



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Ceisteanna - Questions	849
Priority Questions	849
Crime Prevention	849
Legislative Measures	851
Organised Crime	853
Domestic Violence Policy	855
Road Traffic Offences	857
Ceisteanna Eile - Other Questions	859
Private Security Authority	859
International Time Zones	861
Organised Crime	863
Liquor Licensing Laws	865
Organised Crime	867
Personal Injury Claims	868
Ceisteanna ó Cheannairí - Leaders' Questions	870
Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation	879
Sectoral Employment Order (Construction Sector) 2019: Motion	888
Defence Forces Service with the United Nations: Motion	888
An Bille um an gCúigiú Leasú is Tríochá ar an mBunreacht (An Ceart chun Teaghaise) 2016: An Dara Céim (Atógáil) [Comhaltaí Príobháideacha]	895
Thirty-fifth Amendment of the Constitution (Right to a Home) Bill 2016: Second Stage (Resumed) [Private Members]	895
Mother and Baby Homes: Motion (Resumed) [Private Members]	897
Treatment of Cancer (Advertisements) Bill 2018: Second Stage (Resumed) [Private Members]	904
Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters	907
Saincheisteanna Tráthúla - Topical Issue Debate	907
Schools Building Projects Status	907
Property Services (Regulation) (Amendment) (Management Company Regulation) Bill 2018: Second Stage [Private Members]	911

DÁIL ÉIREANN

Déardaoin, 16 Bealtaine 2019

Thursday, 16 May 2019

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

*Paidir.
Prayer.*

Ceisteanna - Questions

Priority Questions

Crime Prevention

1. **Deputy Jim O'Callaghan** asked the Minister for Justice and Equality the actions he has taken to provide additional supports to An Garda Síochána to address a number of recent thefts of automated teller machines, ATMs; if tracking devices are being considered for installation in ATMs to address the issue; if additional Garda resources have been deployed to areas likely to be targeted; if he is satisfied that the mechanisms to facilitate cross-Border co-operation are in place in the context of tackling this issue; and if he will make a statement on the matter. [21172/19]

Deputy Jim O'Callaghan: This question relates to the recent thefts of ATMs. As the Minister is aware, there has been a series of such thefts in recent months, particularly in the Border counties and in the neighbouring jurisdiction of Northern Ireland. What steps does the Government believe it can take to prevent these thefts? In that context, I refer to the provision of additional resources or engagement with banks to ensure that they install tracking devices in these machines.

Minister for Justice and Equality (Deputy Charles Flanagan): I thank Deputy O'Callaghan for his question. In short, the Government has been liaising with An Garda Síochána, the banks and the construction industry in order to ensure that we have a concerted effort in response to this unacceptable pattern of events.

As the Deputy will be aware, investigations into several ATM robberies are ongoing both here and in Northern Ireland with a view to identifying those responsible. I want to acknowledge very close co-operation between An Garda Síochána and the Police Service of Northern Ireland, PSNI, on this matter. I have been fully briefed on these investigations by the Garda Commissioner and his team on several occasions. These crimes clearly have a very negative impact on both businesses and communities.

I can also advise the Deputy that my officials, including the Secretary General of my Department, recently met representatives of the banks, as well as the Banking and Payments Federation of Ireland and An Garda Síochána. It was clear from the meeting that a productive working relationship exists between the Irish banking sector and An Garda Síochána and they will continue to work closely to develop more effective preventative measures against thefts of ATMs. For operational reasons I do not intend to go into all the measures in place in each ATM. However, I am assured that individual risk assessments are carried out in respect of the security arrangements for each ATM, with engagement between the banks and An Garda Síochána where appropriate and necessary.

It is also important to ensure that large plant machinery of the type used in these robberies is securely stored. I am sure the Deputy will join with me in encouraging all farmers, contractors and plant hire companies to remain vigilant. If they have any concerns they should contact An Garda Síochána immediately.

In terms of co-operation, having regard to the fact a pattern has emerged between Northern Ireland and Border counties in the Republic, I assure the House of cross-jurisdiction co-operation here. Deputies will be aware of the joint cross-Border policing strategy operated between the two services, which covers a range of policing activities and contains a series of initiatives in which both police services remain actively engaged.

Deputy Jim O'Callaghan: I thank the Minister. These are very serious and organised crimes. It is apparent to anyone who has looked at them that a pattern is emerging. They are crimes which have been taking place in the Border counties and in Northern Ireland. We need to ensure that there is cross-jurisdictional co-operation between An Garda Síochána and the PSNI.

Deputy Charles Flanagan: I agree by and large with what Deputy O'Callaghan has said and I wish to assure the House that the Garda Síochána, in conjunction with interested parties here, the primary stakeholders and the cross-Border initiatives, are making every effort, and I acknowledge their excellent ongoing relationship, to tackle cross-Border issues. This issue is no different in Northern Ireland than it is here. A cross-Border seminar on organised crime took place recently. This is an annual event organised jointly by the two justice departments and the two police services focusing on increased co-operation and best practice in countering organised crime which seeks to exploit the Border. Furthermore, the joint agency task force established under the fresh start agreement engages the two police services in the lead role, with other agencies in structured strategic operational co-operation to combat cross-Border crime. Ensuring this type of co-operation can continue into the future remains a key priority for me.

Deputy Jim O'Callaghan: The Minister also needs to consider resourcing An Garda Síochána in respect of this. Serious criminals are carrying out these crimes. We do not know whether they are armed but it would not surprise me if they are when they commit these offences. We know that in the northern region there is an armed support unit split between Louth and

16 May 2019

Donegal. The Minister needs to give serious consideration to the immediate establishment and resourcing of an armed support unit for the Cavan-Monaghan region. This is the area where many of these thefts take place. Many of these armed gangs operate in the Border region. We need to ensure that the gardaí are adequately resourced to deal with them. The next question I will deal with is the issue in Drogheda and what needs to be done there but policing the Border is a difficult and dangerous task for An Garda Síochána and the Minister needs to ensure that it is fully resourced to detect and deter these types of offences.

Deputy Charles Flanagan: I will make two points by way of reply. First, in respect of on-going briefing on this area I mentioned the Garda Commissioner and his team. I have met him four times in as many weeks. I also discussed the matter with the British Deputy Prime Minister and Secretary of State for Northern Ireland at last week's British-Irish Intergovernmental Conference in London. I want to ensure that the type of co-operation we have will continue into the future. I also had a specific briefing on the matter of ATMs from the chief constable of the PSNI as well as the Garda Commissioner. Second, I assure Deputy O'Callaghan not only the numbers but the Garda resources are very significant. Capital investment is being made in An Garda Síochána. We have an armed support unit in Donegal and in Louth and the Garda Commissioner intends to have a specifically designated armed support unit in Cavan, not too far from the Border. Arrangements are being set in train to fit out the appropriate location and training. It is expected that this will be fully operational by the end of the year.

Legislative Measures

2. **Deputy Donnchadh Ó Laoghaire** asked the Minister for Justice and Equality his plans to amend the Chemical Act 2008 to deal with the regulation of sale of corrosive substances; if legislation is required to deal with the use of acid as a weapon; and if he will make a statement on the matter. [21174/19]

Deputy Donnchadh Ó Laoghaire: I am sure the Minister will agree with me that the recent acid attack in Waterford on Tega Agberhiere and Pdraig Sullivan and others was particularly horrific. It was particularly malicious. We need to consider whether our legislation is adequate to ensure that we can deal with the use of acid as a weapon and whether consideration should be given to the sale of certain products to minors.

Deputy Charles Flanagan: I am aware of the vicious and horrific attack in Waterford City on 25 April where the perpetrators of a serious crime used a corrosive substance to attack three young victims. Garda investigations into this assault are continuing and I do not want to say anything in this House that might pre-empt that investigation in any way. I urge anyone with information to contact Waterford Garda Station on 051 305300 or the Garda Confidential Line 1800 666 111. This was a truly shocking incident. Corrosive substance attacks can result in some of the most horrendous, life-altering injuries and I utterly condemn the perpetrators of this violent attack. I expect that the full force of the law will be brought down on anyone found to have carried out such an attack in this jurisdiction. I wish the victims of this attack a speedy and full recovery. I spoke directly to the parents of the three boys in question and I acknowledge the particular and horrific nature of the crime.

In terms of criminal legislation, the punishment for such a crime can be up to life imprisonment and I cannot see that further criminal legislation is needed. I do acknowledge however what Deputy Ó Laoghaire has said. Assault offences are dealt with comprehensively under the

Non-fatal Offences against the Person Act 1997.

The Deputy raised other legislation in particular the Chemicals Act 2008 which would primarily be a matter for my colleague, the Minister for Business, Enterprise and Innovation, Deputy Humphreys. I have spoken directly to her on this issue. I also refer to the Poisons Act 1961 which provides for the regulation and control of the distribution and sale of poisons, which is the responsibility of the Department of Health. The expertise in these matters rests in those two Departments. I have spoken directly to Deputy Humphreys and asked my officials to make contact with those Departments to see if there is anything further that needs to be done that might reduce the risk of similar attacks in the future.

Deputy Donnchadh Ó Laoghaire: I echo the Minister's call for anyone who has information to come forward to the gardaí in Waterford. Mr. Agberhiere spoke after this appalling attack of the fear of being left blind and being left with permanent scars. Padraig Sullivan, another young man who was attacked in the same incident, described the pain as being like someone holding a lighter constantly on his leg, burning it, and afterwards it was as if his body numbed. These attacks are rare in this jurisdiction, however, I am concerned at the potential for them to be imitated and there is a rise in these kind of attacks in Britain. They are particularly malicious given that the attacker has chosen to use the substance as a weapon with the intent of causing maximum harm without the intention to cause death. We need to be proactive. I ask the Minister to consider further actions that can be taken. Can acid in this form be considered under Irish legislation an offensive weapon?

Deputy Charles Flanagan: I assure the Deputy that I would be happy to explore all avenues. I have been in direct contact with the Minister for Business, Enterprise and Innovation, Deputy Humphreys, who has responsibility for chemicals legislation and officials from my Department have been in touch with the Department of Health which has primary responsibility for poisons legislation. The Deputy mentioned a situation in the UK and I acknowledge that there has been an alarming number of acid attacks in the UK in recent years. Retailers there have been encouraged to make voluntary commitments in respect of the responsible sale of acids and corrosive substances. This voluntary commitment includes agreeing not to sell products that contain potentially harmful levels of corrosive substances to persons younger than 18 years. While not currently in place in this jurisdiction I would be keen to explore this. I would be happy to hear any suggestions the Deputy might have in respect of this. I will of course accept the primary criminal justice response in respect of this but other Departments are involved too.

Deputy Donnchadh Ó Laoghaire: The Minister has partly pre-empted what I was going to say. There is a voluntary code in Britain, and perhaps it could be put on a statutory basis in Ireland, that products which contain either 10% or 12% materials such as sulphuric acid, sodium hydroxide, hydrochloric acid, ammonium hydroxide and suchlike should not be sold to people younger than 18 years. Perhaps that should be considered in the context of statute law. As far as I am aware, there is no restriction on those under 18 being able to purchase such materials. Some of these products are household goods and will have to be available to people to buy. That said, do we need to consider who they should be sold to, whether they should be sold to minors, who typically do not need them to the same extent, and whether restrictions are required?

Obviously, an attack of this kind could be considered a serious assault occasioning grievous bodily harm or a similar category of offence. Will the Minister consider whether an attack using

16 May 2019

household products that can be acidic and can cause serious damage could be considered assault with a weapon? Are these products considered offensive weapons under current legislation? If not, will the Minister consider the position in respect of them? I am of the view that they should be classed in this way.

Deputy Charles Flanagan: The short answer is “Yes”. I have been examining the position in other jurisdictions, with particular reference to the laws in the United Kingdom, as mentioned by the Deputy. A new law was introduced last year in the UK that criminalised the possession of sulphuric acid above 15% in strength by a member of the public without a particular licence. The penalties for possession of such a substance without a licence are a maximum of two years imprisonment and an unlimited fine. In order to obtain a licence, applicants must disclose a legitimate purpose for acquiring the substance and any relevant health issues. While such individual licensing offences are not currently in place in this jurisdiction, I have listened closely to the Deputy and I would be happy to explore further whether reform is needed in this area. Attacks such as those referred to in the Deputy’s question are most unusual in Ireland but that is not to say we should not be vigilant.

