Minister of State has outlined.

Deputy Finian McGrath: I reject many of the allegations that Deputy McGuinness has made. The House knows my position on the issue. It is important that pembrolizumab is available to public cancer patients in Ireland for a number of licensed indications which have been assessed in line with the 2013 Act. Clinical trials are ongoing globally for a range of other possible uses which may receive marketing authorisation in the EU over the next number of years. Each of those treatments will be considered for reimbursement as the market authorisations are granted and applications are submitted to the HSE for decisions.

Of course I will convey the Deputies' message to the Minister for whom I am stepping in today. I reject Deputy McGuinness's personal allegations against me. I always convey the views of Deputies to the Minister. Deputy McGuinness should show some respect. I hope that as a result of the process, pembrolizumab will become available for more indications in the years ahead. I will convey the other points raised by Deputies, in respect of Mr. Holmes and the VAT issue, to the Minister, which is as much as I can currently do.

Deputy Kathleen Funchion: I had also requested a meeting with the Minister.

Deputy Finian McGrath: I will convey that message to the Minister. There is no problem in that regard.

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An Ceann Comhairle: In the light of the extreme urgency of the case the Deputies describe, will the Minister of State request an urgent response from the Minister? It would be appreciated by all concerned.

Deputy Finian McGrath: There is no problem in that regard.

Home Care Packages Provision

Deputy Eamon Scanlon: The House will be aware that serious challenges face the planning and provision of home care supports and services. The deficits have a serious impact on the quality of choices people make, if they are able to make any, about how they receive the care they need. The people who need the care are among the most vulnerable in society and it is the moral responsibility of the State to care for its most vulnerable citizens in their time of need.

Deficits and challenges facing the health system are complex. From my direct work with older people and their families in counties Sligo and Leitrim, south County Donegal and north County Roscommon, however, I know that older people do not receive the quality of home care support services they need to maintain their health and well-being, to allow them to continue to live independently within their homes and communities and to avoid or delay hospital residential care stays. Home supports are critical for older people but it is clear that families do not receive affordable home care supports of an adequate quality.

The Citizens' Assembly dealt with the issue and the findings were clear. A total of 99% of members wanted the Government to expedite the current commitment to place home care on a statutory footing. Life expectancy is rising and people aged above 65 can expect to live into their 80s, with two thirds of these years lived disability free. The number of people aged over 85 is projected to double in the next 20 years. The number of people aged over 65 will increase by 59%. This will create capacity challenges and has been well signalled. The ESRI report on health care projections noted the demand for home care packages will increase by between 44% and 66% by 2030 and the demand for home help hours will increase between 38% and 54%. The health service capacity review also flagged this.

Older people can sustain an independent lifestyle at home if they receive appropriate and timely quality physical and psychological supports. The absence of available supports impacts fundamentally on the range of choices available to older people. Without access to home care supports some older people are forced to move to residential care settings, which are often not their first choice. This undermines their human right to live with dignity and independence. We know we need a large injection of funding in home supports to enable the service to meet its yearly growth in service users.

The HSE national service plan for 2019 provides for a target of almost 17.9 million home support hours to be provided to 53,000 people. Despite the significance level of service provision, demand continues and the waiting list will persist and rise. At the end of March, 519 elderly people were on waiting lists for home care in community healthcare organisation area 1. The average time spent on waiting lists for home care supports for non-priority cases is at least 3.3 months. The average home care package is now six hours a week and not, as we all thought previously, ten hours. Fewer hours are now being spread more thinly per client every week, with an increase in the provision of short 30 minute slots. There is not much one can achieve in 30 minutes.

There is an absence of legislative entitlement to home support and a lack of transparency and accountability. There is limited access to packages due to chronic underfunding and the eligibility criteria for supports remain unclear. The overall lack of the provision of supports is the key issue. My office is contacted by families and people needing to remain in hospital or who need to go to a nursing home because there are no supports at home, to where they want to return. This is a serious deficit. I know of one case where a man has been between hospitals for more than a year. His home, which was not appropriate for him, has since been converted and now has a downstairs en suite bedroom, for which the HSE provided a hospital bed and a wheelchair. The man cannot be sent home as there are no carer hours in the area. It is far more expensive to keep him in a nursing home or hospital rather than provide a few hours to the family so this 93 year old man can come home.

Deputy Finian McGrath: I thank Deputy Scanlon for raising this important issue. I am taking this matter on behalf of my colleague, the Minister of State with responsibility for mental health and older people, Deputy Jim Daly. The Government's core objective is to promote care in the community so that people can continue to live with confidence, security and dignity in their own homes and communities for as long as possible. A wide range of services are provided, including home supports, day care and residential care, through direct service provision and through voluntary and private providers.

Improving access to home support is a priority for the Government. Over the past four years we have seen a considerable increase of nearly €140 million in the budget, which has grown from €306 million in 2015 to almost €446 million in 2019. More than 53,000 people will receive more than 18 million home support hours this year, including intensive home care packages to 235 people. Despite this significant level of service provision, the demand for home support continues to grow. The allocation of funding for home supports throughout the system, though significant, is finite and services must be delivered within the funding available.

Preliminary data indicates that during the first quarter of the year 4.2 million hours were delivered nationally, 4,411 new clients commenced the service and 6,238 people have been assessed and are waiting for either new or additional home support services. I acknowledge that in some cases access to the service may take longer than we would like. However, the HSE has assured the Department that people on a waiting list are reviewed as funding becomes available to ensure that individual cases continue to be dealt with on a priority basis within the available resources and as determined by the local front-line staff, who know and understand the clients' needs and who undertake regular reviews of those care needs to ensure the services being provided remain appropriate.

The allocated home support budget for community healthcare organisation area 1, which covers Cavan, Donegal, Leitrim, Monaghan and Sligo in 2019 is €44.3 million. This is an increase of approximately €4.5 million on last year's allocated budget. While the overall aim is to be as responsive as possible to all applications, delays can occur. According to the HSE, currently the home support budget for the Sligo, Leitrim and west Cavan region is experiencing demand in excess of the funding available. Preliminary data shows 205 people are waiting for new or additional hours. In this context, those clients who are assessed and who are not provided immediately with a service are prioritised based on the clinical assessment and are placed on a waiting list for a resource as it becomes available. The number of people waiting for funding for home support services reflects a point in time. While the existing home support service is delivering crucial support to many people throughout the country, it is acknowledged that the service and access to the service need to be improved to better meet the changing needs of our

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citizens. This is why we intend to establish a statutory scheme for home support services that will improve access to the service on an affordable and sustainable basis while also introducing a system of regulation that will ensure public confidence.

Deputy Eamon Scanlon: There is a specific commitment in the programme for Government to introduce uniform home care services so all recipients can receive quality support seven days a week. The Minister of State is right that every year the funding has increased but it is still not sufficient to meet the demand that exists. The Minister of State spoke about 205 people waiting. That is actually 205 families waiting for some help and support so they can bring their loved ones home, where they want to keep them and where they want to be themselves, and where they can be looked after. We all know the cost of nursing home care. It is €1,000 or €1,200 a week. The sum of €100 a week would keep people in their homes with the support and help of their families. Quite honestly, it is economic madness not to provide the funding. I agree the funding has increased but not sufficiently to look after these people. It is small money when we compare it to the cost of the children's hospital, which I agree has to be built and is badly needed. When we consider we are over budget on the children's hospital by €450 million or €500 million, I believe €5 million would solve the home help problem nationally. It would allow people to have enough home help and home care to look after their loved ones at home. The Government owes it to these people who have worked all their lives, paid their taxes and reared their families. Now they are being left without support or help. It is wrong. Some people wait for three and a half months. It is disgraceful and the Government should do something. We are not speaking about millions or billions of euro. We are speaking about small money of €4 million or €5 million to sort out the problem for the people.

Deputy Finian McGrath: I thank Deputy Scanlon and I take his point on the economic argument. There are strong indicators that it is the sensible thing to do. We also have a situation where people now live longer than they have ever done in the history of the State. Success in improved health and extended life expectancy has been achieved in recent decades and every year there is an increase of 20,000 in the over 65 population. There is an obvious need to provide high quality and flexible services that not only best meet the needs of individual clients, but also reduce pressures elsewhere on the health system. This is another argument. Social care services, including home care, day care and respite, are an important component in enabling people to remain living at home and participating in their own communities. They also provide valuable supports to carers.

We are aiming to improve home support services so people can remain living with confidence, dignity and security in their own homes. While the existing service is delivering crucial support throughout the country, I recognise that home support services need to be augmented to better meet the changing needs of our citizens. The Department is engaged in a detailed process to develop a new stand-alone statutory scheme for the financing and regulation of home support services. This is a point on which the Deputy spoke strongly. This scheme is a key action under the Sláintecare implementation strategy, along with improving and developing supports in the community. I will raise the Deputy's valuable points with the Minister of State, Deputy Jim Daly.

Residential Institutions Redress Scheme

Deputy Maurice Quinlivan: This is an incredibly important issue, so I thank the Minister for coming in to respond to it today. Today in the Dáil, the Taoiseach said the State could have acted, but did not. It was a very welcome comment. He also said the abuse compensation scheme was not working, which was also a very welcome and significant comment.

This is a topic in which I have a deep personal interest, having worked closely for a number of years with the lads from VOCADS and Creagh Lane in Limerick. To be honest, I am absolutely disgusted at how survivors of historical child sexual abuse have been treated by Fine Gael and by previous Governments. These men are currently barred from accessing compensation for the horrific abuse they suffered and the Government has steadfastly stood in their way of justice. Last July, the Government was defeated by 84 votes to 44 on a Dáil motion which sought to allow victims of primary school sexual abuse to seek redress on the same basis as victims of residential institutional abuse. The Dáil instructed this Government, by a large majority, to change how this scheme operates, but in the arrogant approach that is the trademark of this Fine Gael Government, it ignored it. This, of course, is because Fine Gael knows better than everybody else.

This Dáil motion outlined how the State's *ex gratia* redress scheme, set up after Louise O'Keeffe won her European Court of Human Rights case in 2014, could be amended to include victims in cases who could not prove a prior complaint. It would only cost about €15 million, which is not that much in the grand scheme of things. The prior complaint interpretation of the Louise O'Keeffe judgment is total nonsense and the Minister knows that, as did previous Ministers. It was designed by officials and lawyers to lock survivors out and keep the compensation bill down for the State, hoping that many of them would die and would not be able to access the compensation. It is a despicable approach to take with survivors of child sexual abuse.

The fight against the State which the men from Creagh Lane have had to put up has been shocking. They were subjected to the most horrendous sexual abuse as children in Creagh Lane national school in Limerick but denied redress due to barriers put in place by Fine Gael. Some of these men have shared their stories publicly. One, who was abused at the age of eight, said: "School was about survival, I'd be looking at the teacher thinking "just stay away"". Another, who was abused at the age of six said: "I was screaming and had to be tied into a buggy with a rope to be brought to school. The children never spoke about it, we just kept our heads down and our mouths shut". I know most of these lads personally, and many had never spoken about their abuse for years, with families and friends unaware what they went through. This Government has forced these men to protest outside the Dáil gates, to try to get their story highlighted in the media, to travel to Brussels to highlight their injustice in the European Parliament and to have a Dáil debate which the Government has ignored.

Louise O'Keeffe was dragged through the courts before she got justice and compensation, and it seems this Government is content to do the same to the remaining survivors who were locked out of the redress scheme. The Government's handling of this situation has been shameful. It is clear it does not understand the hurt and stress it is causing to survivors. The abuse these men suffered as children ruined their childhoods and left a terrible scar on their lives. The Government needs to show compassion to these people. Can it please stop fighting these survivors of child sexual abuse in court, and provide them with the compensation that will allow them to get justice and move on with their lives?

On 7 July 2016, the then Minister for Education and Skills, Deputy Bruton, told my colleague, Deputy Mary Lou McDonald, that payments had been made and that they would con-

tinue to be made under an *ex gratia* scheme. That is clearly not the case. The Minister told “RTÉ News” at the weekend that no one had been paid. Can he clarify this? It cannot be both and either payments have been made or they have not. Which is it?

Minister for Education and Skills (Deputy Joe McHugh): I thank the Deputy for raising this important issue and I acknowledge the Deputy’s intervention with the Taoiseach today. The legacy of sexual abuse against children, whether in residential institutions, in day schools or in any other setting, is appalling. The Government calls on those who have evidence of prior complaint of abuse to bring that evidence forward in an open and transparent way to the appropriate authorities. There is an onus on all those who have information or knowledge in relation to child abuse that may bring closure to a survivor to come forward with that information.

Prior to the Louise O’Keeffe case to the European Court of Human Rights, ECHR, the domestic courts, up to and including the Supreme Court, had found that the State had no liability for day school abuse as it was not the owner or manager of the schools and, while it paid school teachers, it did not employ them. The European Court of Human Rights found on the facts of the O’Keeffe case that the responsibility of the State was engaged in certain circumstances. A central facet of this case was that there had been a prior complaint of abuse in respect of the teacher who abused Ms O’Keeffe. In 2015, the State responded to the ECHR judgment by setting up an *ex gratia* scheme to specifically address the position of persons who had discontinued their proceedings against the State the wake of a number of High Court judgments and the Supreme Court judgment in the O’Keeffe case. In 2017, an independent assessor, retired High Court judge, Mr. Justice Iarfhlaith O’Neill, was appointed to assess applications declined under the scheme. As of today’s date, 50 applications have been submitted to the scheme, 45 have been declined and the remaining five cases have not yet been determined. A total of 20 applicants have sought an independent assessment. The assessor’s decisions are awaited in respect of these cases. I look forward to receiving the assessor’s decisions on the cases and his findings will be abided by.

It is important to recognise that the scheme is addressed to a specific cohort of historic, discontinued day school sexual abuse cases which were impacted on by the ECHR judgment in the O’Keeffe case. I am aware that survivors of day school abuse are pursuing cases through the civil courts and are receiving settlements, either through the courts or on an out-of-court basis. The judgments have been secured against the actual abuser and-or the school management or patron. In the latter case these have generally been religious congregations. The Department is also continuing to receive notices of discontinuance, reflective of the fact that the domestic courts will not find the State liable where there is no evidence to support that liability. In addition, the State Claims Agency has, to date, made settlements in 22 cases many of which also involve authorities responsible for schools. In these cases, more than half the compensation paid has come from non-State parties. This is reflective of the shared liability in these cases.

We have learned from our dark history of child abuse and put in place a set of measures to enhance child protection and make sure abuses of the past cannot recur. We are constantly reviewing these measures and strengthening them, wherever possible. As part of this ongoing process of reviewing child protection measures, significant developments include the following: the creation in 2012 of a criminal offence where a person fails to disclose to the police information in relation to certain serious offences, including sexual offences against children and vulnerable persons; the introduction of statutory vetting arrangements for people involved in working with children and vulnerable adults, including those working in schools; and the enactment of the Children First Act 2015.

As part of my Departments ongoing work to improve child protection measures across the education sector, the Department's inspectorate introduced child protection and safeguarding inspections in February 2019 as a new form of specialised child protection inspection. These child protection and safeguarding inspections are designed to check that school boards and staff members are implementing the 2017 child protection and safeguarding procedures and will provide a further level of inspection in primary and post-primary schools.