Organised Crime

3. **Deputy Jim O’Callaghan** asked the Minister for Justice and Equality the progress made in tackling an ongoing feud in Drogheda, County Louth; if he is satisfied that An Garda Síochána has sufficient resources to tackle the issue; and if he will make a statement on the matter. [21173/19]

Deputy Jim O’Callaghan: I want to ask about the dangerous feud in Drogheda that has been ongoing on for the best part of a year. I am concerned, and I know the people of Drogheda are concerned, that insufficient resources were put into policing in Drogheda and that this has allowed this dangerous feud to escalate. I want to know from the Minister what additional resources have been supplied to date by the Government and whether it is his intention to keep those resources in place. What other measures does he propose in order to resolve this very serious criminal feud in the town?

Deputy Charles Flanagan: I join the Deputy in condemning unequivocally the criminal activity in Drogheda. I have visited the town of Drogheda on a number of occasions in recent months - including two weeks ago in the company of the Garda Commissioner, Mr. Drew Harris - to meet the gardaí involved in tackling what is a feud. I have been briefed by the Commissioner about the dedicated policing operation, Operation Stratus, which is in place in Drogheda and which specifically targets this ongoing, highly volatile situation.

Operation Stratus consists of high-visibility patrols and checkpoints, days of action and covert policing initiatives targeting specific parties involved in the feud. The operations are supplemented by personnel from the regional armed support unit, the drugs unit and the divisional roads policing unit and have resulted in the seizure of considerable amounts of cash, firearms and controlled drugs.

I am informed that a number of arrests took place last weekend as part of Operation Stratus. On Friday, gardaí investigating ongoing criminality in Drogheda attended the scene of a stolen burnt-out car. The follow-up investigation led to three males being arrested and charged in respect of this incident. On Sunday, gardaí searched a house in the Hill View area of Drogheda

town. During the course of the search, gardaí recovered quantities of cocaine and cannabis herb. Other paraphernalia, including weighing equipment and documentation, was also seized. I am informed that during the follow-up operation a person was arrested and is currently detained for questioning under the Criminal Justice Act 1984.

I welcome the Garda Commissioner's recent announcement that an additional 25 Garda members will be assigned to Drogheda, adding to the existing Garda strength of approximately 120 members. I also want to reassure the local community in Drogheda that there are specialised regional armed support units based in the northern region at Dundalk and Ballyshannon. Members of these units are highly trained and equipped with a variety of non-lethal and lethal weapons. They perform high-visibility armed checkpoints and patrols throughout the region and support and supplement the national emergency response unit, which has also been deployed to Drogheda in recent times.

Deputy Jim O'Callaghan: Since last summer, there have been 74 connected incidents relating to this feud. This is not something that has recently become known to the public at large. In fact, representatives in Drogheda, Anthony Moore and James Byrne, were in touch with me repeatedly from last summer informing me about the extent of the problem with this feud but, more importantly, also about the lack of Garda resources there.

I attended a public meeting in Drogheda some months ago and I was surprised at the large crowd in attendance and the concerns being expressed. It is fair to state that a small number of people are terrorising a large section of the community in the town. While they are not terrorising them directly, because of their activities relating to this gangland feud, there is an indirect fear throughout Drogheda. We have seen how feuds can severely damage other cities, whether it is Limerick or parts of the north inner city of Dublin, but we have seen those being resolved through resourcing. I want the Minister to commit that the resourcing announced recently, which I welcome, will be maintained and that there will be significant recognition by the Government that this is a problem that needs resources.

Deputy Charles Flanagan: As Minister for Justice and Equality, I am determined that the situation in Drogheda will not be allowed to continue. There has been a sustained and concerted effort on the part of An Garda Síochána to bring those engaged in the feud to justice. An Garda Síochána is dedicated to tackling gang-related violence in Drogheda and to ensuring the safety of all citizens in the community and the wider area.

The Garda station in the town is in the Drogheda district, which forms part of the Louth division. On 31 March last, 122 Garda members were assigned to Drogheda district, 112 of whom were assigned to Drogheda Garda station. The work of local gardaí is supported by a number of Garda national units that are active in the Drogheda area - the National Bureau of Criminal Investigation, the armed support unit, the Garda National Economic Crime Bureau and the Garda National Drugs and Organised Crime Bureau. Since the reopening of the Garda College in September 2014, almost 2,600 new gardaí have been recruited. I assure the Deputy that, in light of the recent announcement by the Garda Commissioner that a further 25 gardaí will be assigned to the Drogheda area, there is a sustained and concerted effort taking place. As the Garda Commissioner stated, the allocation of extra resources to Drogheda is not a flash in the pan and it will continue, as needed.

Deputy Jim O'Callaghan: I welcome the increased resources that were allocated to Drogheda but I do not shy away from making a criticism of the fact it should have been done

16 May 2019

much sooner. This is a feud that has been going on for a considerable time. The additional Garda resources will be important and useful in trying to deal with the criminality of the gangs involved but, obviously, more is required in order to resolve issues such as this. We have a problem not just in Drogheda but throughout the country with young people being attracted to and taking drugs. We need to ensure that they are fully informed of the dangers of taking drugs, how drugs can destroy their lives and leave a shadow hanging over them for the rest of their lives. I do not think enough is being done in that respect to warn young people about the dangers of drugs. If we can do that, it will close off part of the market that exists for gangs that thrive on the sale of illegal drugs. At the heart of the problem in Drogheda are two gangs feuding over a market for drugs.

Deputy Charles Flanagan: Operation Stratus has been in operation in Drogheda since last year. There have been significant successes on the part of the Garda in more recent times and, as I mentioned earlier, there have been successful operations and arrests. Over the Christmas period, there was a seizure of drugs worth in excess €110,000 at Moneymore and one person was charged in that regard. There was the discovery of three firearms and a consignment of drugs at Boyne Rovers football club in Drogheda last March.

On 10 April, four residential properties were searched, one vehicle was seized for examination and a quantity of suspected cannabis and cocaine, with an approximate value of €5,000, as well as a quantity of mobile telephones were seized. Three men were arrested. Also in April, *11 o'clock* gardaí arrested four men in connection with a shooting incident and a number of premises have been searched in connection with this investigation. On 22 April, An Garda Síochána discovered a handgun and nine pipe bomb components during a search of open ground at Moneymore. To date, 319 proactive searches have been carried out in the Drogheda area along with 870 armed support unit and roads policing checkpoints and 1,250 proactive uniform and plain clothes patrols. There is sustained and concerted action by An Garda Síochána under Operation Stratus.

Domestic Violence Policy

4. **Deputy Ruth Coppinger** asked the Minister for Justice and Equality his views on the introduction of a court order against harassment (details supplied); and if he will make a statement on the matter. [21288/19]

Deputy Ruth Coppinger: There is increasing awareness of coercive control and its role in connection with violence against women and domestic violence, yet there is nothing to stop unwanted contact or to assist people breaking free from harassment or abusive relationships. Will the Minister listen to the experience of women such as Jessica Bowes who are asking for the introduction of no-contact orders, as have been introduced in other countries?

Deputy Charles Flanagan: A couple of days ago, the Deputy published the Domestic Violence (No-contact order) (Amendment) Bill 2019. This Bill provides for a new no-contact order that would enable a court to prohibit the respondent from communicating with the applicant where the respondent has subjected the applicant to harassment. The Bill defines harassment as conduct that has occurred on at least two occasions that causes another person alarm or distress. It proposes that a person could apply for a no-contact order against any other person and to amend the Domestic Violence Act 2018 to provide for the new no-contact order.

I acknowledge the Deputy's strong role in respect of support for victims of domestic violence. I commend the courageous victims of abuse who have come forward to seek positive changes. In legislating to ratify the Istanbul Convention, we have recently introduced a wide range of legislative reforms.

In the first instance, as with every new legislative proposal, it will be necessary for the provisions of the Deputy's Bill to be carefully and thoroughly examined by my Department, in consultation with the Office of the Attorney General. As the Bill was published only a couple of days ago, the Deputy will appreciate that it has not yet been possible for this examination to be completed. The Government will give the Bill full consideration before Second Stage and I look forward to an extensive and constructive debate on its provisions on that Stage.

In addition, I believe the Oireachtas committee scrutiny process will be of great value as it will provide an opportunity for detailed examination of the Bill's provisions before Committee Stage and for the committee to hear the views of relevant experts in the area. In view of the wide scope of this Bill, which encompasses not only its main focus of domestic violence but could also, because of its broad terms, apply to behaviour such as disputes between neighbours or online disagreements, I believe it would be useful for the committee to consult experts in the area. There are many stakeholders in that regard and I am in regular contact with many of those groups.

Deputy Ruth Coppinger: On the technicalities of this, the Minister will be aware that as a small party Solidarity has little Private Members' time to progress Bills. Will he consider amending the Domestic Violence Act and conduct an inquiry into this? I will outline some research from Scotland where non-harassment orders, on which we based the Bill, have been introduced. It is a very similar jurisdiction and has a similar culture. Before introducing the non-harassment orders, a study was conducted that involved interviews with the police and many people involved in the area. Male ex-partners were found to be the largest group of people who could not accept the end of a relationship. The Minister spent a large amount of money telling people what they should do if they see violence, but there is nothing to help women - obviously there can be male victims but I am referring to the majority - if they are trying to get away from somebody who is not willing to accept "No" for an answer. In the study the sheriff said: "... the isolated incidents which have led up to the non-harassment order may not actually be criminal offences. It's the cumulative effect ... it is very concerning that somebody can keep on texting ...". Another person said: "These men will quite often pose a serious threat to women." We have seen cases recently where women have been severely beaten and killed. We want to prevent that happening and give people a means of escape.

Deputy Charles Flanagan: I agree with the sentiment expressed by the Deputy, but it appears that the Deputy publishes a Bill on Tuesday and wants it enacted by Friday.

Deputy Ruth Coppinger: Not Friday. I am just asking the Minister to consider it. There is no need for exaggeration.

Deputy Charles Flanagan: The Deputy is aware that there is a Dáil and Seanad process and I ask her to acknowledge the existence of that process in her utterances in the Chamber and outside.

I remind her of the Domestic Violence Act 2018 which has been fully operational since 1 January last. It improves the protections available to victims of domestic violence under both

16 May 2019

the civil and criminal law. In particular, section 6 of the Act enables a person to apply for a safety order to prohibit the respondent from using or threatening to use violence against the applicant, putting the applicant in fear, watching or besetting a place where the applicant resides, following the applicant or communicating with the applicant, including by electronic means. The Act extended eligibility for safety orders to applicants who were in an intimate relationship with the respondent prior to the application but who were not cohabiting.

There are protections under that Act. I will be happy to look at the details of the Deputy's Bill but I again ask her to acknowledge that there is a process in which we must engage to ensure that what we do is operationally sound.

Deputy Ruth Coppinger: This issue has been raised previously and is not new to the Minister. I am not expecting anything by Friday but asking the Minister to seriously consider it. There is a problem with existing legislation. One can impose no contact if somebody gets a barring order but this is about a person who may not have been in an intimate relationship with the other person. The person might have just started the process. That person cannot get a barring order. In addition, as Jessica Bowes pointed out on "Prime Time", receiving bunches of flowers and declarations of undying love cannot be reported to a garda as breaching the barring order. Ms Bowes had a barring order in place. The contact increases, then it becomes more menacing and there is a cumulative effect, as I mentioned.

I disagree with the Minister. The Dáil has been balefully slow in responding to this issue. There have been huge protests. There is the global #MeToo movement, there were the #IBelieveHer" marches in Dublin last year and the "This is not consent" protest with regard to a thong. What have we changed since then? There will be a second Sexual Abuse and Violence in Ireland, SAVI, study, which the Minister should have agreed to sooner and which will take five years to complete. The measure I have proposed could be enacted quickly. I ask the Minister to meet women who have experienced this behaviour and to have the Department examine my proposal.

Deputy Charles Flanagan: This Government is committed to continuing its work in providing protections to victims of domestic and sexual violence and holding perpetrators to account. I will approach the Bill published a few days ago by Deputy Coppinger with that commitment firmly in mind.

Road Traffic Offences

5. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality the work he is undertaking to ensure that disqualified drivers do not continue to drive and that their licences are surrendered as mandated in the courts to the court clerk; and if he will make a statement on the matter. [21248/19]

Deputy Thomas P. Broughan: There is an ongoing scandal of disqualified drivers continuing to drive. It has been highlighted continuously by road safety activists such as Ms Susan Gray and the PARC road safety group, yet the figures are stark. The Minister's colleague, Deputy Burke, reported that approximately 83,000 licences of banned drivers were not surrendered in the past eight years. The Minister gave me figures for the past two or three years which are equally stark. Is it not past time that the Road Safety Authority, RSA, the Garda, the Courts Service and the information technology systems worked together coherently to end this

problem once and for all?

Deputy Charles Flanagan: Deputy Broughan makes a very important point. I am seriously concerned about this issue. It was discussed in detail by the Garda Commissioner with the Committee of Public Accounts last Thursday. I am in complete agreement with the Garda Commissioner, Drew Harris, that this behaviour is a blatant abuse of the criminal justice process.

Under the Road Traffic Acts, the penalty for driving while disqualified is a fine up to a maximum of €5,000 and-or a prison term of up to six months. It is a legal requirement for those disqualified to return their licences to the licensing authority, that is, the Road Safety Authority. As the Deputy will be aware, the penalty for failing to do so is a fine up to a maximum of €1,000 for a first offence, and up to €2,000 for a second or subsequent offence. There can be no argument that the numbers of those failing to comply with the surrender of his or her licence are nothing short of shocking and I agree that we need to act to ensure this is dealt with speedily and comprehensively. However, while the figures are of concern, I am informed that they do not necessarily correlate to the number of persons driving while disqualified. Failure to surrender a licence does not necessarily mean that person continues to drive during the period of disqualification. Equally, a person may surrender a licence but choose to flout the law and continue to drive illegally. Therefore, it is important that gardaí have the ability to detect in a timely manner those who decide to drive without a valid licence.

As the Commissioner pointed out, the Garda ACTIVE Mobility project will greatly assist gardaí in ascertaining the current status of a licence at the roadside. The system will allow Garda members to take an image of a licence, or input the data manually, at which point front-line gardaí will be immediately notified as to whether the licence is valid or not. I am informed that the current aim is that 2,000 of the new handheld devices will be issued by the end of the year. Of course, it is crucial that the data which underpin these devices are up to date, and I understand that An Garda Síochána is continuing to work with the Department of Transport, Tourism and Sport, which holds the driver licence data to this end.

Deputy Thomas P. Broughan: Banned drivers are involved in between 11 and 14 deaths every year, and 500 banned drivers were involved in serious crashes in a two-year period in the middle of this decade. The Minister's figures are incredibly stark. Before Christmas, the Road Safety Authority, RSA, told me that in 2016 the number of drivers with a court disqualification was 8,296; driver licences surrendered amounted to only 1,035; the number of drivers with penalty point disqualifications was 1,054; and the driver licences surrendered numbered only 476. The figures for 2017 were very similar, with 9,449 court disqualifications and a similar number of refusals to surrender licences. The last figures the Minister gave me, up to September of last year, present a similarly dire situation. We have heard about the handheld devices and I note the comments the Commissioner, Drew Harris, made to the Committee of Public Accounts about the list of policing priorities for 2019, which I welcome. Can we see some real action on this?

Deputy Charles Flanagan: I share the Deputy's concern and these figures are stark and totally unacceptable. I wish to acknowledge the importance of enforcement, which is crucial. The development and supply of handheld devices under the Garda mobility strategy will facilitate more effective road traffic enforcement via front-line access and real-time information, including relating to drivers who may be disqualified. I also acknowledge the importance of the implementation of the strategy. This is currently being rolled out on a phased basis and it is expected that the 2,000 mobile devices will be given to members of the Garda national roads policing bureau by the end of this year. This is underpinned by resources in the amount of €1.5

16 May 2019

million in current spending in budget 2019, which will allow the roll-out of the mobility project to commence. I am happy to keep the Deputy informed and I have raised it with the Road Safety Authority as well as with my colleague, the Minister for Transport, Tourism and Sport. I agree that the practice is totally unacceptable and needs to be addressed urgently.

Deputy Thomas P. Broughan: The list of policing priorities for 2019, which Garda Commissioner Drew Harris has reported to the Oireachtas, is very interesting and includes policing our roads, safeguarding road users, denying criminals the use of roads and spot checks on roads. These are very important as they help to identify disqualified drivers and alert us to criminal behaviour. The head of the RSA, Ms Moyagh Murdock, addressed the Joint Committee on Transport, Tourism and Sport and said the level of compliance was entirely unacceptable and demonstrated a disregard of, and disrespect for, road traffic legislation from those individuals. She drew a contrast with Northern Ireland where, she said, there seemed to be a far less cumbersome system in which a licence was surrendered there and then, in the court. Even when an appeal is possible, the licence is retained by the court. This is another example of where Northern Ireland appears to be ahead of us in policing terms.

Deputy Charles Flanagan: I attend, on a regular basis, the joint ministerial meeting with Ms Murdock and her team, as well as other stakeholders and departments, and this is an issue I would be happy to pursue on an urgent basis. As noted by the Committee of Public Accounts last Thursday, An Garda Síochána is currently preparing a series of actions to address the issue of the non-surrender of licences, which will cover both enforcement - or the lack of enforcement, as Deputy Broughan might refer to it - and public awareness. I have requested a Garda report on this matter and I will closely monitor developments in this regard. In the meantime I am informed that, as an interim solution, An Garda Síochána has developed a report whereby members can search for disqualified drivers in particular geographical areas, thereby assisting local enforcement. We have handheld devices and data updating and An Garda Síochána will target particular local geographical areas where there may be acute instances of what are totally unacceptable practices.

Ceisteanna Eile - Other Questions

Private Security Authority

6. **Deputy Donnchadh Ó Laoghaire** asked the Minister for Justice and Equality the status of his proposed legislation regarding regulation of private security personnel that fall outside the remit of the Private Security Authority. [20943/19]

Deputy Donnchadh Ó Laoghaire: In early April, in response to a point I had been raising for a period of time, the Minister announced his intention to bring those involved in the enforcement of court orders relating to evictions under the Private Security Authority and the relevant legislation. I ask the Minister for the latest position and to outline where the proposal stands at present.

Deputy Charles Flanagan: I secured Government approval last month to bring the regu-

lation of private security personnel employed to assist in enforcing court orders within the remit of the Private Security Authority. The proposals for this measure and related matters are contained in the report of an interdepartmental working group, which was published on my Department's website on 9 April 2019. The key recommendation of the report is that the Private Security Services Act 2004 be amended to bring security personnel assisting in enforcing court orders within the remit of the security services licensable by the Private Security Authority. This means that such persons will require a licence to operate in this area and will have to meet the standards and qualifications set by the authority. The Act will be amended to include enforcement guard as a new category of security service to be licensed by the Private Security Authority. An enforcement guard will be defined as a person performing the following functions: removing persons from a premises or place in order to take legal possession of the premises or place; controlling, supervising, regulating or restricting entry to a premises or place in order to take legal possession of the premises or place; and seizing property or goods in lieu of an outstanding debt.

My proposals also include amendments to other legislation in this area, such as repealing a provision in relation to the display of court messengers' names and places of residence in court houses, in the interests of the safety of such personnel. I also propose to amend section 33 of the Private Security Services Act 2004, as amended, to allow the register of licences to be available on the Internet as well as the authority's offices. My Department is working with the Office of the Attorney General to bring forward the necessary legislative provisions and we will keep the Deputy informed.

Deputy Donnchadh Ó Laoghaire: I raised this issue previously in the context, first, of the issues involved in the Frederick Street incident and, second, regarding the Strokestown incident where some of the security personnel's behaviour was appalling. That happened because of a lack of regulation. There was nobody to hold them to account. On foot of those incidents, I complained to the Private Security Authority and was informed that it has no remit in this regard. That is plainly wrong. The Private Security Services Act contains any number of provisions which cover licensing, regulation, a complaints procedure and ensuring that people are of good character when they are employed in these professions. If we expect people who are engaged in security work on our high streets and at the doors of pubs to meet these standards, we should surely expect those people who are involved in what is potentially the most intrusive and hard-edged form of security work to be covered by regulation.

I have seen the interdepartmental report to which the Minister referred but I want to know when he intends to bring forward legislation in respect of this not particularly complex area. What is required is a mechanism which will ensure that security personnel will be brought under the remit of the Private Security Services Act and that the provisions thereof will apply to them. That Act will probably require a few amendments specific to this category of security personnel. Will the Minister indicate a timeline for the introduction of such legislation?

Deputy Charles Flanagan: Work is proceeding apace. I mentioned that I am in consultation with the Office of the Attorney General. There is a responsibility to ensure that any legislation is legally sound and capable of implementation. I acknowledge the proposals in the Private Members' Regulation of Private Security Firms Bill. As the Deputy will recall, that Bill was unopposed on 31 January last. It was agreed that Second Stage would be taken in Sinn Féin's Private Members' time. These proposals will feed into what I am doing in my Department. I acknowledge that the proposals in the Bill in question were very wide-ranging. They could, for example, unintentionally include persons such as social workers who might be involved in

16 May 2019

some way in the execution of enforcement of court orders in the area of family law. The proposals which have been approved by Government and on which I am working are more specific in the intended new category of licensee. I assure the Deputy that I would be happy to keep him and the justice committee informed of developments. My position is that the Private Members' Bill will be considered in advance of any Second Stage debate.

Deputy Donnchadh Ó Laoghaire: I thank the Minister for that response. We will keep the situation under review. For our part, I am glad the Minister has acknowledged the Bill. We will progress it to Second Stage if we are not satisfied with progress from the Government. We can consider any amendments the Minister proposes to make to that Bill, if it progresses to Committee Stage, which I hope it will, and I emphasise its importance. During those recent incidents, it became clear that there is a large lacuna in the law. That is unacceptable and it needs to be rectified as a matter of urgency. I hope the Minister will be in a position to publish the heads of a Bill or a Bill and to bring it to the House as soon as possible. If he does not, we will proceed with our Private Members' Bill.

Deputy Charles Flanagan: I acknowledge once again the Deputy's contribution in the matter of the Private Members' Bill, which will inform work in this area, as should be the case. It is important that we proceed to specify what will be a new category of persons, the enforcement guard, that this category will be strictly defined and that we can proceed with the appropriate legislation in draft form at the earliest opportunity. I hope in the next few weeks to be in a position to outline a firm timeline. I acknowledge the urgency and importance of bringing forward legislation.

Question No. 7 answered with Question No. 19.

Questions Nos. 8 and 9 replied to with Written Answers.

International Time Zones

10. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality the preparations his Department is making to prepare for the EU's harmonisation of daylight saving time in March and October 2021; and if he will make a statement on the matter. [20941/19]

Deputy Thomas P. Broughan: On 28 March, MEPs voted to cease the seasonal clock changes with effect from April 2021. I understand that the vote was two to one in favour. The last mandatory clock change took place on 31 March last. The Minister will be aware there has been interest among Members of this House in the matter for a long time. His colleague, the Minister of State, Deputy Stanton, the late Senator, Feargal Quinn, and I pursued various initiatives to try to retain summer time indefinitely. I introduced a Private Members' Bill which a predecessor of the Minister's, the former Deputy Alan Shatter, addressed and which was on the clár of the previous Dáil throughout its lifetime.

Deputy Charles Flanagan: I acknowledge the Deputy's interest in this issue. The proposal from the European Commission would end seasonal clock changes with effect from 2021, with each member state electing whether to remain on summer or winter time all year round. This proposal remains under discussion and has yet to be adopted.

In this regard, discussions with members states on this proposal are ongoing via the Trans-

port, Telecommunications and Energy, TTE, Council and the next meeting of the council is scheduled for June.

A number of member states, including Ireland, are conducting national consultation exercises to inform their position. Ireland is also among those member states which have argued that more time is required to properly consider this proposal and its implications for our people. All member states have identified a requirement for co-ordination with neighbouring countries. This is a particular consideration for us in the context of our nearest neighbour, the UK, and on the island of Ireland, with reference to Northern Ireland.

An interdepartmental steering group was established by my Department to consider the proposal, to guide a public consultation process and report to Government. The public consultation comprised a public survey and invitation of submissions from individuals and stakeholders across the country. The Department also commissioned an opinion poll of a sample of respondents aligned with the national population.

A detailed analysis of the responses has been carried out and I will bring a report to Government shortly to assist in formulating the Irish position on the proposal. Clearly, the implications for time zones on the island will be a key consideration in our approach to this issue.