Deputy Maurice Quinlivan: I thank the Minister for his response. He confirmed that nobody had been compensated under the redress scheme. I echo the comments of the Taoiseach, which are very important. He said the State could have acted but did not, and he also said the compensation scheme was not working. The Minister is new in this Department and I hoped he would take a different approach from that taken by his predecessors. I wrote to him on 23 October to congratulate him on his appointment as Minister and to ask him to meet survivors of abuse which occurred at Creagh Lane national school in Limerick, as a priority. It should be one of his top priorities but neither he nor anyone from his Department bothered to reply to my letter. He should meet with these men and listen to their horrific stories and hear, at first hand, the horrendous abuse they suffered as children at the hands of their teacher, which has been proven in court. It may then dawn on him that something needs to be done about it. It is scandalous how these men have been treated by Fine Gael. It ought to be ashamed if it intends to continue this approach. I do not want the Minister's reply to me to be about a previous scheme or any other scheme. He knows the story. He knows this Government is blocking these men accessing the redress they deserve. Their childhoods were ruined by paedophiles and their lives scarred by the abuse. The very least they deserve is to be treated with dignity and respect and to be provided for in respect of the hurt and loss they have suffered because of the failure of the State to protect them when they were children. They do not want empty words or sympathy. They want the Minister to take action. I reiterate my request to the Minister in October last year that he meet myself and one or two of the lads to discuss this matter.

Deputy Joe McHugh: I again thank the Deputy for raising this issue. When discussing this issue it is difficult to articulate the thoughts and sentiments of people who have experienced it. It is not only that their youths were stolen, what happened has had a massive impact on their adult lives and it continues to impact on them. I take this matter seriously. I await receipt of the former High Court judge, Mr. Justice Iarfhlaith O'Neill's report of the 20 cases, following which I will form my own judgment. I am also interested in the recommendations he will put forward on conclusion of his deliberations, which will be accepted in full. It is important to put the latter point on the record.

It would be remiss of me not to reiterate the Taoiseach's comments that this scheme is not working, in that of the 50 applications only five are due for assessment, with the remaining 45 not having been refused. As I said, there is something wrong with this scheme and we need to consider how we can put things right. This is the least we can do to bring peace to people who have borne and continue to bear such a heavy weight. I believe that we can do that collectively. Like many other people in this House who have requested that I meet with particular survivor groups - I have met a number of them at this stage - Deputy Quinlivan has asked me to meet the lads from Limerick at some stage in the future and I am happy to do that.

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Parental Leave (Amendment) Bill 2017: From the Seanad

An Ceann Comhairle: We now come to the Parental Leave (Amendment) Bill 2017 - Amendments from the Seanad. This is important legislation that has been outstanding for some time and we are anxious to see progressed.

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

Seanad amendment No. 1:

Section 2: In page 3, between lines 8 and 9, to insert the following:

“Amendment of section 2 of Principal Act

2. Section 2(1) of the Principal Act is amended by inserting the following definitions:

“ ‘specified Act’ means the Parental Leave (Amendment) Act 2019;

‘specified day’ means the day on which the specified Act comes into operation;”.”.

Seanad amendment agreed to.

Seanad amendment No. 2:

Section 2: In page 3, to delete line 11 and substitute the following:

“(a) by inserting the following subsection after subsection (1):

“(1A) The reference in subsection (1) to a period of 18 working weeks shall be construed—

(a) in the period from 1 September 2019 to 31 August 2020, as a reference to a period of 22 working weeks, and

(b) on and from 1 September 2020, as a reference to a period of 26 working weeks.”.”.

Seanad amendment agreed to.

An Ceann Comhairle: Seanad amendments Nos. 3 and 4 are related and shall be discussed together by agreement.

Seanad amendment No. 3:

Section 2: In page 3, line 15, after “years”,” to insert “and”.

Seanad amendment agreed to.

Seanad amendment No. 4:

Section 2: In page 3, to delete lines 16 to 31, and in page 4, to delete lines 1 to 4 and substitute the following:

“(d) by inserting the following subsection after subsection (8):

“(8A) Where, before the specified day, a person who is a relevant parent in respect of a child has not taken 18 weeks parental leave in respect of the child (and irrespective of whether the person was prevented from making all or any of the parental leave by the operation of subsection (2) as in force before the specified day) then on and from the specified day this Act, as amended by the specified Act, shall apply to so much of the 18 weeks of parental leave as was not taken before the specified day in respect of that child.”.

Seanad amendment agreed to.

An Ceann Comhairle: Seanad amendments Nos. 5 and 6 are related and shall be discussed together by agreement.

Seanad amendment No. 5:

Section 2: In page 4, to delete lines 5 to 10.

Seanad amendment agreed to.

Seanad amendment No. 6:

Section 3: In page 4, to delete lines 13 to 17 and substitute the following:

“(a) in subsection (1)(a), by substituting “equal to the period referred to in section 6(1)” for “of 18 weeks”,

(b) in subsection (1)(aa)(ii), by substituting “the number of weeks referred to in section 6(1) in total,” for “18 weeks in total, or”,

(c) in subsection (1)(b)(iii), by substituting “subparagraphs (i) and (ii), or” for “subparagraphs (i) and (ii).”,

(d) in subsection (1), by inserting the following paragraph after paragraph (b):

“(ba) where an employee has taken leave pursuant to paragraph (a), (aa) or (b), periods each consisting of not less than 1 week.”,

(e) in subsection (2)(a), by substituting—

(i) “equal to the period referred to in section 6(1)” for “of 18 weeks” in each place where it occurs, and

(ii) “the relevant number times” for “18 times”,

(f) in subsection (2)(b), by substituting “, (aa) or (ba) of subsection (1)” for “or (aa)”,

(g) in subsection (3), by inserting “subsections (3A) and (3B)” for “subsection (3A)”,

(h) by inserting the following subsection after subsection (3A):

“(3B) Subsection (3) shall not apply to—

(a) any period of parental leave proposed to be taken by an employee—

(i) in respect of a child who has attained the age of 11 years before or on

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the specified day, and

(ii) before the 1st anniversary of that day,

if the operation of section 6(2)(a) would prevent the employee from taking all or any part of that parental leave after that day, or

(b) any period of parental leave proposed to be taken by an employee—

(i) in respect of a child who has attained the age of 15 years before or on the specified day, and

(ii) before the 1st anniversary of that day, if the operation of section 6(2)(c) would prevent the employee from taking all or any part of that parental leave after that day.”,

and

(i) by inserting the following subsection after subsection (4):

“(5) In this section, ‘relevant number’ means the number equivalent to the number of weeks referred to in section 6(1).”.

Seanad amendment agreed to.

Seanad amendment No. 7:

Section 4: In page 4, between lines 17 and 18, to insert the following:

“Amendment of section 8 of Principal Act

4. Section 8 of the Principal Act is amended by inserting the following subsection after subsection (7):

“(8) Where an employee proposes to take parental leave in respect of a child pursuant to section 7(1)(ba), then the notice under subsection (1) required to be given by the employee shall, for the purposes of this Act, be treated as—

(a) one such notice if the employee complies with that requirement by giving one notice specifying a continuous period of parental leave proposed to be taken,

(b) one such notice if the employee complies with that requirement by giving one notice specifying the periods of parental leave proposed to be taken, or

(c) such number of notices equivalent to the number of periods of parental leave proposed to be taken if the employee complies with that requirement by giving such number of notices each specifying one of the periods of parental leave proposed to be taken,

and the other provisions of this Act (including section 11) shall be construed accordingly.”.

Seanad amendment agreed to.

Seanad amendment No. 8:

Section 4: In page 4, between lines 17 and 18, to insert the following:

“Amendment of section 11 of Principal Act

5. Section 11 of the Principal Act is amended by inserting the following subsection after subsection (6A):

“(6B) Where a notice under section 8(1) by an employee to his or her employer falls within section 8(8)(b), then, subject to any agreement between the employee and the employer, any postponement under this section of the commencement of parental leave must apply to each period of proposed parental leave the subject of the notice.”.

Seanad amendment agreed to.

Seanad amendment No. 9:

Section 4: In page 4, between lines 17 and 18, to insert the following:

“Amendment of section 27 of Principal Act

6. Section 27 of the Principal Act is amended—

(a) by substituting the following subsection for subsection (2):

“(2) A record under this section shall be retained by the employer concerned—

(a) where the record is in respect of parental leave, for a period of 12 years, and

(b) where the record is in respect of *force majeure* leave, for a period of 8 years, in such form as the Minister may specify.”,

and

(b) in subsection (4), by inserting ““paragraph (a) or (b) of subsection” after “subsection (1) or”.”.

Seanad amendment agreed to.

Seanad amendment No. 10.

Section 4: In page 4, to delete line 22 and substitute the following:

“(3) This Act shall come into operation on such day or days as the Minister for Justice and Equality may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.”.

Seanad amendment agreed to.

Seanad amendments reported.

Deputy Róisín Shortall: Is it in order to make a couple of closing remarks?

An Ceann Comhairle: Yes.

Deputy Róisín Shortall: The main proposals of the Bill are to extend the entitlement to unpaid parental leave from eight to 12 years and the number of weeks from 18 to 26 weeks. It also extends an entitlement to the full 26 weeks to those people who have not availed of the leave to date for whatever reason.

It is almost three years since my colleagues in the Social Democrats and I commenced work on this Bill. It is a great relief to see it come through tonight. As a small, new party we are very proud to have made this modest difference to the lives of working mothers and fathers and their children.

If it is in order, I would like to thank a number of people. I thank Paul Cassidy, policy director of the Social Democrats, who has been centrally involved in drafting this Bill and dealing expertly with the many technical issues that arose during the passage of the Bill through the Oireachtas. I also thank the Office of the Parliamentary Legal Advisers, OPLA. There is much discussion about new politics and the importance of the Opposition parties being able to table and progress Private Members' Bills. That can only happen if we have the support of the resources within the Houses of the Oireachtas. It is particularly the case in regard to smaller parties that may not have an array of legal advisers, unlike some of the bigger parties. We were very grateful for the support we got from OPLA. There is an issue around resources. If we are genuinely to engage in new politics it is really important that that office, which is a key office, is adequately resourced and in a position to provide the kind of support throughout the drafting and redrafting periods and the passage of Bills.

This Bill went through very smoothly in terms of its passage through the Dáil. Unfortunately, Government time was not allowed for it and so the Social Democrats had to use its limited Private Members' time over an extended period. The Bill then went to the Seanad where, because we do not yet have Members, we were very much dependent on other parties allowing time for the taking of it. Again, it was unfortunate that Government did not allow that time. I pay special thanks to the Fianna Fáil group in the Seanad, in particular to Senator Catherine Ardagh, who was very active in facilitating and promoting the taking of this legislation in the first instance. I acknowledge the support of the Labour Party, in particular Senator Bacik, in facilitating the taking of Report Stage in its Private Members' time. When it came to the later Stage, the Minister and the Government came on board. I very much appreciate the taking of the Final Stage in Government time in the Seanad and again in this House today.

I acknowledge the support of the Minister of State, Deputy Stanton, and the officials in the Department of Justice and Equality for this legislation and for working in a collaborative way to bring it to its final conclusion tonight. There was important, positive and progressive engagement between the Department, the Minister of State and my own party in this regard. I very much appreciate that engagement and support.

It is important to also acknowledge the key role that parents played in regard to the successful passage of this legislation. It was clear from a very early stage that there was a huge need to provide this kind of flexibility to parents who are trying desperately to strike a balance between their work and family lives. Throughout the process, I got a real insight into where so many parents are at this point. They are struggling to pay mortgages and rent and to keep their heads above water. Parents of young children are put to the pin of their collar to get by and keep the show on the road. Many people find the pressures excessive and that is why there was such a

level of interest in this legislation. It provides the extra flexibility that parents so desperately need. Parents have told stories of having to get up at 4 a.m. and the unsustainability of doing that. Parents are coping with children with special needs. Others, because they are working long hours, rarely get to spend quality time or quantities of time with their children. They want that little bit of breathing space to allow them to collect their kids from school or to do different activities at different times. Those things are so important because the early years go so quickly. It is really important that we have agreed this legislation. It will make a major difference to the lives of so many families and children.

I thank everyone involved in bringing this legislation to a conclusion. It is very important that, while we have agreed on the extension of unpaid parental leave, we continue with the expansion of paid parental leave, particularly in fulfilling the commitment contained in the programme for Government to ensure that parents are in a position to provide care for their children in their own homes for the first critical 12 months. Slow progress has been made on that. I acknowledge the two weeks of additional paid leave provided for in this year's budget, which will come into effect in November. It is really important, but we really have to progress that and ramp up the progress of that commitment. It is really important.

This should be seen as the start of a new approach to enabling parents to strike that balance between family life and work life. Ireland is very much at the lower end of the league in European and, indeed, international terms when it comes to providing supports for parents in rearing their children. These should really be seen as parents' rights and children's rights. We have a lot more to do in terms of providing paid leave and unpaid leave. In the context of paid leave, we must get to the point where the replacement rate for parents taking that leave gets closer to the actual costs of foregoing pay on a weekly basis. Nordic countries in particular, and many other European countries, provide payments that equal 80% or even 100% of pay when parents take paid parental leave. We have a long way to go.

I hope that, through considering and passing this legislation, we might now start a serious public debate on how to ensure that work does not dominate people's lives to the extent it does now. It results in major stress and pressure for people. Many other countries, and indeed individual companies, are looking at the idea of a four day week and a three day weekend. It brings huge benefits to individuals in terms of relieving stress and mental health difficulties and reduces sick pay and sick leave. It also provides time for people to do those other things that allow them to live a full and balanced life. We are a bit behind the curve in this country. I would like to see us move to a point where we have a much greater appreciation of the need to strike a balance in our lives. The State has a particular role to play in taking the initiative in this regard. We should also encourage private companies, especially bigger companies, and also the State and semi-State sector, to begin to trial some of these initiatives. They have proven very successful in other places. It has not been completely plain sailing, but the measures have mainly proven successful in other countries. We should start that debate.

This is a very important night for parents and children. I hope that it is the start of an even better, more compassionate and more balanced approach to the world of work, particularly as it concerns the parents of young children.

Deputy Jim O'Callaghan: I welcome the passing of this important Bill and I commend the Social Democrats on bringing it forward two years ago. I acknowledge, as Deputy Shortall has fairly done, the role played by Senator Ardagh of Fianna Fáil, along with other Senators, in pushing it through the Seanad. I also commend the Government, and the Minister of State,

Deputy Stanton, on the work that has been done. The Minister of State has facilitated the Bill's smooth passage through this House and the Seanad. Much is said about new politics and how it has its limitations, which are unquestionable - I will not go into that now - but it also has its advantages and strengths. For example, in a situation where the Government does not have a majority, Members from different political parties, Government and Opposition, are obliged to engage with each other in order to try to ensure that legislation of public benefit can be enacted. That is what has happened in this instance. There was no desire on the part of the Government to block legislation coming from a source other than itself. There was no desire on the part of Fianna Fáil to be proprietorial or to claim that it should not be supported because it was a Social Democrats policy. The same applies to all other parties in this House. It was recognised that this was a very important piece of legislation which would have significant consequences for parents in Ireland. When it is enacted and its effects are felt, parents will certainly feel the benefit.

The Minister of State and the Government, and indeed all parties in the House, were concerned about the impact it may have had upon employers if there was to be an immediate significant alternation of the provisions. It is important that employers are brought along with this legislation. We do not want to be in a situation where employers do not recognise that this can be of benefit to them as well. As Deputy Shortall stated, work is an essential part of people's lives. However, there comes a time when it may become too dominant. There is no more precious or privileged opportunity a person can have than to bring a child into the world. It is important that we avail of that time, that we enjoy it, and that parents are given the chance to spend time with their children in their early years. Anyone with a child will know that the childhood years pass very quickly. They are precious times, and we should ensure that both parents can spend time with the child in what is an incredibly important formative time.