Deputy Thomas P. Broughan: I agree with the Minister that it would be impossible to have different time zones in the Republic and Northern Ireland. The Minister will be aware there was a powerful Lighter Later movement in the UK for most of this century to retain summer time and return to what prevailed in the era prior to the First World War. There was overwhelming support in surveys undertaken by the European Union which showed 84% in favour. Our survey showed 88% in favour. I made a submission to the ongoing consultation. I made a strong arguments for this proposal on the basis of health in terms of the seasonal affective disorder, SAD, or winter blues complex from which many people suffer, that our roads would be safer by retaining summer time, that there would be a reduction in the incidence of crime which occurs particularly during the long dark evenings, the benefits that would accrue to our tourism and hospitality industry and the fact, for example, that St. Patrick's Day falls in winter time, and a range of other strong arguments. I accept that harmonisation is a key point. Clearly, if our main European partners - particularly if Brexit happens - were to adopt the European Parliament's approach, we would have to be prepared.

Deputy Charles Flanagan: I acknowledge once again the Deputy's interest in this issue over a number for years. I want to make one point clear. Ireland is one among of a number of member states that have argued strongly that more time is required to properly consider the proposal. Contrary to media reports, to date, we have not formally supported the proposal that has been put forward. A particular consideration for Ireland is that the proposal raises the possibility of different time zones on the island of Ireland. This is a concern that is borne out in the responses we have received to the consultation process. As far as consultation exercises are concerned, more than 16,000 responses have been received to my invitation for people to make their views known. A broad preliminary conclusion indicates support for discontinuing the practice of clock changes and a preference for summer time but real concern at the prospect of two time zones on the island of Ireland. Many of the detailed submissions expressed concern at the practical or the logistical implications of ending seasonal time changes and the inconclusive evidence surrounding the proposed benefits of the proposal. The matter is under discussion and I welcome the Deputy's input.

16 May 2019

Deputy Thomas P. Broughan: I agree with the Minister that it would be a significant development if it were to proceed. The debate on the Brighter Evenings Bill which I brought forward was taken by the Minister's predecessor, former Deputy Shatter. A clear issue was how we would protect our school children on darker mornings and so on. It is interesting that the Minister of State, Deputy Stanton, when he was Chair of the justice committee, held extensive discussions on this matter. Many who participated in the discussions were of the opinion that if we could not have full summer time, we should make winter time far shorter such that, at least, the period of winter time post Christmas would be no longer than that pre Christmas. Again, harmonisation would be required and countries would have to act together. In general and on balance, most people believe it would enhance our lives. We were delighted that the European Parliament felt the same way.

Deputy Charles Flanagan: It is important to acknowledge that there is a wide range of opinions on the merits of ending seasonal clock changes. There are some school students in the Public Gallery. I am sure that if we were to ask their opinion, we would get a wide and diverse range of responses.

Deputy Thomas P. Broughan: In Scandinavia, children go to school later in the day.

Deputy Charles Flanagan: This issue may form part of school projects. I would be very happy to engage or receive proposals in that regard.

There is a large measure of uncertainty around the question of harmonisation between adjoining countries. I refer specifically to the issue of whether our UK neighbours will remain in the European Union, which provides us with a real challenge in regard to the island of Ireland and which will certainly inform our decision-making process.

An Leas-Cheann Comhairle: Sula bogfaimid ar aghaidh, thug an tAire cuireadh do na daltaí atá anseo linn inniu moltaí a chur chuige. Má tá moltaí ar bith ná tuairimí acu maidir leis an athrú ama i rith an gheimhridh, ba chóir dóibh iad a chur ag an Aire, Teachta Flanagan. The Donegal dialect may be different from the Irish the students are used to. The Minister extended an invitation to them and stated that he would be very glad to take their proposals regarding daylight saving time into consideration.

Question No. 11 replied to with Written Answers.

Organised Crime

12. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent to which he continues to combat organised crime, with particular reference to gangland activity and the induction of teenagers into a criminal lifestyle by crime warlords; the extent to which further resources are required in this regard; and if he will make a statement on the matter. [21144/19]

Deputy Bernard J. Durkan: This question seeks to ascertain the extent to which the chain of events in the criminal world can be interrupted with a view to preventing young people becoming involved in a life of crime.

Deputy Charles Flanagan: From changes of time to gangland crime - such is the breadth of responsibility of the Department of Justice and Equality.

I assure the Deputy that tackling organised crime and those involved in it is an ongoing priority for the Government and An Garda Síochána. Multi-disciplinary approaches are used by An Garda Síochána to ensure the activities of individuals and groups involved in criminality are effectively targeted. Such approaches include the use of money-laundering legislation and focused intelligence-led operations by Garda specialist units, including the National Drugs and Organised Crime Bureau, the National Economic Crime Bureau and the National Bureau of Criminal Investigations with support as required from the security and intelligence section and close co-operation with the Criminal Assets Bureau.

The necessary resources continue to be made available to address this issue. A total budget of €1.76 billion has been provided to An Garda Síochána in 2019, an increase of over €100 million on the 2018 allocation.

Garda operational responses to gangland-related crime in Dublin are co-ordinated under Operation Hybrid. As of 13 January 2019, there were 86 arrests related to gang-related killings and three persons convicted of murder had consequent life sentences imposed. In addition, 290 searches have been undertaken, 37 firearms have been seized and over 17,000 lines of inquiry conducted. More than 76,000 high visibility checkpoints had been implemented up to 4 May, with significant support from armed support units. A large amount of CCTV footage, mobile phone traffic and forensic evidence is being examined. Operation Hybrid is reviewed on a weekly basis to maintain optimal impact on this important issue.

Deputy Bernard J. Durkan: I thank the Minister for his comprehensive reply. Are specific measures being taken or about to be taken to discourage young people from seeing a life of crime as an attractive option? To what extent can the chain of command in the use of teenagers in particular as mules for drug barons be infiltrated with a view to prevention and the use of rehabilitative and educational measures within the Prison Service?

Deputy Charles Flanagan: The Deputy raises an important point. I acknowledge the importance of the Garda youth diversion projects. With specific reference to youth involvement in gangland activity, my Department funded research in the form of the Greentown report undertaken at the University of Limerick. This research outlines how the influence of criminal networks increases the level of offending by a small number of children and entraps them in offending situations, including the distribution and carrying of drugs and, often, the carrying of firearms. A new Greentown programme has been designed with the input of leading Irish and international experts on crime and criminal networks, taking into account child protection and welfare, drugs and community development. It is due to commence on a pilot basis this year.

Deputy Bernard J. Durkan: To what extent will monitoring continue to identify the most satisfactory methods of dealing with that situation with a view to achieving some degree of cut-off to prevent the practice of gang warlords encouraging young people into their nets?

Deputy Charles Flanagan: I highlight the importance of engaging in international best practice and informing ourselves as to occurrences or practice in other jurisdictions. I referred to specific research in that regard. I acknowledge the importance of the Garda youth diversion projects which have been operating for many years. They play a very important role in assisting vulnerable children to make more pro-social life choices. These projects, administered by my Department, have been progressively developed and expanded through the years. This year, there are more than 100 such projects nationwide. They are community-based multi-agency crime prevention initiatives and work closely with An Garda Síochána and other stakeholders.

16 May 2019

They primarily seek to divert young people who have become involved in crime or anti-social behaviour. The aim of the projects is to bring about the conditions whereby the behavioural patterns of young people towards law and order can develop and mature through positive interventions.

Liquor Licensing Laws

13. **Deputy Jim O’Callaghan** asked the Minister for Justice and Equality if the licensing Acts can be amended to provide a separate licence for venues which predominantly provide music; and if he will make a statement on the matter. [21102/19]

Deputy Jim O’Callaghan: Irish people have a significant interest in music and enjoy attending live events and performances as well as listening to recorded music. It is not unusual for people to want to be able to enjoy an alcoholic drink while attending a music event. Unfortunately, the intoxicating liquor licensing laws are archaic and the cost involved discourages people holding small music events from getting a licence. Does the Minister have any proposals to change the licensing laws to enable those who wish to promote small music events to obtain such licences?

Deputy Charles Flanagan: A licence under the provisions of the Licensing Acts 1833 to 2018 and issued by the Revenue Commissioners following submission of an appropriate court certificate by the applicant is required in order to permit the sale, supply or exposure for sale of intoxicating liquor in specified premises. As the Deputy will be aware, such licences are renewed annually.

The performance of music and public entertainment in premises, irrespective of whether the premises are licensed for the sale, supply and consumption of intoxicating liquor, is regulated by Part IV of the Public Health Acts Amendment Act 1890, which applies to premises located in urban areas where an urban authority has adopted the appropriate provisions. I understand that local authorities that have adopted Part IV to include Dublin, Cork, Limerick and Waterford. Where Part IV applies, premises that are ordinarily used for public music or other entertainment of like kind must be licensed under that legislation. Such licences are issued by the District Court.

I appreciate that Deputy O’Callaghan’s concern is to facilitate music and entertainment venues but I do not underestimate the difficulties that would be involved in arriving at a statutory definition of “venues which predominantly provide music” that would faithfully reflect the intentions of this House. I invite Deputy O’Callaghan to assist this debate by making a submission, which I would be happy to give careful consideration to. I am aware of the current debate concerning the promotion and fostering of a more diverse and vibrant night-time culture in and indeed beyond Deputy O’Callaghan’s constituency. I have an open mind about enhancements to current arrangements. Any changes to the law in this area would require proper consultation with relevant stakeholders, including representative bodies, groups representing local residents, the local authorities and, not least, An Garda Síochána. I am conscious that any changes would need to be organised and managed in a manner that will not cause undue inconvenience or nuisance to local residents nor create an undue risk to public order. Any proposed changes would also need to have regard to the preservation of a fair competitive environment for competing businesses.

Deputy Jim O’Callaghan: I thank the Minister for his response. I recognise that this is not a straightforward area. He referred to the public health Acts dating to 1890. When combined with the Licensing Acts, which I think date to 1833, that highlights that we are dealing with an archaic system of licensing laws and also for having music events while at the same time having some alcoholic beverage available to people listening to the music. We need to consider other approaches. I will take on board what the Minister said about perhaps making a submission. We need to recognise that some people want to organise music events and do not want the predominant aspect to be everyone coming in for a drink and listening to music as a secondary matter. Some people want to organise music events predominantly but also want to be able to sell alcohol at those events. It works fine in circumstances where there is a big concert in, for example, the Royal Hospital Kilmainham, where people are able to spend a lot of money to get a licence to sell alcohol for a particular occasion. When one is a smaller music provider, it does not work that well. I have met people from Give Us The Night. I think the Minister previously displayed an interest in providing some form of new licensing mechanism for people who want to predominantly put forward music so that people can listen to it without having to go through the vast expense of paying for a one-off licence.

Deputy Charles Flanagan: I thank Deputy O’Callaghan for commencing an important conversation on this issue. I was previously Chair of a liquor licensing committee here. These areas of law are complex and we need balance. Deputy O’Callaghan speaks of what is primarily a music entertainment venture but one that facilitates the sale of intoxicating liquor. Would the liquor or the music be most prominent? I want to acknowledge the basis for the operation of late bars, operating as they do on the basis of a publican’s licence, with a special exemption order allowing the District Court to exempt the holder of a licence from general licensing hour restrictions on occasions. The Deputy mentioned venues. This is an area that I believe is worthy of consideration, including the basis on which theatres, conference venues and such sell intoxicating liquor.

Deputy Jim O’Callaghan: I recognise that we have a serious problem with alcohol in this country. The last thing that I want to do is try to reform the licensing system so that pubs can stay open later because they have the excuse of music. We need to refocus the licensing system. Maybe we could do something that was done in the UK in 2005 when it modernised its licensing system. I think the Department of Culture, Media and Sport in that country spearheaded the change. We need to have a conversation about it. Unfortunately, the absence of recognition for music venues means that we have this substantial number of huge pubs where people congregate and all leave at the same time at 2 a.m., spilling out onto the streets. We need to recognise that there is another method of entertainment for night-time activity in Ireland. It can involve alcohol but does not have to be dependent upon alcohol, and alcohol is not the primary reason. Many people want to go out to listen to music without the necessity of going to a pub but they want to be able to do it in the knowledge that they can have one or two drinks and listen to and enjoy the music.

Deputy Charles Flanagan: I have an open mind on the further development or enhancement of what can be described as current arrangements. I stress that any enhancement or further consideration will involve proper consultation. Proper consultation will involve a number of stakeholders. However, that should not be a barrier to seeing how best this issue might be addressed. I am conscious that any changes would have to be adequately and properly managed. I would be happy to engage further with Deputies in the House, in particular Deputy O’Callaghan. I acknowledge the principle behind the parliamentary question.

16 May 2019

Questions Nos. 14 to 17, inclusive, replied to with Written Answers.

Organised Crime

18. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent to which the strength of An Garda Síochána is adequate to meet the challenges of organised crime; if particular issues have arisen that may require extra attention in the time ahead; if changes to the bail laws have resulted in an improvement in respect of recidivism; and if he will make a statement on the matter. [21145/19]

Deputy Bernard J. Durkan: This question seeks to examine the extent to which the strength of An Garda Síochána is adequate to meet the challenges of emerging organised crime and whether the revised bail laws have been shown to have restricted, restrained or contained the level and extent of the organisations involved in crime.

Deputy Charles Flanagan: Tackling organised crime is an ongoing priority for the Government and An Garda Síochána and I am keen to ensure that necessary and appropriate resources continue to be made available. The manner in which the resources of An Garda Síochána are deployed, including personnel, is a matter for the Garda Commissioner and his management team. I am informed by the Commissioner that the additional resources coming on stream have enabled him to assign extra resources to specialist units involved in tackling organised crime, including the Armed Support Units, the Garda National Drugs and Organised Crime Bureau, the Garda National Bureau of Criminal Investigation, and the Criminal Assets Bureau. Since the reopening of the Garda College in Templemore in September 2014, just under 2,400 Garda recruits have been assigned to mainstream duties nationwide, including 800 new gardaí during 2018.

A total budget of €1.76 billion has been provided to An Garda Síochána this year, an increase of more than €100 million on the allocation for last year. The Commissioner plans to recruit a total of 600 trainee gardaí this year and, in addition, it is his intention to recruit a net 600 Garda civilian staff. This Garda staff recruitment will allow the Commissioner to redeploy a further 500 fully trained gardaí from administrative duties to front-line policing this year. The Garda Commissioner has confirmed that the Government's commitment to increase the overall strength of An Garda Síochána to 15,000 Garda members will be achieved by the target date of 2021. Deputy Durkan will be aware that recent changes to the bail laws were introduced in the Criminal Justice Act 2017 with the aim of strengthening the bail system and making the law as effective as possible in protecting the public against crimes committed by persons on bail.

Deputy Bernard J. Durkan: What impact are the revised bail laws having on recidivists, if it can currently be quantified, and will revisiting of the bail laws be required?

Deputy Charles Flanagan: I acknowledge the importance of the bail laws in respect of the power of the courts to refuse bail where there are reasonable grounds to believe the person is likely to commit a serious offence. In assessing this likelihood, the court must take a number of factors into account. The recently enacted Criminal Justice Act 2017 also strengthened Garda powers to deal with breaches of bail, provided for a power of arrest without warrant in certain circumstances, made provisions to increase the use of curfews, and facilitated the introduction of electronic tagging for those on bail in certain circumstances. Given that the new bail laws were only introduced a short two years ago, it is probably too early to give a comprehensive

assessment as to whether or not the changes are having the desired effect. The figures for 2018 have not yet been made available from the CSO, but I expect that the introduction of the new tighter and more restricted bail regime will result in the type of activity envisaged and proposed by Deputy Durkan.

Deputy Bernard J. Durkan: I thank the Minister. Has it become evident, from observation of court proceedings, that as many prisoners are receiving bail as did before, and are those who have committed a number of offences while on bail still receiving bail under the new regime?

Deputy Charles Flanagan: I detect a change, however I am not in a position to inform the House by way of annual report or otherwise. As soon as I have these data I would be happy to inform both the Deputy and the House.

There have been proposals to further support changes in the bail regime, and while I would be happy to give due and careful consideration to any further proposals, I need, as Members will appreciate, to ensure that any new provisions are consistent with both the constitutional requirement for a fair trial and the fact that in these circumstances all persons are innocent until proven to be guilty beyond a reasonable doubt. I need to ensure that all provisions, including any new ones, are consistent not only with the Constitution but also with the European Convention on Human Rights.

Deputy Bernard J. Durkan: I thank the Minister.

Personal Injury Claims

7. **Deputy Joan Burton** asked the Minister for Justice and Equality his plans for a statutory cap on insurance compensation awards for minor injuries in view of the fact that the Personal Injuries Commission found that awards for minor injuries here are almost five times those paid in the UK; and if he will make a statement on the matter. [17830/19]

19. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality his plans to investigate capping personal injury payouts; the way in which this will be achieved; and if he will make a statement on the matter. [17645/19]

Deputy Thomas P. Broughan: The Minister has made some tough comments recently on the capping of personal injury payments, and I think it is fair to say that this House is totally exasperated with the escalating cost of insurance. We have had a number of debates, including Private Members' debates, on insurance over the past three years, and yet many of the groups which represent the very hard pressed say that insurance costs are constantly rising. I know the Minister's colleague, Senator Lawlor, has a Bill in the Seanad on this, so is the Minister finally going to take stern action on it now?

Deputy Charles Flanagan: I propose to take Questions Nos. 7 and 19 together.

The Deputy will be aware that in July 2016 the Government set up a special working group chaired by Minister of State, Deputy Michael D'Arcy, to analyse the high cost imposed by insurance companies, and to determine what action the Government might take to address any issues that might be contributing to these costs. The cost of insurance working group published a series of recommendations in 2017 and 2018, the majority of which have been implemented, and work is ongoing to implement the outstanding recommendations. The Personal Injuries

16 May 2019

Commission, PIC, also undertook a major analysis of the claims process in Ireland and recommended that the future judicial council be assigned the function under its statute of compiling guidelines for appropriate general damages for various types of personal injury.

On the specific question raised by the Deputy on the capping of insurance awards, the cost of insurance working group is examining the issue of the introduction of legislation for the purpose of capping the damages which a court may award in respect of personal injuries. In response to recommendation 5 of the working group's January 2018 report, the Law Reform Commission is now carrying out a detailed analysis of the possibility of developing constitutionally sound legislation to delimit or cap the amounts of damages which a court may award in respect of some or all categories of personal injuries. This forms part of the commission's fifth programme of law reform, which was approved by the Government earlier this year. The commission is giving this project immediate attention with the aim of publishing an issues paper over the coming months. In its final report of July 2018 the PIC, chaired by the former President of the High Court, Mr. Justice Nicholas Kearns, noted this development and expressed the belief that the Law Reform Commission is the appropriate body best equipped and resourced to undertake this study.

As emerged in the course of the working group's deliberations, this is an area of the law replete with complex constitutional and legal issues. It was recognised that the State must be cognisant of the constitutional rights of all parties and must balance those rights to ensure that any encroachment on them is justified, proportionate and in the common good.

Deputy Thomas P. Broughan: The Minister mentioned the former president of the High Court, Mr. Justice Nicholas Kearns, whose fundamental point was that there is a compo culture in our country. Slips and trips are a key feature of the legal system, and schools, crèches, shops, small businesses, and local authorities have all become victims of both this and the escalating cost of insurance. As I said, there is a Bill in the Seanad on this.

I note that the distinguished journalist, Stephen Collins, wrote recently about the amazing awards in our book of quantum, which are maybe four or five times the amount of similar awards in the UK. Mr. Collins seemed to think that the only way forward in this regard was not, as the Minister suggested, to kick this into touch with the Law Reform Commission, or the judicial council whenever we see it, but to have a referendum and put this to the people. Inordinate awards are made based on the very flawed book of quantum estimates, and that is central to the problem. We need to move back towards recognising the rights of citizens and particularly small businesses, local groups and so on.

Deputy Charles Flanagan: I very much share the concern of Deputy Broughan and others on this issue. As Minister for Justice and Equality, there are perhaps two areas which fall directly under my responsibility. One is ensuring that every effort is being made to combat perceived fraud in the matter of claims, be they exaggerated or false. This is an issue on which I have had discussions with An Garda Síochána, and I am pleased to see specific initiatives in this regard.

Deputy Broughan mentioned the Judicial Council Bill, and what its current position is. I recall that when this Bill was first published in 2017, its primary purpose was to set up a judicial council, which would promote and maintain excellence and high standards of conduct by judges. This is a large piece of legislation and requires careful and due consideration. However, I am pleased that there has been progress in recent times, and the Bill passed Committee Stage in the Seanad in April of this year. My priority is to find agreement on a range of amend-

ments which had already been developed and were the subject of ongoing consultation with the Judiciary in the preceding months. In this regard, I want to acknowledge the constructive engagement of Deputy Ó Laoghaire in particular on many of the amendments, none of which, however, is directly related to the issues raised by Deputy Broughan. This is a big Bill. However, I am very keen to ensure that if there are aspects of the legislation applicable to the insurance industry, I will frame an appropriate number of amendments to ensure this Bill can be the most appropriate vehicle for early enactment.

Deputy Thomas P. Broughan: Is the Government supporting the Bill brought before the Seanad and will the Minister try to steer it through this House as well? He mentioned fraud and perjury, a very important aspect of the problem, but the cost of insurance working group found that sufficient legislative provision exists to combat fraud and perjury in some of these claims using section 14 of the 2004 Act. The report states “no instance of a prosecution or conviction pursuant to section 14 was found by the working group”. Clearly, this is another example of legislation that is not enforced.

12 o'clock

We have discussed this matter so many times in this Dáil and Fianna Fáil moved a motion on it just a couple of weeks ago. We need some decisive action and the Minister has responsibility. Perhaps it is something that should be a major priority.

Written Answers are published on the Oireachtas website.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Dara Calleary: There has been a flurry of pre-election funding announcements coming at us every day, many for the benefit of groups that have been campaigning for many years.

Deputy Tony McLoughlin: Is the Deputy happy about that?

Deputy Dara Calleary: There is nothing like an election to concentrate the minds in a panicky Government. In that context, I suppose, timing is everything. In real life, time is everything, particularly for the 25 families whose children are suffering from spinal muscular atrophy, SMA. I have spoken about this on many occasions in the Dáil. This week there were some substantial developments, although unfortunately none of them occurred here. Every day counts for these families and every sufferer of SMA. It has been medically proven in virtually every country in Europe bar two - one of which is Ireland - that Spinraza is a drug that gives time and opportunity to those who suffer from this awful condition. Before the drug existed, they had no such opportunities but Spinraza has proven to be a miracle drug in every sense of the word.

I first raised this matter on 20 September, which is now eight months ago. At the time, the Tánaiste sympathised with the children and families, and he may have met them subsequently. He said this was a priority but nothing has happened. I raised the issue again on 13 December, which is five months ago, and on 28 February, which is three months ago. Deputies John Curran, Stephen Donnelly, Lisa Chambers and other Deputies from all sides of the House, including Deputy Ó Caoláin, have raised the topic consistently because timing is everything. I do not

16 May 2019

lay out those dates to seek some sort of credit but rather to demonstrate the importance of time and what eight months, five months, three months or even three days would have meant to these sufferers if they had access to the drug.

The families have been told time and again that this is a priority and the matter will be dealt with but time and again they have been let down. They were let down last Tuesday as they had been told the matter would be discussed and decided on 14 May but that decision has been kicked down the road. They were let down again on Wednesday when they found out that the National Health Service, NHS, in the UK has approved an access programme for Spinraza and those who need it in the NHS will have access to it. The 25 families here, as well as the adults who need Spinraza, will not get it. When I mention 25 families it may take away from the fact that these are real people. They are Grace, Cillian, Sam and many other children and adults who are going through hell. They are suffering from the condition and the families are dealing with that trauma but now they must deal with this issue as well. I implore the Tánaiste to look at Facebook when he gets the chance to see the testimony recorded on Tuesday by Grace O'Malley when her family got the news that the decision on the drug had been kicked down the road again.

This is enormously frustrating for all of us as there is cross-party agreement on the matter. I know the Government wants to make this happen but we are impotent because some body that does not have to answer to anyone is playing with these families' futures. We in the political system must take charge. Will the Tánaiste please update us on the position with Spinraza? Why, once again, has the decision been postponed? Why do Irish children have to be deprived of this when children across Europe can access the drug?

The Tánaiste: Like the Deputy, I want to provide certainty to the families feeling the impact of this. I met one of those families and its members were incredibly dignified and very frustrated by the fact that the child in question cannot access a medicine that could make a major difference in the quality of her life.

The Deputy knows how the process works and it is not politicians who make the decisions in recommending drugs or the prices at which they are supported by the State. We have had an assessment process that has been ongoing for some time and there have been consultations with the drugs company, as the rules of the assessment process determine. I had an expectation that a decision would be made this week, as did others, and my understanding is it may now take longer. I have spoken repeatedly about this to the Minister for Health, Deputy Harris, after questions have been asked here and after speaking to one of the families concerned. He is also frustrated and wants to bring a positive clarity to families.