I commend everyone in the House on the work done in respect of this Bill. That work illustrates the fact that we can work on new politics and that it has its benefits when we work together on issues. I hope there is a recognition in years to come that work is not everything, that there are more precious things in life. Spending time with one's children is one of the more precious and privileged things we can all do. Deputy Michael McGrath, who has more children than many of us, will be able to speak in full detail about how he will be able to enjoy his time.

An Ceann Comhairle: He will be entitled to a lot of leave.

Deputy Michael McGrath: I warmly congratulate Deputy Shortall and her colleagues in the Social Democrats for bringing forward this legislation, and indeed for persevering with it. Even though we have a minority Government, for an opposition Member to get a Bill through is incredibly difficult, and it requires some buy-in from the relevant line Minister and the support of the Civil Service, as well as some technical advice from the Office of the Parliamentary Legal Counsel. I congratulate the Deputy for sticking with it and getting this through.

Deputy Shortall said that it will make a modest difference. As she knows from the correspondence she receives, it will make a significant difference for many parents and families. The reality is that, at a very simple level, school holidays can be a nightmare for parents who are working full time. They end up paying out a great deal of money to put children into summer camps, which have a lot of value in their own right, in order to get through that period. For those parents and co-operative employers, and many of them are, this is of real value. There will be challenges for some employers. I know issues were raised within the public sector. Those challenges can be worked out, however, as enacting this legislation will be for the greater

good of society.

On the back of this, I hope a comprehensive information guide will be given out. From the interaction I have had with parents about this Bill and parental leave generally, I know many of them are not aware of how the system operates. For example, it is not widely known by parents who might be affected that the qualifying age for children with certain disabilities or long-term illnesses is already 16. I have seen questions asked online as to whether parental leave applies to both parents or if there is a separate individual entitlement for both parents to the full amount of leave. Again, we should not assume that everybody knows all these facts. Similarly, it is not widely known that one's PRSI record will not be impacted adversely because PRSI credits are accrued when one is on parental leave. I hope that, through the Workplace Relations Commission, the Department and the Citizens Information website, proper information is provided regarding these changes, along with the overall operation of the parental leave regime. People who have not used their full entitlement for a child who is currently aged nine have inquired if they have to wait until September for the phasing in of the extra leave to claim the already unused period of leave. These are simple and straightforward questions which could make a real difference to the lives of many parents.

I again congratulate Deputy Shortall, her colleagues and all those who have played a role in ensuring this Bill will become law. It will make an important difference in the day-to-day lives of many families across the country. It is a sign that when politicians work together that we can achieve for the betterment of the people we serve.

Deputy Donnchadh Ó Laoghaire: I commend Deputy Shortall and her party, as well as the Minister of State and other Oireachtas Members who supported this legislation.

Deputy Shortall has described this Bill as making a modest difference. However, it will make a real and significant difference for many parents and families. Raising a child is one of the most important things anyone will ever do. It is an ambition for many and a treasured part of people's lives. However, it is challenging in the context of a society increasingly focused on work. It is hard to raise a child when one is in full-time work or trying to get back into work. Schemes such as this are vitally important to support parents in raising a child. There is a need for much more, however. This legislation gives much increased flexibility which is required. We need to do more, however.

Deputy Michael McGrath alluded to summer camps. On Sunday in Cork there was a summer camps expo. While I am sure summer camps are valuable, it is an insight into people's anxiousness and the difficulties of balancing and minding children during the summer holidays while working.

There are also many other challenges compared to other European jurisdictions. We have much more to do, not just with early years education but also wraparound childcare to facilitate people. It is a challenge for people when school finishes at 2.30 p.m. and there is no afterschool provision. That needs to be addressed. Valuable as this legislation is, many will not be able to avail of its provisions because they cannot afford to do so. That is not a criticism of Deputy Shortall's Bill. Obviously, she could not bring forward legislation to increase parental benefit because it would be a charge on the Exchequer. However, it urgently needs to be addressed. Many who can afford to take parental leave will do so. However, many other parents will not be in a position to do so.

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I agree there needs to be greater information. Many parents are not aware of the full benefits which exist. When mothers are returning to work after pregnancy, are we confident that every employer is treating them fairly? That is an issue which needs to be tackled, along with the need for wraparound childcare and increased investment in parental benefit.

As has been acknowledged, it is difficult to bring Private Members' legislation through all Stages in the Dáil and Seanad. This is a significant achievement. Déanaim chomhghairdeas leis na Teachtaí i dtaobh an mhéid sin. Déanaim chomhghairdeas freisin leo siúd go léir a thacaigh leis an reachtaíocht seo, ina measc an tAire agus na hoifigigh sa Roinn.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): In 1984, one of the Ceann Comhairle's county men, Charles Handy, wrote *The Future of Work*, a book with which I am sure he is familiar. He envisaged that, as technology advanced, all of us would have an easier and better time and would not work as hard. Unfortunately, we are all taking work home in our pockets, namely, with our smartphones. We have all heard stories about people answering emails at 2 o'clock in the morning. Work never stops. Politicians may do that a lot. I know I do a fair bit of it.

Deputy Shortall spoke about work-life balance, which is important, and there is an EU directive on this. This Bill is an example of new politics working. Any legislation which comes before the House needs to be analysed and improved where possible. We did this with this legislation. I congratulate Deputy Shortall for her work on and tenacity with this Bill, as well as making the case for it strongly, respectfully and conscientiously.

The Government has always been anxious to support families, parents and children. Members referred to paid parental leave. That is currently with the committee and we are waiting for the pre-legislative scrutiny to be completed. When that is finished, we will publish the legislation. I would like to get at it before the summer recess to ensure parents can get paid to take parental leave for two weeks from November.

The Government also has a responsibility to ensure legislation is constitutional and must take advice from the Attorney General's office on that. I am happy we improved the Bill as it went through. There were several technical issues which we spotted and which we worked out with the co-operation of Deputy Shortall and her colleagues.

This has been one of the fastest Bills through this Stage, with no debate on any of the amendments. That in itself shows how much work has been done in this House and in the Seanad. I commend all Senators and Deputies involved.

We have to be cognisant of the impact of this legislation on business, particularly small businesses with three or four employees, to ensure they can carry on. If employees are happy and can take a day off a week, it cuts down on childcare costs and ensures they will stay in their jobs rather than giving them up. I am anxious to encourage women to stay in work. The Gender Pay Gap Information Bill will be dealt with later and we have the better balance initiative to ensure more women are on State and company boards. It is important we have women involved in decision-making at the highest level and that we tackle the gender pay gap.

We will not delay the Bill's commencement. My officials and the Office of the Attorney General are preparing a commencement order for signature after enactment. The Minister for Justice and Equality will sign the order on 19 July to allow the legislation to come into effect six weeks before the date which the entitlement to leave comes into force. It is intended that the

commencement order will enable the entitlement to additional leave to come into effect from 1 September 2019. Otherwise, there is a risk that it could be three months after that. That is why we amended this.

I thank all Members for their co-operation and their work on this legislation. I look forward to seeing it in action.

An Ceann Comhairle: I thank the Minister of State. This initiative reflects very well on Members on all sides of the 32nd Dáil. I acknowledge Deputy Shortall's considerable tenacity who, through the Business Committee, has pursued this matter for some time. As Chairman of the Oireachtas Commission, I thank Deputy Shortall for acknowledging the role of the Office of the Parliamentary Legal Advisor. We are well served by superb people in that office and we are absolutely committed to ensuring it continues to have the resources to enable it to service people on all sides of this House into the future.

Gender Pay Gap Information Bill 2019: Order for Second Stage

An Act to amend the Employment Equality Act 1998 to require regulations to be made that will require certain employers to publish information relating to the remuneration of their employees by reference to the gender of such employees for the purpose of showing whether there are differences in such remuneration referable to gender and, if there are such differences, the size of such differences and to require such employers to publish statements setting out the reasons for such differences and the measures (if any) taken, or proposed to be taken, by those employers to eliminate or reduce such differences; to make a consequential amendment to the Irish Human Rights and Equality Commission Act 2014; and to provide for related matters.

7 o'clock

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

Question put and agreed to.

Gender Pay Gap Information Bill 2019: Second Stage

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

I am pleased to address the House on the Second Stage of the Gender Pay Gap Information Bill. The purpose of the Bill is to provide for a requirement that employers with 50 or more employees publish certain information on the differences in pay between female and male employees.

The gender pay gap is a well-known phenomenon which is receiving more and more attention in Ireland and internationally. Most commentators on the gender pay gap are keen to find ways to reduce it and legislation providing for the publication of information concerning the

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pay gap at the level of the firm is seen as important in improving understanding of the pay gap and incentivising employers to use whatever means they can to reduce it.

The gender pay gap has long been an issue of concern at EU level. In 2014, the European Commission issued a recommendation on pay transparency and this Bill can be seen as a response to it. In 2017, the Commission adopted an action plan on the gender pay gap. In addition to addressing the many aspects and causes of the pay gap, this plan raises the possibility that aspects of the 2014 recommendation might be the subject of a draft directive which would make them binding.

In Ireland, A Programme for a Partnership Government includes a commitment to promote wage transparency by requiring companies of 50 and more to complete a wage survey. The National Strategy for Women and Girls 2017-2020 has a number of actions to address directly or indirectly the gender pay gap. The action relevant to this debate is No. 1.23 to “promote wage transparency by requiring companies of 50 or more employees to complete a wage survey periodically and report the results.”

In light of all of this, we have conducted extensive consultations on the gender pay gap. In August to November 2017, we held a written consultation, which was followed by a well-attended seminar in January 2018. The outcome of both of these lends ample support to this Bill. I myself have spoken on many occasions and to a wide variety of groups on the issue. The culmination is this Bill, which is an important measure to address the gender pay gap though, of course, it is not the complete solution.

Senator Ivana Bacik and her Labour colleagues in the Seanad have also done very good work. They introduced the Irish Human Rights and Equality Commission (Gender Pay Gap Information) Bill, which has been passed by the Seanad and has gone through Second Stage here. As I have said a number of times in both Houses, the Government shares the objective of this Bill but we do not agree with the mechanism it proposes for gender pay gap reporting.

On 7 February, the Joint Committee on Justice and Equality issued its report on pre-legislative scrutiny of the general scheme of the Bill which is before us. This is a very informative and interesting report even if I disagree with some of its conclusions.

I turn now to the main provisions of the Bill. Section 2 provides for the insertion of a new section 20A in the Employment Equality Act 1998. This provides that the Minister for Justice and Equality shall, as soon as is reasonably practicable after commencement, make regulations requiring the publication of gender pay gap information. The regulations must include certain items of information and there is a discretion to include additional items. The items that must be included are the mean and median gap in hourly pay between men and women, in bonus pay and in hourly pay of part-time male and female employees; and the percentage of men and of women who received bonus pay and benefits in kind.

Section 20A(1)(c) requires the publication of the reasons, in the employer’s opinion, for any gaps and of the measures, if any, that the employer is taking or proposes to take to eliminate or reduce gaps. This reflects a recommendation in the pre-legislative scrutiny report of the Joint Committee and came from other interests as well.

In addition to the required information which I have outlined, the regulations may provide for the publication of the following information: the mean and median pay gap between men and women on temporary contracts, the percentage of each pay quartile who are men and who

are women and the publication of pay gap information by reference to job classifications.

Section 20A(2) provides that, in making regulations, the Minister shall have regard to the estimated costs of complying with and enforcing the regulations.

Section 20A(3) provides for the threshold of employees above which the employer will be required to publish gender pay gap information. The key point is that employers with fewer than 50 employees will not be covered. It also provides for the phased introduction of the requirements on certain employers to report, namely, that the regulations shall not apply to employers with fewer than 250 employees before the second anniversary of the making of the first regulations, nor to employers with fewer than 150 employees before the third anniversary. I will return to the thresholds and the phasing later.

Section 20A(4) provides that the regulations may prescribe, among other things, the classes of employer to which the regulations apply, subject to the thresholds I have just mentioned, the classes of employee and the classes of remuneration to be reported.

Section 20A(5) provides that the regulations may prescribe the form and manner in which and the frequency with which information is to be published in order to bring the information to the attention of the employees and the public. For example, the regulations might require the employer to send the information to the employees in addition to publishing it on the employer's website and uploading it on a central Government website. Publication will not be required more often than once a year.

Section 20A(6) provides for publication of gender pay gap information by each Government Department, scheduled offices, An Garda Síochána and the Defence Forces. Essentially, the intention is that this legislation applies to the public as well as the private sector where the body in question is within the employment threshold.

Section 20A(7) provides for the situation in which the employer does not have access to pay information on employees. In that case, the regulations may require the person who has such access to give the information, or access to the information, to the employer so that the latter can comply with the regulations. This arises in the education sector where teachers are employed by a school board but are paid by the Department of Education and Skills.

Section 20A(8) provides that the regulations may prescribe measures to ensure that personal data have undergone pseudonymisation before or when they are released. This means the processing of personal data in such a manner that the data can no longer be attributed to a specific person.

Section 3 is concerned with enforcement and inserts three new sections in the Employment Equality Act 1998. These are sections 85B, 85C and 85D. Section 85B provides for the appointment by the Minister of designated officers to investigate how employers prepare the information required to be published to ensure its accuracy. Provisions already in the Employment Equality Act on powers to enter premises, obtain information and require persons to provide information and associated sanctions are applied to this situation.

Section 85C enables the Irish Human Rights and Equality Commission, IHREC, to apply to the Circuit Court for an order requiring a person to comply with the regulations. A person who fails to comply with a Circuit Court order is in contempt of that court. Section 85D allows for an employee to make a complaint to the Workplace Relations Commission, WRC, of non-

compliance with reporting regulations by their employer. The Director General of the WRC or an adjudication officer, to whom one would expect this function will be delegated, will investigate the complaint if satisfied that there is a *prima facie* case. If, on investigation, the officer finds in favour of the complainant, he or she may make an order requiring the employer to take a specified course of action in order to comply. This is the only remedy that may be ordered. For example, compensation may not be awarded, as it is not an appropriate remedy in this situation. Enforcement of WRC orders is through the District Court.

Sections 85C and 85D adopt the approach of requiring a person to comply with the regulations rather than penalising the person for failure. If they fail to comply they are in contempt of court. I prefer this approach to one of creating a criminal offence. In contrast, the Labour Party Bill creates a summary offence with a maximum fine of €5,000. It is doubtful whether this would be an adequate sanction. I would not be content to see perhaps substantial employers accepting a fine and failing to comply with the regulations.

Section 5 inserts a provision in the Irish Human Rights and Equality Commission Act 2014 to allow the Minister to request IHREC to consider exercising its powers under section 32 of that Act. This section concerns the carrying out of equality reviews and the drawing up of equality action plans. It will be for IHREC to decide whether to exercise its section 32 powers following the Minister's request. For instance, the situation could arise that it becomes apparent to the Minister following publication of an employer's gender pay gap information on a central government website that the pay gap is abnormally large having regard to all relevant considerations. It would then be appropriate to draw it to IHREC's attention and ask it to consider using the powers I have mentioned.

Section 6 provides that the Minister shall review the Act before the fifth anniversary of commencement.

I will return now to the question of the threshold at which the reporting requirement should apply. In accordance with A Programme for a Partnership Government and the national strategy for women and girls, this is set at 50 employees. There have, however, been calls for lower limits. In its scrutiny report, the Oireachtas joint committee notes that the vast majority of companies in Ireland have fewer than ten employees. The committee then recommended that the Bill reduce the threshold for public and private organisations to between ten and 15 employees. Other interests have also argued that the proportion of employers that employ 50 or more people is very small, at 1.4% of employers, and that the vast majority of businesses will not have to report gender pay gap information. Focusing on the percentage of employers that will be affected is only marginally relevant, if that. What we need to consider is the proportion of employees that will come within the legislation. According to the CSO's Business Demography 2016, almost 57% of employees are in firms with 50 or more employees. However, when we look at the public service, which is also covered by the legislation, we find that organisations with fewer than 50 employees are rare. According to the Department of Public Expenditure and Reform's databank, more than 99% of employees are in bodies which employ 50 or more. These are figures from quarter 4 2018. Taking the private and public sectors together, there are grounds for believing that approximately two thirds of employees are covered by the Bill.