As the Deputy knows, there is an obligation on the HSE to ensure expenditure of this scale is approved on the back of strong evidence of clinical and cost-effectiveness. I accept that we have created timelines time and again whereby families have built an expectation around a decision and that decision has not been finalised. I assure the Deputy that the concerns and frustrations of the families are fully understood by the Government and the Department of Health. We certainly want to try to finalise decisions and get a positive outcome for the families concerned. However, we cannot change a position because of the frustration around a process, and we cannot move from a HSE structure making appropriate decisions on availability of drugs such as Spinraza and their cost to essentially having politicians making those decisions in a political and potentially inappropriate way.

Deputy Dara Calleary: The process is broken if we and Estonia are the only countries in Europe that have not approved use of this drug. The Minister, Deputy Harris, bypassed this process with his approval of the pembrolizumab drug. The process is broken when nobody is answerable to families or public representatives - those of us with a mandate - on the reason for delays. Delays matter and when somebody has this condition, every hour and every day without access to this drug matters; it is an hour and a day in pain. However, nobody seems to have to answer for this.

When I spoke to some of the families this morning, they anticipated virtually every word of the Tánaiste's response. He spoke about cost-effectiveness but they are looking at what is happening with the national children's hospital and overruns on the HSE's watch everywhere. They are looking at their children suffering because a faceless operation that answers to nobody is not taking responsibility for a decision. A precedent was created with the pembrolizumab drug and it is time for politicians to take charge.

The Tánaiste: As the Deputy knows, so far this year the HSE has approved the use of 23 new medicines and five new uses of existing medicines, representing an additional investment by the HSE over five years of approximately €175 million. It is not as if the HSE wants to deliberately prevent the use of these drugs. We are effectively in a negotiation between the HSE and the company involved to ensure we get a fair price so we can provide these drugs to families who have, understandably, grown incredibly impatient and frustrated because they cannot access them. I appreciate that there is frustration and I have answered questions about Spinraza for many months now. Many colleagues from the Opposition and Government benches are also concerned because they know these families. The process needs to come to a conclusion but we must be careful not to set a precedent that switches the decision-making process based on-----

Deputy Dara Calleary: The precedent is set.

The Tánaiste: -----critical assessment and make it a political decision when it should be a medical one.

An Ceann Comhairle: The Tánaiste's time is up. I call Deputy Pearse Doherty.

Deputy Pearse Doherty: With every week that passes, the housing crisis continues to spiral out of control. We see rents and house prices rising, social housing need continuing to grow and the number of children and adults in emergency accommodation at record levels. By every meaningful measure, the Government's housing plan is failing, yet every time a Deputy raises the issue of the housing crisis, the Tánaiste, the Taoiseach or the Minister for Housing, Planning and Local Government comes in here and spouts the line that the Government's housing plan is working. However, I have news for the Tánaiste: it is not. It is failing spectacularly.

On Monday the Minister, Deputy Eoghan Murphy, responding to the latest *daft.ie* report, had the cheek to go on RTÉ Radio and say rents are rising at "a slow rate". I am not sure on which planet exactly the Minister is living but I assure the Tánaiste of one thing: with an attitude like that, it is not in the real world. The average rent across the State is now €1,300. In Dublin, the figure is over €2,000, which is scandalous. When presented with alternatives, however, the Government simply shrugs its shoulders and carries on as normal. Ordinary people are facing a cost-of-living crisis. Whether it be rental costs, rip-off insurance costs, childcare costs or utility costs, they are being screwed over and over again and their concerns are cast aside. "The market will deliver" is Fine Gael's mantra, but the market has not delivered, is not

16 May 2019

delivering and will not deliver because the housing market is broken, and when something is broken the Government needs to go in and fix it.

A new survey by Uplift shows that 84% of renters feel insecure about their housing situation. This is little wonder when we look at the issue of rent inflation. In every county bar Dublin we have seen inflation of at least double the rent pressure zone caps that the Minister and his Government are so keen to laud. Rents in Dublin rose by 7% last year and it is absolutely bonkers at this time for the Government to be talking about mealy-mouthed measures. That time is over.

I ask the Tánaiste and his Government to cop on finally and accept that the Government's housing plan is utterly failing those most in need. Given the Government's fondness for making announcements on the eve of an election, will it now do the right thing and introduce measures that make a real difference to people's lives? The Government can start with three measures: a tax relief equal to one month's rent for every renter not already supported by the State; the introduction of a three-year rent freeze to give relief to those who are under pressure at this time; and, as we have continually placed on the Dáil's agenda, the introduction of legislation to ensure that landlords will not evict their tenants into homelessness. Will the Government legislate to this effect? These are the kinds of real measures we need to deal with the real pressures many families are facing.

The Tánaiste: I thank the Deputy for raising the issue of housing because it gives me an opportunity to share with the House factual data. I refer to the figures published this morning by the CSO showing how housing policy on increasing supply, which is at the core of this problem, is working. The number of new homes becoming available for use in the 12 months to the end of March 2019 was 22,242. This is a 19% increase on the figure for the 12 months ending March 2018. Of these new homes available for use, the number of brand new dwelling completions added to the housing stock in the year to the end of March was 18,828, up 25% on the year ending March 2018. Looking at other trends and indicators, planning permissions, for example, show an increase of 41% on the full year 2017, while commencement notices increased by 32% and registrations by 19% in the same period. Regardless of Sinn Féin's assessment, the CSO figures do not lie. We are accelerating the delivery of housing supply across the country, in particular in the areas where it is needed. The figures are not yet where they need to be. I know that, as does everyone in this House. It is true that we need to be building probably 35,000 housing units a year to meet increasing demand and an increasing population.

Because of a lack of supply, which is a decade-long problem, there are pressures on the rental market which are not normal. This is why we have extended the use of rent pressure zones, RPZs, with the support of Sinn Féin, through recent amendments, and rightly so. We have changed the way in which we calculate the thresholds for qualification as a rent pressure zone, again with the support of Sinn Féin, because that is the right thing to do. We have also increased the protections for tenants in respect of timelines, notice periods and so on. These are all market intervention measures that recognise that there is a problem in that elements of the market are broken and the State needs to intervene to protect tenants. Intervention is taking place, but the core of Rebuilding Ireland, which is a five-year housing strategy that is not even three years in yet, is to increase dramatically the supply of all kinds of housing, including social housing funded directly by the State and affordable housing schemes, supporting and reorientating a rental market in order that we do not have to make these kinds of fixes in the future and driving supply across all levels. We are now starting to see that the numbers are showing that this is working.

Deputy Pearse Doherty: The Tánaiste has listed a number of measures, but even by the Government's own inadequate targets, it is already failing to meet those targets by 3,000 homes. This just shows how out of touch this Government is and how it fails to grasp the reality of the housing crisis unfolding and engulfing and weighing down so heavily on so many families right across the State. It is a Government that is out of touch. It is a case of decision makers who do not understand or respect the depth of the housing crisis. That is the crux of this problem. What we have are the posh boys and girls of Fine Gael-----

(Interruptions).

Deputy Pearse Doherty: -----developing policies for people who are struggling.

Deputy David Stanton: Juvenile stuff.

Deputy Pearse Doherty: The reality is that those on the Government benches will never have to struggle. I ask every one of those heckling me to put himself or herself in the shoes of the mother paying €1,500 in rent per month, paying some of the highest childcare costs in the European Union, being fleeced-----

Deputy Josepha Madigan: Sinn Féin does not have a monopoly on compassion.

Deputy Pearse Doherty: -----by her insurance company and trying to prepare for her daughter's First Holy Communion at the weekend.

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

Deputy Pearse Doherty: Would a three-year rent freeze and a rent relief of one month's rent each year for the next three years not be beneficial to her? Would it not be appropriate to give her that safety net and legislate to ensure she and her family, her children, will not be evicted into homelessness?

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

Deputy Pearse Doherty: This is the type of action we need, not heckling from the Government benches.

The Tánaiste: When the Deputy gets into the space of name-calling and trying to turn this into some kind of class war debate-----

Deputy Dessie Ellis: It is.

Deputy Louise O'Reilly: It is a class war.

(Interruptions).

An Ceann Comhairle: Please, Deputies.

The Tánaiste: -----it is proof that Sinn Féin is losing the argument. I assure the Deputy that the largest political party in the country speaks to all types of people in all types of circumstances, and we have them coming into our clinics just like Sinn Féin Deputies do.

Deputy Tom Neville: Exactly.

The Tánaiste: We hear their stories and we respond to them through policy. Last year well

16 May 2019

over 25,000 housing solutions were put in place for people and we are spending billions of euro trying to ensure that what is a broken housing market is fixed as quickly as possible. However, we are not in the business of cheap headlines or short-term fixes that will cause increased problems in the medium term. That is the space Sinn Féin is in. It is looking for populist short-term fixes, as it sees them, but when we investigate, test and interrogate those solutions, it becomes very clear that they will make a bad situation even worse.

Deputy Donnchadh Ó Laoghaire: We were on about social housing ten years ago but Fine Gael did not want to know about it.

The Tánaiste: They will drive more landlords out of the market, which I think other parties in this House recognise. It is just as well we have other parties in the House that recognise the difficult decisions-----

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

The Tánaiste: -----that are made and the fact-----

Deputy Pearse Doherty: The situation is bad because a third of the members of Government are landlords.

The Tánaiste: -----that it takes time to fix something as fundamental as a broken housing market.

Deputy John Brady: Fine Gael has been in government for some time now.

The Tánaiste: That is why we launched a five-year strategy to solve this problem. I think that strategy will be judged very positively at the end of those five years.

Deputy Richard Boyd Barrett: There will be a protest by the Raise the Roof campaign at 1 p.m. this Saturday starting on Parnell Square. The campaign includes People Before Profit, many of the other Opposition parties, almost all of the trade unions and almost all of the housing non-government organisations, NGOs. We hope we will all come together along with tens of thousands of people to appeal to this Government to abandon its failed policies for dealing with the housing and homelessness emergency. The housing crisis is inflicting shameful hardship on the tens of thousands of people affected and stealing the future from a whole generation of young and working people. They can never hope to pay the extortionate rents being charged in the private market or afford the extortionate house prices being charged in that same market.

Average house prices in Dublin are now more than ten times the salary of an average worker. House prices in Dún Laoghaire-Rathdown are now 15 to 16 times higher than the average salary of a worker. Rents have gone up by 42%. We are at the point now where one in five people is paying more than 40% of income in rent and one in ten is paying more than 60% of income in rent. The real scandal is with the housing assistance payment scheme, HAP. The scheme has totally failed as a supposed substitute for council housing. An incredible 50% of those on the HAP scheme are paying top-ups in excess of the money they receive because of extortionate rents. In my area, 70% of people on HAP are paying top-ups to landlords and they are being told to use their children's allowance payments to make up the difference. The number of children in homeless accommodation has gone up by 247% since this Government came into office. It is shameful.

The Raise the Roof campaign is asking the Government to at least double the budget for the

direct construction of council housing and affordable housing on public land. We have not had a single affordable house and the number of directly built council houses last year was just over 800. Including purchases, regenerations and similar actions, the total comes to 4,000 houses. More than 100,000 families, probably 250,000 people, are on the housing lists, with some waiting for ten or 15 years. In addition, there are those who have been knocked off the housing lists because their income is considered too high, despite being too low to rent or buy in this extortionate market. The Government is offering them nothing. What other choice do these people have but to come onto the streets in their tens of thousands to demand a change of policy or to get rid of this Government? We could then bring in a Government that will actually deliver the basic right to have a secure and affordable roof over the heads of our citizens.

The Tánaiste: The Government is listening to what is being said by all of the organisations, political parties and people who will be at the Raise the Roof campaign protest on Saturday. We understand the pressures and frustrations many families are facing because the general rental and housing market is not delivering for people in the way it needs to. We are changing that. That is why almost 5,000 social houses are being built on 291 sites throughout the country. We will add 10,000 units to the social housing stock this year.

This idea that we are just letting the market solve the problems over time is simply not true and not borne out by the facts. We will spend €2.4 billion on our housing budget this year. That is by far the highest ever spending on housing in Ireland. We will provide 27,000 or more housing solutions for people who need the support of and intervention by the State. I have stated that there is an over-reliance on the private rental market to provide solutions for people under pressure every time the Deputy has asked me these questions. That over-reliance is putting the rental market under pressure and that is why the only solution is increased supply across all segments of the housing market. We will add an extra 50,000 housing units to the social housing stock over the lifetime of the Rebuilding Ireland plan. I remind everybody that was the figure that the all-party housing committee asked the Government to deliver and that is what we are seeking to do. We also have in place agreed plans and funding for affordable housing schemes, which are starting. We also need an environment that attracts investment into the housing market in respect of high density, affordable apartment living in the cities, as well as more conventional family homes. That is happening, as the Central Statistics Office, CSO, figures this morning confirm. More than 22,000 houses came into use in the past 12 months. This year, we hope to add an extra 25,000 housing units to the overall housing stock. Between 20% and 25% of these new-builds will be social houses.

I understand the frustration and we are hearing it and responding to it. People who paint a picture of a Government that is not listening and is not plugged into the housing pressures many families across Ireland are feeling do not understand what we are doing. Housing is a massive priority for this Government. The proof of that is where we are spending money and the amount of new legislation and policy change implemented in this area. That will continue. We understand the situation. We live in a democracy. People should protest if they feel strongly about something and make sure they are heard by the Government. We are, however, hearing the message and taking action. We are spending much more money changing policy and legislation to fix the housing market and it will be fixed over time.

Deputy Richard Boyd Barrett: We now have the lowest number of available rental properties ever. The vast majority of those that are available are completely unaffordable. I was talking to a taxi driver this morning who has been approved for a mortgage by his bank. It is for €250,000 in west Dublin. He said he can forget it, however, as he will never get a house

16 May 2019

because the average house price in Dublin is now €445,000. I will tell the Government what its policies are doing and I will start with what is happening with strategic housing developments. In one such development in Dún Laoghaire, Bartra Capital is planning to build 200 units, not rooms or homes but 16 sq. m boxes with fold-out beds for which it will charge rents of €1,300 or €1,400. The development will be given fast-track planning approval. That is what is actually going on.

I was down on Mayor Street in Spencer Dock today where working class families have been overwhelmed by Kennedy Wilson, Johnny Ronan and all the boys who are back building and charging rents of €3,000. Local people told me their kids will never be able to afford those rents. Working class people are being socially cleansed from the city centre to make profits for the boys who are back in town. That is what the Government's policies are facilitating. They are not delivering affordable housing to purchase or rent or the council housing we need to put a roof over the heads of ordinary people.

The Tánaiste: This debate descends into working class people versus, supposedly, other classes of people whenever Deputy Boyd Barrett raises it. Our job as a Government is to recognise that all types of families and people from different backgrounds and incomes have housing needs. Some of those people, including some in the city centre of Dublin, need the help of the State to be able to live and work in a way that is sustainable and makes sense for them. We are trying to increase the supply of all types of housing to rent or buy and to make affordable housing available. That is why we are examining models such as the cost-rental model in city centre areas. Rightly, the Deputy raised the pressure of there being fewer rental properties available now than at times in the past. If the proposals the Deputy and others have been making were taken on board by the Government and implemented, however, we would have fewer properties again. That is the reality. In our efforts to solve one problem by alleviating pressures, we create another problem in shutting off the appetite for investment in the kinds of properties we need. Our job is to respond to all of the pressures and challenges at the same time by spending significantly more money to provide social and affordable housing for those who need it in the city centre and elsewhere while also creating an environment in which private money is available to deliver the numbers that are needed, namely, 35,000 to 40,000 housing units across all spectrums on an annual basis. That is where we need to get to. I am afraid the Deputy's policies do not take us there.

Deputy Michael Harty: I wish also to address the housing crisis and homelessness but to come at it from a completely different angle. I propose a solution which, in addition to attempting to solve the housing crises, seeks also to address town and village sustainability. I have spoken about this before, including to the Minister for Rural and Community Development, Deputy Michael Ring, and the Minister for Housing, Planning and Local Government, but, unfortunately, it has not gained any traction. It is a solution which deserves closer examination.

There are many vacant properties in our towns and villages which could be brought up to standard or redesigned to a standard whereby they could be offered to families who wish to relocate voluntarily from areas of high pressure and housing shortage to get out of homelessness and unsustainably expensive accommodation while starting a new and structured life in our rural towns and villages. The community would benefit by having villages and towns rejuvenated with children attending local schools. Local services and businesses would be supported by those people who chose to relocate. To give a recent example, our housing association in Kilmihil in County Clare offered a house to a man who lives in a council house in a high pressure area. His health was failing and he wished to relocate back to the village where he had

connections. He was giving up a three-bedroom council house which he did not need as his family had grown up and moved away. He benefitted from moving back to his local area and the local authority was benefitting by having that house available for a family. As such, two families benefitted from this. The local authority also benefitted.

If one such solution were offered in each county per year, it would mean 52 families benefitting. If ten villages in each county offered a voluntary relocation solution every year, which is quite feasible, 520 families would benefit while allowing other families to move into the vacated accommodation. To make such a scheme work and to scale it up from the example I have described, a central point of contact must be established within the Department of Housing, Planning and Local Government. Through that contact point, communities could give notice of wishing to participate in a scheme like this and local authorities could engage together to allow such a scheme to proceed. It would also allow the Department of Housing, Planning and Local Government, the Department of Rural and Community Development and housing agencies to co-operate to facilitate people who wished voluntarily to relocate and get out of the homelessness crisis. It would benefit them and other families as well as the communities to which they moved. Will the Government give serious consideration to the establishment of that central point of contact?

The Tánaiste: These are good ideas. Some of the kinds of things about which the Deputy talks are happening. For example, the Department introduced a scheme whereby local authorities could provide grant aid to people who own homes to upgrade them and make them suitable to rent or lease to the local authority. That scheme had limited success and must therefore be reviewed and tweaked. More generally, I note that in the last 12 months, over 2,500 vacant homes have been brought back into use, largely with the support of local authorities and approved housing bodies. Funding is available to allow local authorities to target towns and villages strategically, upgrade them and provide social housing options for relocating families from other areas. We have a very active town and village renewal scheme which is being led energetically by the Minister for Rural and Community Affairs, Deputy Ring. I was with him in Castletownroche this week where we discussed the impact of town and village renewal nationally. A great deal is already available to local authorities and villages and towns if they want to put plans together to provide more housing. There have been some good examples of that. What Deputy Harty requests, however, is a central point within the Department of Housing, Planning and Local Government to look at this area strategically and in greater detail. I will ask the Minister, Deputy Eoghan Murphy, to respond to the Deputy directly on that. There is a space for people who want to relocate out of Dublin, Cork, Galway or Limerick where there are pressures on the housing lists to towns and villages which may not be too far away. The management of that is something the Department is willing to look at. However, there is nothing to stop local authorities using their initiative on those kinds of solutions in towns and villages and to look for funding from the Department to take action today. Perhaps, there could be a bit more co-ordination in that regard. I can ask the Minister to talk to Deputy Harty about it, if that would be helpful.

Deputy Michael Harty: I thank the Tánaiste. That is the very point. Co-ordination is needed. I understand the various grants that are available to upgrade accommodation in towns and villages but there is no national co-ordination point or programme to take things to a higher level and which would be proactive rather than reactive. That is the point I am trying to make. There needs to be a programme which is advertised and promoted. It requires local communities to participate and to want to get involved. I have been speaking to the Peter McVerry Trust

16 May 2019

and understand it is willing to identify people on its books who would choose to relocate. I am sure Focus Ireland and other housing agencies and local authorities in general would readily identify people who would wish to relocate, to actively promote that programme and to allow them to make contact with local communities where they would have some generational contact. Everybody in Dublin is only one or two generations away from some part of rural Ireland and they still have connections there. They may wish to move back, reignite those connections and be accepted into a community. If one scales this up, two families benefitting in ten villages across 26 counties amounts to 520 families and, probably, several thousand people. It is only a small part of the solution, but it would make huge inroads.

The Tánaiste: We all recognise that the pressures on the housing market will not be solved by one silver bullet. It is about a combination of lots of solutions which are tailored for different sectors and circumstances. We have changing demographics in Ireland and over the next ten to 20 years, we will see a doubling of the number of people who are 65 years of age and over. That will place major pressures on the kinds of housing we need to design into the future. The approach we have taken to date to the potential of rural towns and villages includes the announcement of a €1 billion fund for rural regeneration. Every six to 12 months, a new round of funding is made available to towns and villages to allow them to tailor their own solutions from the ground up. The Minister, Deputy Eoghan Murphy, has sent me across a note to the effect that the Department is currently reviewing how best to facilitate people who want to move from areas with long housing lists and severe housing pressures to other parts of the country where the opposite may be the case. Those areas may wish to see increases in population and have vacant properties available to facilitate that. I will ask the Minister to send Deputy Harty a briefing note on that.

Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation

Deputy Dara Calleary: Some 3,000 families throughout the country are dependent on the services of RehabCare and are anxiously awaiting an update on discussions between Rehab and the Government on the funding crisis that is potentially threatening the future of this service. Can the Tánaiste give the House an update on those discussions, when he expects those discussions to be completed and when he will be in position to offer certainty to those families and their communities?

The Tánaiste: There is an ongoing conversation between the Minister for Health, Deputy Harris, and Rehab. The immediate result of those discussions is that Rehab has now said that it will continue its services for the foreseeable future and there is no imminent threat of a reduction of services. I understand that the conversations are continuing to ensure financial sustainability into the future. I do not have a timeline but I can ask the Department to come back to the Deputy on this point.

Deputy Pearse Doherty: Yesterday the British Secretary of State for Defence, Penny Mordaunt, announced measures to afford British soldiers and veterans protection from prosecution of crimes. Initial reports of this plan indicated that these laws would not be extended to the North but that has since changed. Speaking last night, Ms Mordaunt said that she thinks that the plans should cover the North. Any attempt to create immunity for British soldiers is wrong and unacceptable. No British soldier should be above the law and whether crimes have been com-

mitted by British soldiers in Ireland or Iraq by British, those crime should be fully investigated and those responsible held to account.

Sinn Féin has rigorously opposed any attempt to introduce a statute of limitations or immunity for crimes committed by British soldiers in Ireland and we have stood in support of victims and will continue to do so. Any attempt to extend immunity to the North is utterly unacceptable and will not be tolerated there. These measures give a real indication of the British Government's attitude to murder carried out by its forces and its proxies. Does the Tánaiste agree with me that any attempt to provide immunity to British soldiers for crimes committed in the North is completely unacceptable and that the Stormont House Agreement provides the best way forward for dealing with the past and that those commitments need to be honoured?

The Tánaiste: I thank the Deputy for giving me the opportunity to outline the Government's very clear position on the record on this issue. The Government has noted with some concern comments made by the UK Secretary of State for Defence, Penny Mordaunt, on Tuesday and is seeking clarification. The Secretary of State for Northern Ireland, Karen Bradley, wrote in reply to me on 18 April and stated, in relation to the operation of the British Army in Northern Ireland, that where there is any evidence of wrongdoing, it should be pursued without fear or favour, whoever the perpetrators might be. Prime Minister May has indicated in her most recent comments that the measures being developed by the Ministry of Defence would relate only to overseas operations and not to Northern Ireland. The Government expects those assurances and commitments by the British Government on Northern Ireland to be fully upheld. The Government's position is clear. There should be effective investigations into all deaths during the Troubles, regardless of the perpetrator. That is what is provided for in the legacy framework of the Stormont House Agreement and it is imperative that we move forward with its implementation. There are no amnesties from prosecution provided for in the Good Friday Agreement or any subsequent agreements, including the Stormont House Agreement, and the Government has been clear that it would not support any proposal to introduce such a measure for state or non-state actors. We will continue to engage with the British Government on this issue but this is a sensitive time for legacy in Northern Ireland.

An Ceann Comhairle: We cannot have a detailed debate on this issue, Tánaiste.

The Tánaiste: We need to ensure that loose comments are not damaging in terms of trust and the willingness of all sides to co-operate to ensure that the legacy structures that have been committed to, agreed by both Governments, and supported by all political parties, move forward in the spirit that they were intended.

Deputy Ruth Coppinger: In the programme for Government there is much talk about school provision and proper planning. Today I received a reply to a parliamentary question confirming that Pelletstown Educate Together national school will be evicted by the developer in the new year from its land, and yet the permanent school building has not even received approval and there is no temporary building. Does Fine Gael and Fianna Fáil think that if they put thousands of people living beside a railway line that it is some sort of magic contraceptive? It should not be news that if one builds thousands of apartments and houses, a few years later one may need a primary school. While I blame the developer for his utter greed in turfing people off a potential site, I also blame the Tánaiste, because this huge area of Pelletstown, Rathborne and Ashtown was planned for many years. This has been going on since the 1990s, and we are fighting for schools to catch up with the thousands of housing units. Can the Tánaiste tell people in the Dublin west, Rathborne-Pelletstown, area what he intends to do about this in the

new year?