The CSO uses a classification whereby firms with fewer than ten employees are regarded as micro, firms with between ten and 49 employees are small, firms with between 50 and 249 employees are medium and those with 250 or more are classified as large. The committee's recommendation would take in all small firms and is, therefore, unacceptable. At the same time,

the committee recognises that extending the coverage of the scheme in this manner would cause problems because it goes on to state:

With lower thresholds, consideration should be given to the capacity of smaller businesses to meet reporting requirements. One option would be to establish a unit in the Department of Justice and Equality, or potentially the Revenue Commissioners, to provide necessary supports.

My priority will be to get the resources needed to implement the overall reporting system. Deputies generally and, in particular, those who have served as Ministers or Ministers of State, will recognise that setting up new units, etc., is far from easy and I would be totally against imposing the regulatory burden that this would entail for small business.

On phasing, the Oireachtas joint committee recommends extending the requirement for reporting within one year to all companies with 50 or more employees. I believe, however, that it is better to phase in the introduction of gender pay gap reporting in the more measured way set out in the Bill, namely, by applying it to firms with 250 or more employees for the first two years, to those with 150 or more employees in the following year and to those with 50 or more employees the year after that. This gives firms and those charged with administering the new system an adequate lead-in time and presents an opportunity to modify the regulations, if necessary. We have an opportunity to learn. Large companies have the resources, manpower and wherewithal to do this and they are willing to do it. The smaller companies can learn from their experience and, possibly, mistakes, etc. That is important to bear in mind. Many small companies do not have the resources or wherewithal to do this.

I look forward to hearing the views of Deputies and to discussing the Bill in more detail on Committee Stage. I commend the Bill to the House.

Deputy Niamh Smyth: I am pleased to confirm that Fianna Fáil will support the Bill. In recent decades, interventions aimed at addressing the gender pay gap, including equal pay legislation, a focus on educational outcomes for women and girls and anti-discrimination measures, have impacted upon gender equality. However, the gender pay gap remains stubbornly persistent. According to figures published by EUROSTAT in 2016, across the EU women's gross hourly earnings were 16.2% below those of men and the Irish gender pay gap was 13.9%. The gender pay gap is experienced differently by different groups of women. The gap is worse for older women, women from ethnic minorities and higher earners. According to PwC, the potential long-term economic gains across the OECD from an increase in women in work would boost GDP by almost \$6 trillion.

Although equal pay legislation has been on the Statute Book and tackling pay discrimination for more than 40 years, we still have a significant problem regarding the gender pay gap. The Gender Pay Gap Information Bill 2019 will require the phased introduction of pay gap reporting for any employer with more than 50 employees, as the Minister of State outlined. Employers will be required to report the percentage mean and median pay gap for men and women in terms of hourly pay for both full-time and part-time employees, as well as any bonus pay. Employers will also report on the proportion of male and female employees who receive bonuses or benefit-in-kind.

While it is in some way understandable that the pay gap is widest for older employees, worrying statistics suggest that the gap is now widening for younger women too. In an age where

significant strides are being made in other areas of gender equality, it is depressing that this remains the case. It is clear from the lack of progress in this area that the only way the gender pay gap can be addressed is through Government intervention. If companies over a certain size are required to publish information in respect of the gender pay gap, it focuses attention on the issue. Although this is a positive step forward, we also recognise the limitations of this legislation. This type of legislation will not be enough on its own. We must also have measures to increase the number of women in better paid roles and occupations and to improve childcare provision. We must also deal with gender stereotypes and ensure more women are involved in decision making. Fianna Fáil is committed to tackling the gender pay gap through its own measures of establishing an affordable childcare scheme and improving shared parental leave.

If this Bill comes into force, we must ensure that businesses are supported in meeting the increased burden of complying with this requirement.

Deputy Jim O’Callaghan: Fianna Fáil will support this important legislation. I agree with Deputy Niamh Smyth who noted that we introduced equal pay legislation 40 years ago. That seminal legislation had an impact. Unfortunately, however, we still do not have gender pay equality. It is wholly unacceptable that a woman would not be paid the same as a man for doing the same job simply because she is a woman. It is important that we recognise the need to produce innovative legislative proposals that will force companies to ensure they do not have gender pay inequality. This legislation will start the process of achieving that outcome.

We will never be able to eradicate inequality but we should be able to eradicate discrimination. At the heart of this debate is the discriminatory act of women not being paid an equal amount as men for doing the same job. That is against the law and we need to ensure we bring in legislation that will reveal where this practice is happening more easily than is the case at present.

It is important to ponder on the statistics cited by Deputy Niamh Smyth in respect of the ongoing gender pay gap that exists in the European Union. The Deputy noted that the earnings of women in the EU are 16.2% below those of men, while the Irish gender pay gap appears to be 13.9%. I hope this legislation will have the desired effect.

It is also important we recognise that gender pay inequality is completely unacceptable. There is, however, another form of pay inequality that is not defined by gender or sexual orientation. This is the extraordinary gap that now exists between those at the bottom level of companies and those at the top end. While this is not a matter for today’s debate, a report was published today by the Institute for Fiscal Studies in the United Kingdom. I can assure the Ceann Comhairle this is not a left-leaning think tank. In fact, it is criticised for being too pro-market. However, the report deals with an issue that this House will have to address. It indicates that there is a growing and dangerous level of inequality in pay in the UK and that the UK is catching up with the United States in this respect. I have no difficulty with people earning good salaries and lots of money but I have a concern if they are increasing their salary on the back of other people having a declining income or having their income take from them. It is important that we consider what Professor Sir Angus Deaton stated today when launching this report. He warned of the dangers of disillusionment if people did not feel fairly rewarded for their work and that extreme wealth seemed to be gained by “taking rather than making”. He stated that “people getting rich is a good thing” but not if it meant “enriching the few at the expense of the many”. That report pointed out the fact that in the UK at present, the average chief executive of a FTSE 100 company now earns 145 times the average salary. That is up

from 47 times in 1998. That is a trend that we see with many technology and big companies where people at the top earn vast amounts of money and the salaries of other people working within those companies or elsewhere are declining. We do not know the reason for that. It may be because of falling trade union membership, which is one of the reasons put forward by the Institute for Fiscal Studies, but it is having serious consequences in the UK and it is generating greater inequality there.

Fortunately, in this country, I do not believe we have gone down the route of the UK and United States but we need to be very careful to ensure we do not allow a divergence to develop in incomes between people at the bottom and people at the top such that we have extraordinary inequality in the country in the same way as there is in the UK and the United States. Obviously, one is never going to have uniformity in respect of people's salaries. Equality is not about uniformity but we need to ensure that we do not allow a situation to develop here which has been identified and warned of by the Institute of Fiscal Studies. This is something we need to keep an eye on in the future, that we do not allow a situation to develop where people at the bottom see their earnings dropping and dropping. Fortunately, in this country, we have minimum wage legislation which we need to protect. We also need to ensure we convey a message to companies that it is to their benefit to have employees who are well paid. It is to the benefit of society if everyone is well paid as opposed to just large companies trying to run down wages so that profits can be made for shareholders and the greater salaries paid to the wealthy people at the top of the companies.

Deputy Donnchadh Ó Laoghaire: Táim ag tacú leis an mBille seo. Tá roinnt cáinte a d'fhéadfaimís a dhéanamh faoin mBille seo mar atá sé, agus d'fhéadfadh sé a bheith níos fearr. B'fhéidir go mbeimid ag déileáil leis sin trí leasuithe ag Céim an Choiste. Is Bille tábhachtach é an Bille seo ó thaobh comhionannais pá de idir fhir agus mhná agus comhionannais maidir le meas a thaispeáint do dhaoine. We will support this Bill, although with reservations and we will introduce a number of amendments on Committee Stage. The fight to ensure pay equality is another step in the battle to ensure equality between men and women. I note, and I think it is unfortunate, that the Labour Party Bill, which essentially sought to achieve the same objective, is already at a very advanced stage. I refer to the debate we had on the last piece of legislation and the fact that Private Members' legislation, to which amendments were tabled, passed through all Stages and will now be commenced and will become law. It is unusual, given that a Bill has passed through all Stages in the Seanad, including Second, Committee and Report Stages, and has proceeded to the Dáil, not to work with that legislation rather than start again. That is unfortunate. We are starting with this legislation now and I may be wrong but it is possible this Government may not be in a position to pass it through all Stages. I do not know what plans the Minister or Fianna Fáil have. We shall see. It would have been more efficient and better in terms of procedure to work with a Bill that was already in train.

That being the case, if the Minister intends to stay the course with this legislation, I ask that it be prioritised. It is a vitally important piece of work. We have travelled a long way in terms of equality idir fhir agus mhná le blianta beaga anuas, ó thaobh an vóta céad bliain ó shin agus i gcoinne na mbac a bhí ann ó thaobh pósadh sa Státseirbhís go dtí tríocha nó daicead bliain ó shin. We recently had the fight to repeal the eighth amendment that caused so much harm and suffering to women over more than 30 years. We now have this fight for equal pay. It is an issue right across the world. It is starker perhaps in other parts of the world than it is here but is quite significant here. According to the World Economic Forum, it would take 217 years to close the economic agenda gap globally. It is quite significant in Ireland. With a gap of 13.9%,

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it would take 55 years to close the gender pay gap in this jurisdiction, if we were to continue to do things in the same way. That cannot be the case and we must change.

This Bill is a mechanism that has been introduced in other jurisdictions. Britain has gender pay gap reporting and similar proposals have been implemented in other EU countries and in the United States. Measures similar to the ones proposed here are due to be signed off for the North in the coming months. We welcome these moves. They are not as a silver bullet, and many other issues need to be addressed. I would highlight that a gender pay gap does not necessarily tell the whole story about the structural inequalities that exist within an economy. If one takes the example of a childcare centre, which I think I raised with the Minister previously, where many of the employees are likely to be on low pay, if there are any men employed in it, the pay gap between men and women within that employment is likely to be quite low, if there is any. That does not reflect the fact that there is a structural inequality between the professions in which women are commonly employed and men are more commonly employed. This legislation does not necessarily deal with that. It feeds into the point that Deputy O’Callaghan made, to which I will return because it was quite an interesting one.

This Bill rightly reflects the responsibilities that employers have to tackle inequality within their employments, but there are also structural issues which go beyond any one job or employment. It is right to shine a light on those businesses that might be fearful of the Bill’s provisions – wrongly, I believe – and in which there is a significant pay difference, which is in inexplicable in some circumstances. This is a way to bring pressure to bear and to shine a light on those who are making no effort to ensure equal treatment.

Having regard to that, and the fact businesses with over 50 employees only make up half of the number of businesses in the State, we will be moving amendments on Committee Stage to increase the number of companies required to report under this legislation to include companies with 20 or more employees given that we believe that the more data that exists, the better the actions that can be taken to address the malaise of unequal pay on the basis of gender. I will not labour the point about why we need to close the gender gap. It is self-evident and is obviously necessary. There will be few dissenting voices in Irish society and within these Houses in that regard.

We know equality benefits to the economy and families by increasing the take-home pay of women with some projections in Britain estimating that women’s earnings could increase by £85 million on foot of measures such as this, which is a staggering amount of ground that could be made up. There is not just one aspect to this. A suite of measures is needed in order to cancel out what has been described as a motherhood penalty, which includes: improving shared parental leave; childcare that is affordable for parents and wraparound childcare, points we dealt with in the previous debate; and carrying out the work to ensure that flexible work practices become the norm. Maternity benefit as a percentage of pay in this State is still one of the lowest in the EU. Increases in this payment should be a priority for the Government, in seeing to the welfare of mothers and ensuring they have greater flexibility and options.

The content of the Bill is relatively concise but we believe it needs to be strengthened. The information specified in section 2 refers the mean and median gap in hourly pay between men and women, the mean and median gap in bonus pay between men and women, the mean and median gap in hourly pay, the percentage of men and women receiving bonus pay, and the percentage of men and women who receive benefits in kind. While we believe this is reflective of the information required, we will table an amendment to ensure a full gender breakdown of

all those employed, both part-time and full-time, in an attempt to achieve a fuller picture of the gaps and disparity that exists within companies more generally.

There is also a need to ensure that the area of partnerships and forms of employment such as that are dealt with. This point was discussed at the pre-legislative hearings in committee. Section 2 provides for a phased or staggered roll-out of the requirement for companies and employers to report with companies with 150 or more benefiting from a delay in their need to report and comply with the legislation. We believe this is unnecessary and it is something of which employers have been aware for some time. We will seek to amend this in order to do away with what we believe is a two-tiered approach and have all employers subject to the legislation once it comes to pass.

Our party moved an amendment to the Labour Party Bill to ensure that where a company does not comply with the legislation by refusing to publish data, the company's title would be published by the Irish Human Rights and Equality Commission, and we will again table a similar amendment to this Bill. At the time the amendment was debated, both Senator Bacik and the Minister of State indicated that any measure to take a "name and shame" approach should be complemented by a "name and fame" approach, listing companies that actively address the issue of the gender pay gap. I have no difficulty with that and I am certainly willing to consider it. I hope the Minister of State will consider that there is a need for both recognition and holding people to account. Publicity can be as powerful as any fine in this regard and although there is a role for fines, the focus must be on shining a light and putting pressure on companies to comply, particularly those which actively discriminate.

There are many other issues that must be addressed in tackling the gender pay gap. As I stated, reporting of this kind will not address the overall gender pay gap. The points reflected upon by Deputy O'Callaghan are true, and there is increasing inequality in how the global economy functions and major companies pay their staff. We can look at models of employment such as that pursued by Amazon and the way it treats some of its low-paid employees in some distribution centres is quite worrying. It is something of which we must be aware. A factor is falling union density so I urge anybody following this debate to join a union. It is an insurance policy that a person may never need to use but it is always worth having a union card in one's pocket. Workers are stronger when they stand together and negotiate with an employer together. It needs to be emphasised more in Irish society.

The Government can take action to support union membership by ensuring there is better legislation on union recognition. The tax deductibility of union contributions is another factor and perhaps incentives could be created for employers who recognise unions. If we are serious about pay inequality and realise that gender inequality is real and needs to be tackled, we must also recognise that there is inequality in pay generally. There must be support to ensure workers can organise freely and fairly in a democratic society. The Government should encourage that as much as possible. It is a key element of tackling the inequality issue.

As I mentioned, the legislation we discussed immediately before this debate is relevant and the practice of shared parental leave is a step towards the idea of equality that would primarily benefit certain sections of society. We need a range of measures to counteract the real effects of austerity and its impact on working class women in particular. We need a serious conversation about how working class women and families have often shouldered the burden of austerity and cutbacks and how we want to assist them. There is also the matter of those with unequal or insecure work.

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Ba mhaith liom a rá arís go dtacaím leis an mBille agus go bhfuil súil agam a bheith ag obair leis an Aire Stáit ag Céim an Choiste ionas gur féidir linn dul ar aghaidh leis an díospóireacht sin chomh luath agus is féidir.

Minister of State at the Department of Justice and Equality (Deputy David Stanton):
I thank the Deputies who contributed to the debate. I will consider all views, although I may not agree with all of them.

I stated in my opening comments that this Bill is a very important step. It does not provide a complete solution to the problem of the gender pay gap and Deputy Niamh Smyth is correct in that the gender pay gap arises because of many causes, including women being inadequately represented at the higher levels of organisations and in higher paying occupations, absences from the paid workforce in order to discharge caring roles and gender stereotypes. Gender stereotyping is a problem on which I am focusing in the National Strategy for Women and Girls 2017-2020. Such issues are being addressed in that strategy. In the next few weeks I hope to launch the first report of the Balance for Better Business group of senior business leaders looking at measures and targets to improve gender balance on corporate boards. In due course they will consider gender balance among senior management as well.

We looked very closely at the Labour Party Bill and I would have liked to have progressed it. However, the main thesis of the Bill was unamendable in reality and it went on a completely different track to what we wanted. We are where we are with the current Bill and I thank colleagues for supporting it. I met representatives of the Irish Congress of Trade Unions, IBEC and Chambers Ireland, etc., and the trade unions and employers are agreed on this phased approach that will affect companies with more than 250 personnel first. We want to get this right and in order to do that we must start with larger employers and get the template right and working correctly. When this is done, we can learn from the process and move to other businesses. If we start with smaller businesses, they may struggle and we could end up with all kinds of issues.

In a time of virtually full employment, other matters come into play with respect to other pressures on employers to find workers and so forth. There are many women out there who want to work and who have much to contribute. We want to support and encourage them in doing that. The previous legislation will help both men and women in this regard. I look forward to Committee and Remaining Stages of the Bill. We hope to get it enacted, with the co-operation of colleagues, as soon as possible.

Question put and agreed to.

Gender Pay Gap Information Bill 2019: Referral to Select Committee

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

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

Question put and agreed to.

**An Bille um an gCúigiú Leasú is Tríocha ar an mBunreacht (An Ceart chun Teaghaise)
2016: An Dara Céim [Comhaltaí Príobháideacha]**

**Thirty-fifth Amendment of the Constitution (Right to a Home) Bill 2016: Second Stage
[Private Members]**

Deputy Eoin Ó Broin: Tairgim: “Go léifear an Bille an Dara hUair anois.”

I move: “That the Bill be now read a Second Time.”

As each week passes the housing crisis gets worse. Rents continue to spiral out of control, house prices continue to rise, real social housing need continues to grow and the number of adults and children in emergency accommodation has hit historical highs. By any meaningful indicator, the Government’s housing plan is failing, yet every day the Taoiseach and his Ministers claim Rebuilding Ireland is working. Yesterday’s *daft.ie* rent report is further evidence that the Government has lost control, and the Taoiseach’s and Minister’s responses to the report yesterday and today show once again how out of touch they are. How can anyone looking at the evidence say rent pressure zones are working when new rents are up by 7% in Dublin, 13% in Limerick, 16% in Waterford and a staggering 17% in Galway? The average new rent across the State is now €1,300 per month. One would need take-home pay of €4,000 for that to be affordable. Here in Dublin, the average new rent ranges from €1,700 to €2,200 per month. One would need take-home pay of between €5,500 and €7,000 for that to be affordable. However, without the slightest tinge of irony, the Minister, Deputy Murphy, told the Dáil today that rent pressure zones are working. Worse still, he claimed yesterday that the rate of rent increases is the lowest since 2013. Both these statements are factually incorrect. Data from the Residential Tenancies Board and *daft.ie* show that they are simply not true but that does not matter to the Minister who could not even grace us with his presence this evening. He just makes it up as he goes along and carries on regardless. While tens of thousands of tenants are either strangled with excessive rents or locked out of the rental market without any hope of making a home, the Minister carries on.

The *daft.ie* report yesterday also told us that the number of properties available to rent in the past quarter was the lowest since 2006. This is no surprise. Since January 2017, more than 12,000 rental properties have left the market. Accidental and semi-professional landlords, taking advantage of rising house prices, are selling up and moving on. What is the Government doing to deal with this disorderly exit of rental properties from the market? Absolutely nothing.

There is nothing in the Residential Tenancies (Amendment) Bill going through the Houses of the Oireachtas that will address either excessive rents being paid today or the loss of rental properties. The Government knows that Sinn Féin is supporting that Bill, mainly because it provides for measures we have been calling for since 2016. Unfortunately, however, it is like so much of this Government’s housing policy - too little, too late and already overtaken by events.

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Fine Gael's strategy for the private rental sector is simply in tatters. It is not working and it is making matters worse, as it is with social housing, affordable housing, homelessness, Traveler accommodation and accommodation for people with disabilities and wheelchair users. The question many people are asking is "Why?". The answer is that Rebuilding Ireland is based on the same failed policy consensus that has dominated Government housing policy for decades, a consensus that underinvests in public housing and over-relies on the private sector to meet social and affordable housing need.

Last October, when this Chamber passed the Raise the Roof housing motion, which 40 or so Deputies from the Opposition benches signed, we made four demands. These were to double capital investment in public housing and public land; introduce emergency measures to stem the flow of families into homelessness; take urgent action to stop the rise in rents; and hold a referendum to enshrine a right to housing in the Constitution. Eight months on, these demands are more urgent than ever, yet the Government refuses to listen.

The Bill before us deals with one of these Raise the Roof demands. The Thirty-fifth Amendment of the Constitution (Right to a Home) Bill is very simple. It seeks to insert in the Constitution, this State's foundational law, a right to adequate, appropriate, secure, safe and, crucially, affordable housing. It also seeks to place an obligation on the State to ensure the realisation of that right through its laws and policies in accordance with the principles of social justice. This proposition was endorsed by 84% of the people involved in the Constitutional Convention in 2014. It is a right that exists in many jurisdictions, including Belgium, Finland, the Netherlands, Portugal, Spain and Sweden, to name just a few. If passed, it would not guarantee every person in the State a home but it would provide a basic floor of protection, obliging the State to realise that right progressively. According to Mercy Law Resource Centre, which has published three separate reports on the issue, a constitutional right to housing would "mean that legislation and policy would have to be proofed to ensure they reasonably protect that right". Mercy Law Resource Centre goes on to say that while a legal right to a home is not a silver bullet and would not solve all our housing problems overnight, it is an important tool that would ensure this Government and future Governments introduce policies that promote and protect access to appropriate, secure and affordable homes.

Based on its previous record, I have little doubt but that Fine Gael will oppose this Bill tonight. No matter the script the good Minister of State, Deputy Stanton, has been given to read out in the absence of the Minister, Deputy Murphy, or either of the two Ministers of State in his Department, the real reason Fine Gael will oppose this Bill, if that is what it does, is that it fears an approach to social policy based on human rights. More importantly, however, it fears the wrath of those in emergency accommodation, those crippled with excessive rents, those languishing on housing waiting lists and those locked out of buying or renting a home in any possible referendum.

Tonight, however, it is Fianna Fáil that holds the balance of power. In the past, Deputy Micheál Martin's party has voted down similar Bills from Sinn Féin and other Opposition parties here, but its housing spokesperson, Deputy Darragh O'Brien, has indicated a willingness to revisit this issue. I appeal to Fianna Fáil tonight to work with the rest of the Opposition to advance this Bill. As always, Sinn Féin is open to considering amendments on Committee Stage, if amendments are necessary. Our parties worked together on student accommodation and we forced the Government's hand to the benefit of thousands of students. We worked together on increasing Part V obligations and we again forced the Government's hand to increase the output of much-needed social housing. We also worked together on the Management Fees (Local

Property Tax) Relief Bill 2018 and once again forced the Government's hand to the benefit of thousands of hard-pressed apartment owners. If Fianna Fáil is willing to support this Bill tonight we can yet again force the Government's hand to the benefit of tens, if not hundreds, of thousands of people in real housing need.

This Saturday, Raise the Roof protesters will again be marching on the streets of Dublin. Thousands of people will be demanding a legal right to a home. Those people will include the entire trade union movement, the entire student union movement and whole swathes of civil society, homeless organisations, housing associations, grassroots groups, citizens and residents. All of them will be calling on this House to act. We have an opportunity tonight to do just that. We can take an important step towards ending the Fine Gael housing crisis and provide the people with an important tool to vindicate their right to appropriate, secure and affordable homes. Even if there are Deputies in this Chamber who do not support a constitutional right to housing, surely they believe the people should get to have their say on such an important matter.

Let us do the right thing. Let us pass the Thirty-fifth Amendment of the Constitution (Right to a Home) Bill 2016. Let us provide a legal, constitutional right to a home and then let us get out on the streets on Saturday and raise the roof to demand real solutions to the housing emergency.

Deputy Mary Lou McDonald: I am proud to stand here this evening and support this Bill. The Bill is intended to provide all citizens with a constitutional right to adequate, secure and affordable housing and to give effect to the decision by 80% of participants in the Constitutional Convention that such a right should be enshrined in Bunreacht na hÉireann. Providing for the constitutional right to a home will oblige the State to make reasonable provision to vindicate that right through its policies and actions.

This is not a novel idea. More than 80 countries around the world provide for the right to a home in their constitutions and providing for such a right in Ireland is a position supported by the United Nations special rapporteur for adequate housing. It is the right thing to do. That is why we in Sinn Féin are moving this Bill this evening and calling on every Deputy here, including Government Deputies, to support it. We are in the midst of an unprecedented housing crisis in this State. It is a crisis that is out of control and which worsens with every passing day. We all know the statistics, the figures and the numbers. They make for abhorrent reading. The reality, however, is there is really no way to quantify the social and human cost of a crisis that now permeates every part of our society.

Families with good incomes, that would never have faced difficulties in securing a place to live in years gone by, now live in fear that a hike in their rent could push them into homelessness. Young people, as well as couples in their 20s, 30s and into their 40s, unlike their parents before them, have no prospect of ever being able to afford their own home. They are caught in a rent trap. They are paying out-of-control rents and unable to save up for a deposit. Tens of thousands of low and middle-income families, once able to secure council houses or affordable homes, now languish on waiting lists that will never be cleared.

Thousands of children go to bed every night in family hubs and bed and breakfasts deprived of a basic right that should not be a luxury in childhood, that is, somewhere to call home. Behind every outworking of this crisis are real lives and real people. The Government, in the guise of the Taoiseach and the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, just does not get that. They persist in peddling a lie that the Government's

housing plan is working when it is patently clear it has not, is not and will not. They do not seem to understand the predicament of tens of thousands of people. In fact, last year the Taoiseach advised young people who wish to buy a home to ask their parents for the money for a deposit.

Let me assure the Dáil that those who can do that are few and far between. This nonsense just goes to show how out of touch with reality the decision makers are. We have people on the Government benches formulating housing policy who simply do not understand or care about the struggles of ordinary people. Perhaps that is because those in government will never struggle. Perhaps it is because those in government believe they represent those who can run to mammy and daddy for a deposit. They really should know that is not an option for the vast majority of people. It is not the world in which most people live and it is ludicrous and preposterous to suggest that. Coupled with that is an ideological opposition on the part those in government to State intervention in the housing market. That is because it is most unlikely that those in government will ever face the prospect of spending a night in emergency accommodation and perhaps that is the crux of the problem.

The truth is that we can bring the housing crisis under control. We can build homes and we can house every citizen in this State. That will only be possible, however, if there is a will to do so at every level and that has to start at the top. We need a change of direction and a change of policy. We need bold and urgent action. We need to double investment in social and affordable housing to deliver homes. We need to introduce a temporary tax relief for renters, alongside an emergency rent freeze for three years. We also need to move now to enshrine the right to housing in the Constitution. Real courage, real vision and real leadership are called for. It is time to call a halt to inaction. That is why I urge all Deputies, from all parties and none, to support the Bill.

Deputy Donnchadh Ó Laoghaire: It is a pity the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, is not here to account for his and the Government's policy failures in respect of the housing crisis. Deputy Ó Broin has pointed out that the Government is entirely failing to arrest runaway rents. There are supposed to be rent pressure zones in Cork city but there has been a 10% increase in rental prices, while in the wider county the increase has been 12%. There has been a 480% increase in child homelessness during Fine Gael's time in government. It is a scandal and it is clear that Rebuilding Ireland is not working.

I presume the Minister of State, Deputy Stanton, is here in the guise of being the Minister of State tasked with responsibility for law reform. It is a pity, as I said, that the Minister for Housing, Planning and Local Government is not present but it is apt that the Minister of State is, because this also is a matter of justice and of equality. Housing is one of the most fundamental rights. It is a right without which it becomes very difficult to fulfil a life properly and move on to other rights. We will be dealing for years with the consequences of children and families being in emergency accommodation and the disruption that causes to them.

Far from the situation improving, anecdotally I see an increase in the number of families with whom I am dealing in emergency accommodation. Some of them have been in emergency accommodation on an ongoing basis. I give the recent example of somebody who was on the housing list for 11 years in Cork city. She was evicted from her house and moved into emergency accommodation. She was then moved from that emergency accommodation, from that family hub, out of the city to Kinsale and into other emergency accommodation. She has been failed not once or twice but thrice by the State, which has not prevented her being evicted into

homelessness and has not provided her with social housing. She does not drive but she has been forced out of Cork city to Kinsale. She now has to try to get her children by bus from Kinsale into school in Cork city. That story is replicated across the country. It is a disgrace and a scandal. Unfortunately, that will stay with those children and countless families for the rest of their lives. Housing is a fundamental right. There are no absolute rights in the Constitution and this would not be one either. However, it would provide a minimum level of protection that is right and appropriate and as exists in other countries. I hope the Government and Fianna Fáil will support this proposal to ensure people have that very basic right.

Deputy Dessie Ellis: This proposed constitutional amendment is not one we ask for lightly. We are in a housing and homelessness crisis but the Government is not treating it with the urgency it should. That is a serious charge but, unfortunately, it is true. I knock on doors in my constituency, speak to people and listen to their concerns. In a constituency like Dublin North-West, there are many issues, but housing and the homelessness crisis are repeatedly raised with me and Sinn Féin councillors in the area every day without exception. I cannot emphasise too greatly how frustrated and disempowered people feel. We spoke the other night to a woman who has three families living in her small home, all of whom are immediate relatives. She was right to say she felt people like her were ignored and forgotten. She was right to say there were no houses for her daughters. She was right to say her daughters were as much a part of the homelessness problem as rough sleepers.

There is, in effect, no obligation on local authorities to provide housing. There is no constitutional or statutory right to a home in Ireland. The Government's policies are creating a lost generation. There are almost 4,000 homeless children and they have no stability or security in their lives. The stress of living like this is having a real psychological impact on them. We must provide hope, security and stability to these children and their families. The constitutional amendment we propose is one step on the way to addressing the catastrophic failure of the housing policies of this and the previous Government.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I thank the Sinn Féin Deputies for introducing this Bill which seeks to incorporate a right to a home in the Constitution. The Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, is very sorry he cannot be here. If Members look at the monitors, they will see that he is on his feet in the Seanad to take the Residential Tenancies (Amendment) (No. 2) Bill. He cannot bilocate but he would have liked to have been here. I am sure Deputies will acknowledge that he cannot be in two places at once. The Minister of State in the Department of Housing, Planning and Local Government, Deputy English, will attend to respond to the debate shortly.

As the Minister, Deputy Eoghan Murphy, and the Taoiseach have stated before in this House, they are open-minded about whether to include a right to a home in the Constitution. While the Government is not set in a direction on this, it is opposing the Bill as brought forward as it has not undergone the level of careful scrutiny required before making what has the potential to be a very significant change to the Constitution. Whether or not the right is enshrined in the Constitution or in law, it does not prevent or impede us from approaching this as a *de facto* right and responsibility of the Government which we meet through our policies but also through the unprecedented level of investment in housing and homelessness. That is said notwithstanding the many legal rights that already exist in this area and which I will explain further. The House will be aware that the eighth report of the Constitutional Convention of March 2014 recommended that the State should progressively realise economic, social and cultural rights, subject to maxi-

mum available resources, that this duty should be cognisable by the courts and that specific additional rights should be inserted into the Constitution, including housing rights, social security rights, essential healthcare, rights for people with disabilities and linguistic and cultural rights. The Government's response pointed out that the Constitutional Convention's recommendations raised substantial questions. These include the suitability or otherwise of the Constitution as a vehicle for providing for detailed rights in this area and the fact that there is already power to confer rights and determine expenditure via primary and secondary legislation. There are, of course, already many substantive rights regarding housing arising from legislation, including the right to be assessed for social housing assistance and, if qualified, placed on a waiting list for a social house or to avail of housing assistance payment and be placed on a transfer list.

The absence of a right to housing in the Constitution has never prevented the Government from actively seeking to provide housing for those most in need and the provision of social housing has been taking place since the foundation of the State. However, this has always been done with appropriate consideration for the other needs of citizens which must be factored into any allocation of scarce resources. The ultimate responsibility for making that decision lies currently with the Government and the Dáil. In seeking to make any change to the Constitution, complex issues arise including the question of the necessary revenue to provide for any ensuing expenditure, and concerns about potentially transferring to the Judiciary, which is unelected, the power to make decisions affecting the allocation of resources which are more appropriate for an elected Oireachtas and Government. There is also the matter that placing additional rights into the Constitution creates the potential for significant diversion of resources into the handling of court cases and the creation of uncertainty about the state of the law while cases are processed, judgments are given and appeals are pursued in higher courts. It may be noted also that this Bill seeks to put only the right to a home into the Constitution and not any of the other economic, social and cultural rights referred to by the Constitutional Convention. This would place the right to a home ahead of rights to social security or essential healthcare and it needs to be considered whether this is appropriate. For these reasons, the Government prefers that the right to a home be considered with the other economic, cultural and social rights, and that the process already agreed is followed. That process is the referral of the eighth report of the Constitutional Convention to the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach for a comprehensive examination of the issues raised.

Not putting a right to housing into the Constitution will not get in the way of the Government building houses. It will not hinder us from implementing Rebuilding Ireland. It will not stop us from moving forward with the national development plan and Project Ireland 2040. It will not stop us fulfilling the commitment that one in five homes built will go to the social housing stock or all the many important things we need to do around affordability that can be delivered now because we have specific funding lines. We all agree that the core of the solution is an increased supply of housing of all forms. We need many more houses and apartments. Last year, 21,000 new homes were made available for use, more than at any other time in this decade. One quarter was social housing built by local authorities or affordable housing bodies and we need to increase this. We have set the target of building this year approximately 25,000 new places in which to live, of which approximately one quarter will be social housing. That is because we need market and non-market solutions to the housing crisis and recognise that while the majority of people will want to buy and own their own home, there will always be people who cannot do so.

I turn to some of the measures taken by the Government as part of Rebuilding Ireland.

These include the comprehensive framework for tackling the range of complex issues needing to be addressed across the housing sector, a framework which is underpinned by over €6 billion in funding to support the delivery of 50,000 new social housing homes and 87,000 other housing supports over the six years from 2016 to 2021. Very significant progress has been made on delivery through local authorities, approved housing bodies and a range of other delivery partners, with over 72,000 households having their housing needs met during the first three years of Rebuilding Ireland and a further 27,300 households supported by a record investment of €2.4 billion in housing to be supported this year. That brings to almost 100,000 the total number of households who will have been assisted under Rebuilding Ireland by the end of 2019. Notwithstanding the continued increases in homelessness, record exits from homelessness into sustainable tenancies have been achieved in recent years. Rebuilding Ireland is further supported by Project Ireland 2040, the Government's overarching policy initiative to align in a strategic manner our spatial planning and investment programmes to underpin a sustainable approach to planning for a growing population and the associated need for housing. The new €2 billion urban regeneration and development fund aims to support sustainable growth in Ireland's five cities and other large urban centres with the aim of delivering at least 40% of our future housing needs within our existing built-up areas.

The Land Development Agency, LDA, has been established to ensure more effective co-ordination and management of the development of State-owned lands, in particular publicly-owned lands in our urban centres, supporting the ambition to achieve more compact and sustainable growth. To enable greater delivery of social and affordable homes on public lands, the Government has, in parallel with the establishment of the Land Development Agency, approved a new public land affordability requirement whereby a minimum of 30% of any housing developed on public land must be reserved for affordable purposes, whether affordable purchase or cost rental, in addition to the 10% statutory social housing requirement under Part V of the Planning and Development Act 2000, whether such development is being progressed by the LDA or any other market operator. In order to support local authorities to get their sites ready for affordable housing, funding of €310 million over 2019 to 2021 has been allocated for enabling infrastructure via the serviced sites fund, or SSF, in budget 2019. Cost rental housing is being brought forward in conjunction with the Housing Agency, the Land Development Agency, local authorities and other stakeholders, with two pilot projects already being progressed. As to housing generally, overall supply continues to show significant increases, as I said earlier, with over 18,000 new homes built in 2018, which is a 25% increase on the previous year and the highest number of newly built homes any year this decade. In addition, more than 2,500 homes were brought out of long-term vacancy and almost 800 dwellings in unfinished housing developments were completed. That means the number of new homes available for use increased by almost 21,500 in 2018, together with more than 3,700 student bed spaces. There is clear evidence of moderation in the annual rate of growth of house prices, due primarily to increasing supply and the Central Bank macro-prudential rules. Residential property prices increased by 5.6% nationally in the year to January 2019 compared with 6.4% in the year to December and 11.8% in the year to January 2018.

While there may not be a right to housing in the Constitution, the State, through its current laws and through the actions in Rebuilding Ireland, is doing everything it can to address our housing issues. We are opposed to amending the Constitution as proposed, but we are not opposed to considering the issue further in an appropriate manner. In referring the right to housing, as well as other social and economic rights, to an Oireachtas committee, following on from the recommendations of the Convention on the Constitution, we are following the process that

has served the public well in terms of marriage equality and repealing the eighth amendment. We will continue with that process of Oireachtas committee engagement and coming to a determination regarding possible next steps in this public debate we are having. In the meantime, the immediate best way to ensure that the State fully meets its obligations to those who need assistance to provide a home for themselves and their families is through continued delivery through Rebuilding Ireland and the development and implementation of further policies and measures as required in the future.

Deputy Pat Casey: Ireland is in the midst of an unprecedented housing crisis. Homelessness levels have soared to in excess of 10,000, including almost 4,000 children. The number of people homeless and living in emergency accommodation is at record levels. Latest figures show that in March, 10,305 adults and children were without a home and living in hotels, bed and breakfast accommodation and family hubs, an increase of 41 on the previous month. The number of children in emergency accommodation stands at 3,821, a rise of 37 in a month. The social housing waiting list, including housing assistance payment, HAP, recipients, is more than 110,000.

It is incredible that with all of these facts a Fine Gael general election candidate can publicly say that there is no housing crisis outside Dublin. To say there is no housing crisis outside Dublin is at best to show an appalling ignorance of the crisis being experienced in all commuter belt counties such as Wicklow and Wexford and even beyond the commuter belt. In Wicklow a one-bedroom apartment will cost in excess of €1,000 to rent while a mortgage will cost only €663 according to yesterday's *daft.ie* rental report. A two-bedroom house will cost an average of €1,173 in Wicklow, while a mortgage can be reached for €911.

Supply of homes is the issue, not the right to them. It is the State's inability to build enough homes when there is plenty of available land that is at the heart of the national crisis. Ireland is experiencing a severe housing crisis like many other countries. There are growing calls for Ireland to emulate countries such as Germany, the Netherlands and South Africa and enshrine a constitutional right to housing. Ireland has ratified the International Covenant on Economic, Social and Cultural Rights, which prescribes for the State to take "all appropriate means" to provide for the right to adequate housing based on the availability of resources. The Irish Constitution also contains certain explicit property rights, but there is no clear statutory right to adequate housing which can be legally enforced by the courts.

Any amendments to the Constitution or any approach to legislating for a right to housing will have to balance the rights of landowners. In 1982, the Supreme Court found that the Rent Restrictions Act 1960, which obliged landlords to accept below market rents, was an unjust attack on the property owners' constitutional property rights. Nonetheless, there have been successful legislative measures to assist with meeting social housing needs, such as Part V of the Planning and Development Act 2000, which provides that up to 10% of a new housing development must be reserved for social housing. In March 2014, the Constitutional Convention, as part of its consideration of broader economic, cultural and social rights, found in favour of inserting a right to housing in the Constitution.

Fianna Fáil rejected a similar Bill two years ago on the grounds that the finance committee ought to be tasked with assessing the concept of economic, cultural and social rights in the Constitution. That work has not been sufficiently progressed to date, however, and the Government must address this as a matter of urgency. Holding a referendum would cost approximately €15 million, or the same as building 75 social housing units. It is important that we prioritise build-

ing and clear solid measures to address the crisis. In Wicklow, 75 social housing units would be a significant development in any part of the county. Last year only 28 units were completed, while the housing list stands at 4,126. We prefer a legislative approach to the problem initially followed by a deeper discussion on constitutional protections. Any change to the Constitution that involves handing powers to judges may have unforeseen consequences and must be carefully considered. That is why Fianna Fáil supports a legislative approach to the right to housing followed by a debate on constitutional changes. We should have all learned the lessons of playing politics with our Constitution for partisan political gain. A botched referendum could result in a lengthy and divisive debate on the nature of property rights at a time when we need to encourage housing development in the rental and affordable markets.

It is unclear what impact the Sinn Féin amendment would have on the Constitution and on subsequent legal cases. The Constitutional Convention was divided on what specific option to take in terms of the realisation of the right to housing, that is, immediate, gradual or progressive. This has been a major impact on public policy and should be weighed up carefully. It is not clear in the wording of the Sinn Féin insertion what the impact would be. This needs to be debated further. While the Government has delayed committee discussions, this does not mean that it should be completely bypassed by a unilateral Private Members' Bill by one party.

With rent levels at such highs, a whole generation cannot save enough to own a home while vulnerable households are at risk of homelessness. Home ownership is slipping away from an entire generation as house prices rise at 13% per annum while wages are only growing at 2.5%. The 68% home ownership rate is the lowest since 1971. Fianna Fáil has shown its commitment to finding meaningful solutions through our role in the confidence and supply arrangement and has not shirked from leading criticism of the Government where it is at fault.

The key test for the Government is delivery. Since coming into power, Fine Gael has launched Construction 2020, the Social Housing Strategy 2020, Rebuilding Ireland, the 2012 capital programme, the 2015 capital programme and the 2018 capital programme. These six separate plans, excluding the numerous relaunches involved, amount to more launches than local authority homes built in several counties so far this year. This needs to change.

It is clear the legal framework around housing needs to be reviewed. We should do so carefully, however, with full consideration of the consequences, not a knee-jerk party political change. Fianna Fáil is opposed to this Bill, which is more about optics than addressing the housing crisis. We need further discussion on what changes we should make to the Constitution. The Government must address its failure to progress discussion of the Constitutional Convention recommendations on these issues. While there are quicker and more important ways to address the housing crisis, we need to discuss the legal framework around housing rights. Fianna Fáil supports initially putting this right on a legislative basis with further exploration of the constitutional protections in the committee system. Any change to the Constitution must always be weighed up carefully to avoid unforeseen consequences. It should not be hijacked by any political party seeking a quick headline before election day.

For the record, I have stated before in the House that the right to housing is a constitutional imperative clearly implied in the common good clause of the property rights article. The common good, the right to housing, the right to a home and the right to shelter need careful and serious discussion before any referendum proposal. The people as a whole need to be part of that discussion.

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Deputy Mick Barry: The people who live in six apartment blocks on the Old Youghal Road, Dillons Cross in Cork city face eviction, having been given a notice-to-quit date of 19 July. They have not broken the terms of their leases and have paid their rents. The stated reason for the eviction is renovation. The landlord plans to evict, refurbish and, I suspect, massively hike the rents. Rents in Cork city are at a record high, while the shortage of homes to rent has never been greater. The residents in question face the threat of eviction into homelessness but they will not take that lying down. They have seen how the residents of the Leaside Apartments successfully resisted eviction, how people power worked, and are inspired by the example. Last night, more than 70 people attended an anti-eviction protest organised by Solidarity's Carol Brogan and a second protest has been called for 5 p.m. on Monday, 20 May at Dillons Cross. A Government that cared for people such as the residents in question would support the legislation but the Government will not do that. It does not care, it worships the markets, and the Fine Gael Parliamentary Party is stuffed to the gills with landlords. If the Government allows such residents to be thrown out onto the streets, Fine Gael councillors deserve to be thrown out of the council chambers. A Government that allows such evictions deserves a hammering at the ballot box on Friday, 24 May.

Solidarity will support this progressive Bill. With more than 10,000 people now officially homeless, it should be passed, although we would go further. The constitutional right to a home should be underpinned by a guarantee of a home for all. If it is necessary to delimit the right to private property to ensure the common good, that is precisely what should be done. Solidarity calls on people to attend the Raise the Roof protest in Dublin on Saturday, 18 May in massive numbers to show the Government how people feel about the issue and to demand real action on the housing crisis.

Deputy Richard Boyd Barrett: The people affected by the housing crisis such as those in emergency hubs, or those who fear their landlord will evict them, or those who cannot find rental accommodation they can afford, or those who work but cannot afford anything on the market to purchase or rent and who live at home with their parents, and sometimes with their grandparents, too, are sick of all the talk. They are sick of the Government's abysmal failure to change anything or to present anything other than a situation that continues to get worse and worse. All I can do is echo what Deputies Barry, Ó Broin and others have said, which is to tell people to get onto the streets. We need to do with the issue of housing what was done with that of water charges. We need to terrify the Government and to make it fear politically that it will lose badly. We need to make it shake with fear inside the walls of Leinster House. Unless there is a movement of that scale to terrify the Government, it is clear it has no intention of changing tack and delivering on scale the public and affordable housing on public land that we need, which is at the heart of the crisis. The policy of retreating from the provision of council housing and relying on the private rented sector, developers, cuckoo funds, vulture funds and so on has led us to the disastrous position we are in, and it will not change unless the people force it to. They must punish electorally the Government and the major parties that contributed to the situation but must also use a mass movement of people power that will force the change.

Telling people to get onto the streets at 1 p.m. on Saturday, 18 May is the most important message but there is so much that could be said about so many aspects of the crisis. There are a few myths of Government guff that I wish to bust. One such myth is when the Government states: "The answer to the problem is supply, supply, supply, and we will ramp up supply." It goes on to highlight, for example, all the planning permissions that have been submitted and claims to be on the way to sorting the crisis out. What is actually happening is that applica-

tions for planning permission are being submitted to inflate the value of the land holdings of the property speculators who have bought the land. In many cases, they have no intention of building anything at all. I cite as an example the Sentinel building in Sandyford, which has approximately 20 storeys and has been called a work-life pod. It is a new term. It has been designed in order that the developers will not have to allow even 10% of it to be used for social housing. What is a work-life pod? Would anybody like to guess? It is just nonsense. It might be a bedsit but by calling it a “work-something”, it is not quite classed as a residency and, therefore, the developers do not have to use 10% of it for social housing. It does not matter because the building is sitting there as a half-built skeleton in any event, towering over an area where people are crying out for affordable housing.

Richard Barrett and his gang, Bartra, in Dún Laoghaire have submitted an application for planning permission for a site which had been granted planning permission for 50 apartments to allow them to build 200 co-sharing units. Co-sharing units are rooms, if one could call them that - boxes would be a more accurate description - of 16 sq. m. with fold-out beds and no kitchens. Approximately 30 or 40 of the co-sharing units will share a kitchen and their occupants will be charged approximately €1,300 for living there. They are the tenements of the future. Alternatively, they will be leased back to the council for use as an emergency hub because the Government will not have delivered the public and affordable housing that is necessary and the housing crisis will get worse. We will end up probably leasing the property from Mr. Barrett for a fortune to house the increasing numbers of homeless people. Although I am sure he will probably not even build the property and is instead merely seeking the planning permission, even if the supply is delivered, the strategic housing development process means he will have bypassed the normal planning process. That is shocking. Even if the property is built, although most of it will not be, none of it will do anything to address the housing crisis or to provide secure, decent, proper, dignified affordable or public housing for the people who need it. All the Government is doing is enriching and facilitating the speculators while the crisis continues to get worse and worse. The people must get onto the streets on Saturday because it is the only way.

Deputy Thomas Pringle: I had written a nice speech about how having such a provision in the Constitution could be treated, considered, addressed and so on. I do not usually sit in the Chamber and listen to the speeches of the Government because they are usually claptrap, although the Minister of State, Deputy Stanton’s, contribution on the Bill was even worse. I listened to it and have read a copy of it. I am sorry the Minister of State has left the Chamber because I do not think he believes what he read out. It was amazing. Economic, social and cultural rights were mentioned in the context the recommendations of the Convention on the Constitution, which reported in March 2014. The Minister of State indicated that the Government will refer the matter to a committee to consider whether housing rights should be enshrined in the Constitution but it has been five years since the report. That is a load of rubbish. I have moved two economic and social rights Bills, most recently in 2016, but both times the Government voted them down and rejected them. There is no way the Government will consider the matter in committee at some stage in the future. The Government intends to move it to a committee rather than voting it down because local elections will be held next week and a general election is probably coming within the next year. That is why the Government is doing it. It will give this claptrap of how a committee will sort it out. It is a load of rubbish. Then we hear from Fine Gael’s partners in government, Fianna Fáil, stating it has to consider carefully these rights. This crisis in housing has been going on for eight years. For the whole time I have been a Member of the Dáil, the crisis has been ongoing. Fine Gael has been in power for the whole time and it has done absolutely nothing. Ideologically, it wants to see the crisis continue

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because it supports developers and does not see a right to housing; it sees that housing will be provided by the private sector and that is where it will stay.

In his contribution later the Minister of State, Deputy English, will probably state we are in crisis and we cannot deal with this now because we have to deal with the crisis and we have been under the cosh for so many years and we have had to deal with all of that. Portugal went through a crisis and bailout at the same time as us but Portugal had housing rights and economic, social and cultural rights protected in its constitution. What happened was the European Commission could not attack those rights and neither could the Government because they were enshrined in the Constitution. As the rights were protected constitutionally, it could not attack them when it got there. Now, Portugal is one of the leading lights of left-wing governments in Europe. It welcomes people and does not try to stop them coming in. If this right had been enshrined in the Constitution eight years ago we could have protected our people. There is a chance now to enshrine it in the Constitution but the Government will not do it and neither will Fianna Fáil. That is the way it will be and that is fine but the Government should not pretend to Sinn Féin that it will refer this to a committee and the committee will speak about it and come back to us on it because the Government has already voted this down twice in recent years and it will do so again.

Deputy Catherine Connolly: I fully support the Bill. It is almost 71 years since the adoption of the Universal Declaration of Human Rights, Article 25.1 of which sets out that everyone has the right to a standard of living adequate for the health and well-being of himself or herself and of his or her family, including food, clothing, housing and medical care. We are failing utterly on all of these issues. With regard to housing, the proposed amendment is minimal. It simply seeks that the State would recognise the right of all citizens to adequate, appropriate, secure, safe and affordable housing 71 years after the declaration of human rights. We were asked to do this by the convention five years ago, as my colleague pointed out, and we have been asked to do it by the UN special rapporteur on the right to housing, who called on us to make housing a constitutional right. She stated what was unfolding in our housing crisis was tragic and serious but solvable.

We are not here to shout and roar. We are not here to be negative. I agree with the UN special rapporteur that it is solvable. The way to do it is to look at what is happening. If the Minister of State is tired of listening to me, I would not blame him because sometimes I tire listening to myself because it is like an echo chamber. We must remember that we should not be dependent on charity but let us look at what COPE, a charity in Galway, is doing. It is asking all of the local election candidates to pledge that if elected, they will ensure that Galway City Council meets its housing targets through the building of new social housing. It also asks them to make three other pledges. It bases this on a comprehensive document. This tells us that the housing assistance payment, HAP, on which we pay almost €500 million per year, is not working. The amount has doubled within one year. It tells us the HAP does not produce additional social housing stock and does not represent good value for money for the public purse in the long term. It also tells us the housing and homeless crisis continues to increase unabated despite the best efforts of all to impede the increasing number needing support.

We can also look at *daft.ie* and *daft* is a good name when we think about it. I do not know what word could apply to the housing crisis. We have left and right in both parts of government with Fianna Fáil and Fine Gael. I was going to criticise the speech of the Minister of State, Deputy Stanton, and wonder who wrote it and I was going to invite that person to Galway for a little tour but then I heard the prepared speech from Fianna Fáil and the Minister of State's

speech seemed like a work of art. The *daft.ie* rental report tells us we have the lowest number of properties available for rent. It looked at rents in Galway, where they are now 91% higher than when they bottomed out in 2012.

I will repeat the figure, because it is important, that 10,305 people are homeless, including 3,821 children. We are normalising this homelessness. I find this to be repulsive and unacceptable. In Galway, 309 people are homeless and the very same charity that is asking us to make pledges - it is right to do so - must rely on bed and breakfast accommodation and hotels to house homeless persons. Within bed and breakfast accommodation, people are not allowed visit one another in their rooms. If they break the rules in a private bed and breakfast they are told they will have to self-finance for a number of days. Listen to this new language. We are listening to Fianna Fáil and Fine Gael telling us that rights should not be placed in the Constitution. We are placing charities in terrible positions where they must fight for accommodation and introduce appalling rules. We are relying on charities but all the while we have solutions. We have public land on which we could build.

Earlier today, I asked that Galway be chosen with regard to climate change. Intimately connected to climate change are housing, public transport and biodiversity. They are all tied in. We have lots of land in Galway. We have the docklands, Ceannt Station and an area out at the airport all sitting there waiting to be developed but no master plan.

I absolutely support the motion. It is the most basic requirement if we want to call ourselves a civilised society. I despair of the type of speeches that have been read out in the Chamber this evening particularly, as my colleague has said, with regard to the Minister of State telling us the recommendation made five years ago by the Constitutional Convention will be referred to a committee.

Government policy is responsible for the crisis. We have relied on the marketisation of social housing and public land. The Government continues to do this unabated and the most unacceptable part is the twisting of language to call it social housing.

Deputy Gerry Adams: It is worth recalling that in January with great pomp and ceremony we all decamped from here and went around to the Mansion House to mark the centenary of the first Dáil and, in particular, its Democratic Programme. That Democratic Programme was very clear that our country would “be ruled in accordance with the principles of Liberty, Equality and Justice for all”. It is worth recalling what the programme said on the issue of housing. It stated “we reaffirm that all right to private property must be subordinated to the public right and welfare”. It stated “It shall be the first duty of the Government of the Republic to make provision for the physical, mental and spiritual well-being of the children, to secure that no child shall suffer hunger or cold from lack of food, clothing, or shelter”. In total contradiction, the Irish Constitution protects the right to property.

Perhaps previous Governments had a much more honest position to events such as 1916, the Proclamation, the First Dáil and the Democratic Programme. The anniversaries of these events were largely ignored by Fianna Fáil and Fine Gael. Perhaps this was a better position than the verbalised republicanism of the establishment parties of these times.

At the Mansion House event the Taoiseach described the first Dáil as a bold, profound and decisive statement about the future of Ireland. It is a great pity he does not agree with that bold, profound and decisive statement. One hundred years later, citizens in this state have no legal

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right to a home. James Connolly, the great Irish revolutionary in 1899 predicted all of this. He wrote:

After Ireland is free, says the patriot who won't touch socialism ... if you won't pay your rent you will be evicted same as now. But the evicting party ... will wear green uniforms and the Harp without the Crown, and the warrant turning you out on the roadside will be stamped with the arms of the Irish Republic.

Today the courts regard a lending institution as having superior rights over those of the occupier or homeowner. Citizens and families with children in crèches have no effective remedy through the courts. In 2005 the State opted out of Article 31 of the revised European Social Charter, which concerns the right to housing. That brings us to the nub of the problem, which is that the Irish establishment does not believe in a citizen's right to a home. That has to change. The programme of the Government states it will be judged on how it addresses the issues of housing and homelessness. Out of its own mouth it is condemned. No amount of fancy words, spin or plámás can disguise the Government's disastrous housing policy, its failure to prevent increases in rents and to end evictions, the huge number of people on housing waiting lists, the fiasco of local councils refusing to draw down available funds for housing for Travellers and the number of citizens, especially children, who are homeless. All of this exposes the inability of the Government to govern in a fair way.

By any measure the Government has failed. It has failed families, pensioners and children. The March figures were the worst ever for homelessness, with 10,305 people homeless, including 3,821 children, despite the massaging of the figures. In my part of the State, that is, counties Louth, Monaghan and Cavan, there were 60 people homeless in March 2018, but in March this year the figure was 173. The past eight years have seen a 490% increase in the number of homeless children, while the level of family homelessness has increased by 40%. The level of pensioner homelessness has also increased dramatically, by 80%. There are generations of people who, in bad times in this state and on this island, at least had a home over the heads. Níl aon tinteán mar do thinteán féin. Now we have a generation of working people who cannot afford to buy a house.

I urge Teachtaí Dála to support the Thirty-fifth amendment of the Constitution (Right to a Home) Bill 2016 and ask people to turn out on Saturday to attend the Raise the Roof demonstration in Dublin. It will be an important opportunity to demonstrate public opposition to the Government's housing strategy.

Deputy Brian Stanley: The right to a home is the most basic demand a person can have. Without the right to a home, a person cannot have any stability in life. He or she cannot start a family or plan for the future. There are now 118 people homeless in the four midlands counties. In County Offaly there are 50 people homeless, while there are 19 homeless in County Laois, which is absolutely shameful. The responsibility for the housing crisis belongs with the right-wing failed private market policies of Fianna Fáil and Fine Gael. This week new figures from *daft.ie* reveal that rents have increased by, on average, 8.5% in County Offaly in the past year and by 10.7% in County Laois. How are ordinary people supposed to come up with the money to meet these increases? Workers' wages are not increasing at that rate and some workers are not getting any increase at all. Amazingly, rents in counties Laois and Offaly are now 30% above 2008 peak prices. Families are being priced out of their homes and forced into homelessness. People have come into my constituency office in the past week whose rent has increased

by between 20% and 30%. Could it be any clearer that the Government's housing policies have absolutely failed tenants and are great for landlords?

Sinn Féin has repeatedly brought forward measures to introduce rent controls across the State. We have consistently called for State intervention in the market to get a hold on the problem, but the Government has failed to even designate the midlands as one of the rent pressure zones which are not working to any great extent. The Government has failed to do anything in the market in the midlands. Fine Gael and Fianna Fáil have repeatedly clubbed together to vote down our proposals and it looks like they are going to do the same again here this evening. They are two parties which represent nothing more than a landlords' coalition and do not represent the interests of the average renter or mortgage holder. It is outrageous that we now have the lowest ever total of homes available to rent. Eight local authority houses were completed in County Offaly last year and just 34 in County Laois. They are moving at a snail's pace because the Department is deliberately slowing down the granting of approval.

It is time for the State to step up and take action with a massive house building programme in every constituency. That is why Sinn Féin is demanding that we enshrine in the Constitution the right of every citizen to a home. It would be just one measure and not a silver bullet. We have called for a three-year rent freeze and 8.5% tax relief on rents paid, with a doubling of the number of local authority homes. Some people are paying half their wages in rent. It is essential that we build more local authority homes and start to build affordable homes and introduce rent controls across the country. I call on Members to support the Thirty-fifth amendment of the Constitution (Right to a Home) Bill 2016.

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): I welcome the opportunity to say where the Government stands on this Bill. We have had similar discussions in the past year on the right to a home and I am conscious that this marks the build-up to the protests organised for Saturday. I listen to speeches night after night and, while I have no doubt that in earlier speeches some solutions were set out, what I heard did not give me greater solutions to how we can deliver houses on sites. We can make all the changes we want here, but it does not necessarily give us houses. The constant mantra that there is no social housing building programme is dishonest. It is not true and wrong to keep repeating it. I have no problem with Members saying it is not enough and showing how things can be done on a site by site basis, but it is dishonest to keep saying there is no social housing building programme. Leading people out to protest on Saturday under the impression that there is no social housing building programme is wrong. The protesters have many demands, one of which is that the Government start a social housing building programme, but we started it over three years ago. I agree with Deputy Catherine Connolly that it was stopped, but it is not right to say it has not been restarted. Members should stop peddling that lie because it does not make sense. A budget was passed only a couple of months ago in which €2.4 billion was allocated to build houses and fund a social housing building programme. It is ridiculous that Deputies say the same thing in debate after debate. I could take them to 294 sites on which we are building houses. A total of 5,000 social houses are under construction.

Deputy Richard Boyd Barrett: We are saying it is a trickle.

Deputy Damien English: It is dishonest to say no houses are being built. As stated, while we are opposing the Bill, we recognise that the potential inclusion of such right to housing needs further consideration and we support doing so by way of its consideration by an Oireachtas committee which will consider all of the economic, social and cultural rights referred to in

the eighth report of the Convention on the Constitution. While there is no constitutional right to housing, it is important to note that there are existing specific, substantive and procedural statutory rights to social housing assistance arising from legislation. They include the right to apply for social housing assistance and the right to be assessed for it once a person has applied for it; the right to obtain a housing assistance payment-----

Deputy Richard Boyd Barrett: Plus a top-up.

Deputy Damien English: -----once eligible for it on income grounds and subject to some restrictions regarding the suitability of accommodation, or otherwise be placed on a waiting list for social housing; and the right not to be discriminated against on the basis of gender, marital status, family status, sexual orientation, religion, age, disability, race or membership of the Traveller community. It includes the right to purchase a local authority house, subject to certain conditions, and the duty of the local authority to make an assessment of housing need, to make an allocation scheme and operate according to it and to have regard to the needs the scheme is supposed to meet. It also includes rights in regard to the procedure for tenancy, warning and eviction. The Housing Act 1988 places particular responsibility on local authorities to provide for the accommodation needs of people who are homeless. There are also many legislative protections in place in regard to private housing and rented accommodation, including protections for the family home, which again is very often dishonestly discussed in this House. It includes the right to a four-year tenancy, or a six-year tenancy for those tenancies commencing after 24 December 2016, with limited grounds for termination in private rented accommodation if a tenant has been in occupation for six months continuously and no notice to quit has been served; the right to graduated notice periods that must be given to tenants on the termination of a tenancy, reflective of the length of time spent in the tenancy; the right to a rent that is no greater than the current market rent; and for tenancies in a rent pressure zone, the right to a rent increase that is no greater than 4% annually for three years. We all agree that rents are too high. Nobody is disputing that. We accept that, but we disagree on how to address it. Sinn Féin does not believe that supply bears any reference in that regard, but it does. Four years ago, a house an hour's drive from here could be rented for half the price it costs today. Supply is relevant. The warped view that supply is not relevant is wrong. Of course supply is relevant. In 2011, we had 3,000 ghost estates and thousands of empty houses. Rent was much cheaper then because there was available stock. Ten years later, owing to a lack of building for seven or eight years, there are fewer properties available to rent and so rents are higher. The issues are linked. They are not the sole reason for the problem but they are linked. There is no point in the Deputies opposite continually saying they are not linked, because they are.

Deputy Dessie Ellis: Those houses were sold off to vulture funds.

Deputy Damien English: It also provides the right to refer a landlord and tenant dispute or resolution to the Residential Tenancies Board, RTB. The Residential Tenancies (Amendment) (No. 2) Bill 2018 was passed by Dáil Éireann on 8 May and it was before the Seanad this evening. The main provisions of that Bill relate to making it a criminal offence for landlords to implement rent increases that contravene the law. It provides powers to the RTB to investigate and sanction administratively landlords who engage in improper conduct. It allows the RTB to initiate an investigation without the need for a complaint and requires the annual registration of tenancies with the RTB.

The designation of existing RPZs will be extended to the end of 2021. The exemptions from the 4% per annum rent increase restriction in RPZs have been revised so as to apply only

to the first rent setting rather than to every rent setting during the period of RPZ designation in respect of a new rental property, including a property that had not been rented in the two-year period immediately prior to the commencement of a particular tenancy. Also, a definition is proposed to illustrate the type of works that qualify for the exemption from the rent increase restriction in respect of a substantial change in the nature of the rental property. Again, we have all heard the evidence around this issue and we are trying to deal with that too. Revisions are also proposed in respect of the average rent qualifying criterion for RPZ designation. Outside of RPZs, the requirement for biannual rent review cycles rather than annual reviews will continue to the end of 2021.

The new RTB sanctioning regime will apply to improper conduct by a landlord who contravenes the tenancy termination provisions. Landlords will be required to copy a tenancy termination notice to the RTB. Where a landlord terminates a tenancy because he or she intends to sell the property, he or she must enter into a contract for sale within nine months of the termination date or else offer to relet to a former tenant who provides his or her contact details. There are more changes provided for in that legislation, of which those who took time to attend the debate on it will be aware. These key measures and reforms are designed to enhance enforcement powers for the RTB, to provide greater security of tenure for tenants and greater rights, and to underpin further the operation of the RPZ arrangements, with some further targeted priority measures.

In regard to the Sinn Féin Bill, it is important to note that, as stated, the general concept of potential inclusion of a right to housing in the Constitution is not intended to be opposed outright. I have said that I do not have an issue with the proposal, but there is a process to go through to get there. Any such step should be taken with the appropriate level of scrutiny and with due regard to the complexities that arise in proposing such an amendment to the Constitution. This matter was referred to a committee. Members of the relevant committee should try to have it brought forward for discussion. In the case of this Bill, it is not immediately clear what the effect of the proposed amendment would be. Given the potential for unintended consequential policy, legal and financial effects and the complexity of the issues raised by the eight convention report, it is appropriate that the Government should oppose this Bill and instead follow the process agreed, namely, referral of the eighth report of the Convention on the Constitution to the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach. I hope that it will go through that journey also.

On a practical level, it is unclear what tangible effect the proposed constitutional amendment would have in terms of solving our current housing problems. I am not convinced this would provide us with additional houses. I have raised that question many times, but nobody has shown me how it would help us deliver more houses. I cannot see it. The Minister, Deputy Eoghan Murphy, is of that view also. This debate can continue, but it does not help or hinder us in any way in terms of what we are trying to do, which is to rebuild our social housing stock.

The social housing building programme has started. Money has been ring-fenced for the next ten years under Project 2040 to deliver that programme. I reiterate that nobody has challenged me on this. The ambition is to deliver 12,000 social houses per annum every year to 2028. I have read most of Sinn Féin's policies and seen no commitment therein to that level of social housing build year on year.

Deputy Eoin Ó Broin: That is not true.

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Deputy Damien English: I have not seen it.

Deputy Eoin Ó Broin: Our ambition is far greater.

Deputy Damien English: With respect, Sinn Féin's housing policy, which it launched in the context of budget 2018, references 100,000 houses. Under our plans, a far greater number of houses will be provided.

Deputy Eoin Ó Broin: That is not true.

Deputy Damien English: It is factually true.

Deputy Eoin Ó Broin: I will show the Minister of State the document when we are finished.

Deputy Damien English: Deputy Ó Broin should read it himself. No doubt Sinn Féin will change its projections, but during our debate on the budget last year-----

Deputy Eoin Ó Broin: We are committed to 15,000 social and affordable houses.

Deputy Damien English: Our ambition for social housing is higher than that of Sinn Féin.

Deputy Dessie Ellis: In the private sector.

Deputy Damien English: Sinn Féin can protest all it wants. It would be a better use of its time if it could come into this House and spell out, site by site, where it would deliver social houses. This year, we will deliver 10,000 social houses. They will not all be delivered in the way Sinn Féin would like them to be delivered. We accept that. We have different ways of delivering housing. Approximately 6,400 will be direct and new build, a combination of social housing directly built by the local authorities, approved housing bodies and Part V. I accept that Sinn Féin has a problem with the fact that some houses will be leased. We do not. We propose to provide a couple of thousand houses in that way. We will also acquire houses. In total, there will be 10,000 new social houses this year, which will be built on year on year. With respect, nobody in Sinn Féin has shown me that it can deliver any more houses than that.

Everybody continually says the housing assistance payment, HAP, scheme is not good. At this time, there are approximately 45,000 families in HAP homes. Naturally, we would all prefer if they were in permanent social housing stock and could remain there for all their lives. That is the aim long term. If we did not have the HAP scheme, there would be 45,000 families without a home. Again, nobody opposite has provided an answer to that question. That is the reality. Most of those people are happy in those houses. I accept that for some people it does not work out well, but the majority of people are very happy to participate in the HAP scheme because it provides them with a family home.

Deputy Richard Boyd Barrett: Half of them are paying top-up payments.

Deputy Pearse Doherty: Cuirim fáilte roimh an díospóireacht anseo anocht agus go háirithe roimh an Bhille atá curtha chun tosaigh ag na Teachtaí Ó Broin agus Adams. Tá ardmholadh tuilte acu mar seo Bille fíorthábhachtach do mhuintir na hÉireann ina gcuirfidh sé cearta do thithíochta i mBunreacht na hÉireann, agus tá na cearta sin de dhíth orainn níos mó anois ná a bhí riamh mar gheall ar an slad atá déanta ag an Rialtas seo ar chúrsaí tithíochta le naoi mbliana anuas. Feicimid ansin sna firicí, firicí b'fhéidir nach bhfuil an Rialtas sásta éisteacht leo nó nach bhfuil an Rialtas sásta a admháil, ó thaobh an méid daoine atá gan dídean anocht

agus iad ag fanacht in óstáin, i mbrúnna agus i gceantair eile ar fud na cathrach seo agus ar fud an Stáit. Feicimid é sna fíricí sa mhéid atá daoine ag caitheamh gach mí ar chíosanna ollmhóra, cíosanna nach bhfacamar riamh sa Stát seo, atá ag gearradh ar theaghlaigh agus iad ag cur brú millteanach orthu, agus feicimid é sna fíricí ina bhfuil teaghlaigh ann anois nach bhfuil ábalta dídean a chur os cionn a chlann mar go bhfuil na praghsanna ró-ard.

This legislation is timely and welcome. I commend Deputies Ó Broin and Adams on bringing it to the floor of the House. Having listened to the Minister of State's contribution, I believe he is living in a different reality. He referred to Sinn Féin being dishonest. The remarks he articulated are the height of dishonesty. Every year, and as Sinn Féin spokesperson on finance I can stand over this, Sinn Féin shows the Government how it can deliver more houses. We show how it needs to prioritise-----

Deputy Damien English: Sinn Féin has no delivery plan and it produces no numbers.

Deputy Pearse Doherty: The Minister of State does not like to hear the truth. Every year, we show the Government how it can deliver more houses.

Deputy Damien English: It does not.

Deputy Pearse Doherty: We showed how it could have delivered 10,000 social houses and 5,000 affordable houses. We bring to the Government the legislation which states it should legislate to ensure that no family is evicted into homelessness. What does the Government do? It votes against it. The Government prioritises investors and vulture funds and it throws Irish citizens to the wolves. The reason for the crisis is not an act of God. It is not some sort of accident. In excess of 10,000 people are in emergency accommodation as a direct result of the policies introduced by the Government. More than ten years ago I stood on the floor of the Seanad and said to the Minister of State of the day, Michael Finneran, that his policies - followed by the Government - would mean that house prices would reach a peak again. I said that when that happened landlords would turf tenants out onto the street. What we needed then and what we have needed every year since then was for the Government to build and purchase social houses. However, the Government has decided not to do that. We have repeatedly said that this area is an ideological blind spot for Fine Gael. It has prioritised investors, vultures, cuckoos-----

Deputy Damien English: That is not true.

Deputy Pearse Doherty: The Minister of State is saying this is not true. I will tell him something. A real estate investment trust, REIT, buying up apartments, snatching them away from families who want to put a roof over their heads, does not have to pay a penny of tax on the income, or any of the 33% capital gains tax, CGT, that everyone else has to pay on the gains they make. These companies are getting away with hundreds of millions of euro in tax benefits as a result of the policies of the Government, supported by Fianna Fáil.

Earlier today the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach was invited to the offices of the Irish Mortgage Holders Organisation, IMHO, to see what is happening, under the bonnet, to those in mortgage distress. Only two members of the committee turned up. Shame on Fine Gael; not one member of that party turned up. It does not want to see the truth, or to hear about what is coming down the line in terms of the number of evictions that are about to happen.

This Bill is timely. It is not radical. This is something that was supported five years ago by

100 randomly selected citizens. Some 84 of them said the right to housing should be enshrined in the Constitution. However, Fine Gael and Fianna Fáil say no. They will cry crocodile tears when people do not have that right. They say it will make no difference, but that is nonsense. It will make a difference, because there will be an obligation on the Government and successive Governments to bring forward policies that are in line with that constitutional right. I appeal to Fianna Fáil and Fine Gael to do the right thing, for the first time since this Government came into being, on the issue of housing. They should stand up and do the right thing for the people by fulfilling the desire of the Constitutional Convention and allow this legislation, proposed by Deputy Ó Broin, who has brought forward many solutions for this crisis, to be enshrined in the Constitution. It should take the right step along the road to recovery for the first time.

Deputy Eoin Ó Broin: I will respond to some of the points made by the two Ministers of State and Deputy Casey. The Minister of State, Deputy Stanton, said this issue had not undergone sufficient scrutiny. Everyone else has referred to the very detailed work of the Constitutional Convention, which was very substantive. There was also detailed consideration of this proposal at the Committee on Housing and Homelessness, including presentations from experts, legal advisors and legal professionals. We also have examined this matter in great detail at the Joint Committee on Housing, Planning and Local Government and reports have been authored by Mercy Law Resource Centre, the Ombudsman for Children and a range of other figures. Many Members have spent their time wisely and have considered this matter in great detail. If members of Fianna Fáil and Fine Gael have not used that time in the same way, I am sorry. They were given the opportunity of listening to the real and clear benefits that such a right would have.

The Minister of State, Deputy English, listed what he believed to be a set of rights. I would hazard to guess that if he submitted those arguments in an undergraduate law essay, he would fail. Rights are not something to be applied for which one might get by meeting certain criteria. That is the opposite of rights. It is why legislation has the word “may” rather than “shall” when outlining what a local authority may or may not do. They are not legal rights. To answer his question very directly, all of the legal opinion we have heard at the Joint Committee on Housing, Planning and Local Government has shown the value of a legal and constitutional right to housing is the fact that it provides a basic floor of protection, so that every single thing a Government does - legislation, policies and budgets - must have due regard to how it will vindicate that right. It does not provide everyone with a set of keys to a home nor is it a silver bullet that will resolve all problems. However, it provides an additional check and forces Governments to consider these issues, in exactly the same way it has to do with all of the other enumerated rights in the Constitutions. To Deputy Casey I say, of course, it is not a stand-alone proposal. He is correct that referendums cost money, but the idea that his party would oppose a legal right to housing because it might mean an additional 75 homes in his constituency is almost comical.

Deputy Pat Casey: There are more reasons besides that.

Deputy Eoin Ó Broin: In fact, if we had a legal right to housing his county would not be in the mess it is in at the minute, because the Government, the Opposition and the local authorities would be forced through the courts to deliver the homes that the Deputy said he wants to deliver for his constituents.

One of the most striking aspects of this debate is the absence of the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, and the Front Bench spokesperson for Fianna Fáil.

Deputy Damien English: He is in the Seanad.

Deputy Eoin Ó Broin: I know he is in the Seanad. I can see that.

Deputy Damien English: He is in the Seanad. The Deputy should get real.

Deputy Eoin Ó Broin: The idea that the Minister for Housing-----

Deputy Damien English: This is a bit deluded.

Deputy Eoin Ó Broin: -----could not take-----

An Leas-Cheann Comhairle: This was explained by the Minister in the Seanad.

Deputy Eoin Ó Broin: I can handle myself; the Leas-Cheann Comhairle should not worry. I am used to being heckled.

Deputy Pearse Doherty: The Seanad has adjourned, by the way.

Deputy Eoin Ó Broin: The idea that the Minister for Housing, Planning and Local Government could not have taken half an hour to come out to participate in this crucially important debate speaks volumes for the Government and the fact that the lead spokesperson for Fianna Fáil could not have been bothered to show up - I presume we will see tweets of him canvassing in his constituency for local government candidates at some stage tomorrow - shows that the party is not taking this issue seriously either. I have some sympathy for Deputy Casey and the Minister of State, Deputy English, because on the occasions their parties deliver unpopular news, they are sent in to take the hit for their seniors.

There are tens of thousands of families with housing needs which are not being met by this Fianna Fáil and Fine Gael coalition. This includes tens of thousands of renters, first-time or aspiring first-time home buyers and people languishing on social housing waiting lists. The Minister of State is correct; social homes are being built. In fact, if he had listened to my contribution, he would have heard me acknowledge that. The problem is that it is nowhere close to enough.

The crucial difference between our party and Fianna Fáil and Fine Gael is that we would double capital investment in social and affordable housing. It is the only way in which to begin to increase output. We would shorten the delivery time we proposed to the Department in terms of approval and procurement to get those homes built more quickly. We would set higher targets for the local authorities to deliver social homes, affordable rental homes and affordable purchase homes, which is something that the Government, actively supported by Fianna Fáil, is refusing to do. Crucially, we would enshrine in the Constitution, subject to the approval of the people in a referendum, a legal right that would ensure that in the future parties such as Fianna Fáil and Fine Gael which say they want to resolve this crisis but which will not act to ensure that is done will be forced, either through the Constitution or the courts, to provide the homes that families so desperately need. Anyone watching this debate will be deeply disappointed, but not surprised. Once again Fianna Fáil and Fine Gael say they want to solve this housing crisis, but are showing by their actions that they are neither interested, capable nor able to do it. That is why I believe there will be a major mobilisation on the streets of Dublin on Saturday in an attempt to force those parties to take this crisis seriously, for once and for all.

Cuireadh an cheist.

14 May 2019

Question put.

Deputy Eoin Ó Broin: Vótáil.

An Leas-Cheann Comhairle: In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 16 May 2019.

The Dáil adjourned at 9.30 p.m. until 10.30 a.m. on Wednesday, 15 May 2019.