The Tánaiste: I will have to ask the Minister for Education and Skills to come back on that particular case because I do not have the detail on it. We are adding about 20,000 primary school places every year because of the type of population growth the Deputy is talking about. The Government is investing heavily in doing that but there is obviously a particular case here that needs a specific response from Government. I will ask the Minister, Deputy McHugh, to get back to the Deputy on this issue.

Deputy Pat Buckley: I raise the issue of a new model for affordable rental accommodation under the programme for Government. I also raise the issue of homelessness. I want to tell a story about a girl and to use her words, not mine. This is a girl who at the age of 18 lost her mum, aged 39, suddenly. A year later she witnessed her father, aged 41, collapse and almost die from an aneurysm. This left him disabled and living with his eldest sister. This girl is the youngest of four sisters. She is kind, caring, very talkative, loved by many and does a huge amount to help others. She is now aged 29, with two beautiful boys, aged three and 11. She raises them on her own, does her best to support them and keep them safe. This girl lost a 38 year old sister to cervical cancer last year and she took in her then 17 year old niece to love and support. This girl lost a rented house because the owners wanted to sell and now, through no fault of her own, she is registered homeless because rent is too high for her to afford. After having been placed in hostels and city family hubs, she is now split from her family and sleeping on couches belonging to friends and family because the hub is now full and she has been moved on. This girl walks past people on the street every day. She is invisible to them and they do not see her or help her. The Government does not help this family but aims to help the country. This is rubbish.

This is a girl we all know. She chats on the street and says everything is fine but this girl is far from fine. One will see the bags under her eyes from crying, her severe weight loss, her ill-health and the stress on her face from worrying about where her little family will sleep tonight. This girl is not invisible.

We have spoken about rent pressure zones. They are not working. We have spoken but freezing rent for three years. What is the Government going to do? These are the realities. Class was mentioned earlier. There is no class here. This is about real human beings. This is only one story, and I make no apology for bringing it up today because these are the cases coming into our offices everyday. What is the Government going to do about the housing and rental situation in this country?

Deputy Eoin Ó Broin: On page 23 of the programme for Government, the Government promised to initiate an affordable cost rental housing scheme last July. The Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, announced plans for a cost-rental project in St. Michael's Estate in Inchicore. There is growing frustration among the local community that nothing has happened in a year. We saw the *daft.ie* report this week where average rent in Dublin is between €1,700 and €2,200. One would need a net disposable income of €5,500 to €7,000 a month to be able to afford that. Can the Tánaiste give the House an update on the St. Michael's Estate project and tell us where the urgency is in the Government project to have affordable cost-rental for hard-pressed renters?

Deputy Brian Stanley: I raise the matter of rents in the midlands. We do not have rent pressure zone and have no way of controlling rents. If one looks at rents for the last 12 months

in County Laois, they have risen by 10.7% while in County Offaly, they have gone up by 8.5%. Inflation is running at less than 1% and wages are at a standstill. I am appealing to the Government to do something about this. There is a real problem here. We talk about top-ups. Nine out of ten of the people who come into my office in Portlaoise are paying top-ups on the housing assistance payment, HAP. There are people who are not getting rent support and who are working and earning €350 to €360 a week. They are paying half their wages or more on rent. They are being skinned and fleeced and it affects their mental and physical health. It affects their children. I say this to the Minister for Housing, Planning and Local Government, the Tánaiste and the other Ministers present. It puts considerable pressure on people. If one speaks to people working in the mental health services or to GPs in any area, one will see that it is causing great pressure. We have no way of controlling rents. I plead with the Government to do something to stop rents sky-rocketing.

Deputy John Brady: This day last week, at approximately this time of the day, a young man was found dead in my home town of Bray, which is in my constituency. He was homeless and had been living in a tent in the town. He was not the first homeless person to die in Bray. His name was Chris and he was 33 years of age. I attended his funeral on Tuesday and, as we walked behind Chris's coffin, a young person, who has also been homeless, said we should get used to what happened because there will be many more people like Chris. There will be many more coffins unless the Government does something. Does the Minister for Housing, Planning and Local Government sit down and think of people like Chris? Does he lie in bed and think of Chris and all the people like him throughout the State? On my way to the House, I received a message to say the 12 homeless beds in Bray, which had been opened before Christmas, are due to be closed at the end of the month.

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

Deputy John Brady: I have previously spoken about the matter to the Minister. People are on a waiting list to be given one of those beds.

An Ceann Comhairle: Deputies, too, are on a waiting list.

Deputy John Brady: People are being turned away. In the same month in which Chris died in the same town, those 12 beds will be closed. The Minister has the audacity to stand up and say his plans are working.

An Ceann Comhairle: Deputy-----

Deputy John Brady: I ask him to ask Chris whether those plans are working.

An Ceann Comhairle: Please resume your seat. You are completely out of order.

Deputy Declan Breathnach: I have been a Deputy for almost four years. I have repeatedly told the Minister and the Minister of State, Deputy English, that the vacant housing numbers, both rural and urban, are at most one in 12. Any Deputy who canvasses will verify that statistic. The system is flawed. I ask the Minister to appoint a dedicated housing officer and to carry out a pilot project in my county. County Louth was previously successful in leading the charge with compulsory purchase orders. I have spoken to several housing officers in different parts of the country who have verified nobody is on the ground identifying vacant properties. They rely on people to inform them that a particular property is vacant. I want there to be an officer who will go door to door, like people who are currently canvassing, and identify vacant houses,

16 May 2019

many of which are owned by the banks. The properties are not being used, often because their owners are waiting for the market price to continue to rise. I challenge the Minister to appoint somebody to do that job in Louth County Council. We will show the Minister he was wrong in his approach to vacant housing.

Deputy Donnchadh Ó Laoghaire: The delivery of social housing is happening far too slowly. I have some examples of individual cases, although I am sure the Minister has dealt with similar cases. A couple with a seven year old child, sharing a house with their parents and four siblings, one of whom is a 15 year old boy with brain cancer, have been on the list for eight and a half years. A single mother and her children, all of whom live with her parents, constituting eight people living in a two-bedroom bungalow, have been on the list for eight years. In the Tánaiste's home town, a single mother with five children has been on the list for 12 years. She sleeps on the couch and rents a property for €1,000 per month, despite earning only €275 per week.

The Tánaiste spoke about short-term and long-term solutions. When Sinn Féin spoke about a housing crisis in 2011, 2012 and 2013, however, the Government did not want to know. We are not suggesting that the Government is doing nothing now, although it is not doing remotely enough, but rather that it was doing nothing then. That is why we are in this position.

Deputy Seán Crowe: Some 1,733 families, including 3,821 children, are on the homeless list. One family, comprising a husband, wife and five children, were based in Tallaght where the children attend school. The family were eventually housed in bed and breakfast accommodation in County Meath because they could not find rented accommodation anywhere near the school. They drive to Tallaght every day to drop the kids to school. I asked the parents what they do all day and they said they sit in the car. They asked me what they could do but all I could tell them was that they must wait. That is the answer I have received from South Dublin County Council because the family have not been on the list long enough. When they have called the council to inquire about the list, they have been told there is no list. They have waited for three years. The father is suicidal. While I do not believe that has anything to do with the family's homelessness, the mother cannot leave him alone for five minutes. The family are in crisis and there are many more like them on the list. We seek answers. What does the Minister say to what I have outlined?

An Ceann Comhairle: Let us have the answer in that case.

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I am the Minister for Housing, Planning and Local Government, a responsibility I carry with me every day and night. When a person in emergency accommodation dies, I get that phone call.

Deputy John Brady: The man could not even get into emergency accommodation.

Deputy Eoghan Murphy: Every day I meet members of the public who struggle because of the crisis in housing and homelessness. They are people in emergency accommodation or sleeping rough, young families and couples seeking to buy their first home and people who cannot afford the rent they pay or who spend far too long commuting, which damages their quality of life because they cannot find homes near where they work. I also meet elderly people looking for security in old age who do not have their own homes. Of course, as the Minister with responsibility for housing, I am aware of all such concerns.

Deputy John Brady: I did not ask whether the Minister was aware.

Deputy Eoghan Murphy: If Sinn Féin had ideas and a plan worth implementing, it would receive the support of the House. We are a minority Government, which means Opposition Deputies can, if they have the ideas and the programme, secure that support and have their ideas implemented.

(Interruptions).

Deputy Josepha Madigan: Let the Minister speak.

An Ceann Comhairle: Would the Minister, Deputy Madigan, like to chair the debate?

Deputy Josepha Madigan: No, thank you.

An Ceann Comhairle: I do not need guidance. If the Minister, Deputy Madigan, would like to take the Chair, she is welcome. Will Deputies who were so persistent in asking questions do the courtesy to the Minister, Deputy Eoghan Murphy, to let him answer?

Deputy Eoghan Murphy: A Cheann Comhairle, I am merely pointing out the hypocrisy of some Deputies who claim to have all the answers but who, when they put forward their ideas, cannot win the support of any of their colleagues.

(Interruptions).

Deputy Eoghan Murphy: With all-party support, the Government is bringing forward important reforms for the rental sector. Rent pressure zones will now apply to 2021. We are changing the qualifying criteria, where areas that do not currently qualify for rent caps will now be subject to them, as we receive data from the Residential Tenancies Board. For the first time in law, we will include large, institutional landlords in those rent cap regulations, which is an important improvement to ensure that tenants are treated the same irrespective of their landlord.

Other points about landlords and evictions were raised. I have met non-governmental organisations on numerous occasions, as has the Taoiseach, and they ask why landlords are allowed to evict tenants because they are selling the property. If we changed the law and told landlords they must keep the tenants in place when the property is sold, what about the person who buys the property? For example, it could be a young couple or family who must then evict the tenants because they want to move into the home they have bought. Families evicting families will not solve the problem but rather will move it to someone else who is not a professional landlord.

On vacancy, 42 sites that were previously vacant and on the vacant site levy are under construction. I told every local authority to form a vacant house strategy and team, and all 31 local authorities have reported back on that work. The council may have told Deputy Breathnach that it does not have a vacancy officer but it is the council's responsibility to put one in place.

Deputy Declan Breathnach: The council wants somebody on the ground.

Deputy Eoghan Murphy: In the 12 months to March, more than 2,500 homes came out of long-term vacancy, that is, vacancy of more than two years, and back into use because of the work of local authorities, housing bodies and others bringing their homes back into use.

On those in emergency accommodation or who are sleeping rough, we now have a national director and national plan for Housing First and we are creating Housing First tenancies, which

16 May 2019

follow international best practice for getting people off the streets and into secure accommodation, and keeping them there. Last year, 5,000 individuals and households came out of homelessness. They were either prevented from going into it or came out of emergency accommodation. More than 27,000 households were supported by the taxpayer. It is important work but there are thousands more people we need to help, which is why we continue to drive on with Rebuilding Ireland to get that work done.

St. Michael's Estate is the final point I wish to address.

This is a very important development not only for St. Michael's Estate and its surrounding community but also for the country. It is the first large-scale cost rental project. It was objected to locally by people. We do get objections that cause time delays.

Deputy Aengus Ó Snodaigh: The Minister is part of it.

Deputy Eoghan Murphy: We are working and I was out there one evening a couple of months ago to speak the community group. We are trying to manage this sensitively with the local community group and this does add extra time. The National Development Finance Agency has already done the financial modelling on affordability and what it would mean depending on what salary someone might be earning. The European Investment Bank has already made a commitment to fund the project and we will bring forward the plans to it. We are progressing them as quickly as possible.

I o'clock

Deputy John Brady: I asked a question.

An Ceann Comhairle: Resume your seat, Deputy.

Deputy John Brady: A week after a homeless man died on the streets of Wicklow 12 emergency beds are closing.

An Ceann Comhairle: Deputy, resume your seat.

Deputy John Brady: The Minister did not even answer the question. He brushed over it. Will he answer the question?

An Ceann Comhairle: Deputy, if you do not-----

Deputy John Brady: A man died on the streets of Bray and 12 emergency beds are closing and the Minister does not even give people the courtesy of a response. Answer the bloody question.

An Ceann Comhairle: Please.

Deputy Eoghan Murphy: I can answer that question.

An Ceann Comhairle: No, do not. Deputy Brady's disrespect for the house is significant. Please do not persist with this approach.

Deputy John Brady: I would like an answer from the Minister in fairness.

An Ceann Comhairle: Please do not persist.

Deputy Louise O'Reilly: He is entitled to an answer.

Deputy Pat Buckley: Can I update the House?

Deputy Niamh Smyth: On a number of occasions, I have raised the Annalee View respite service in the Cavan-Monaghan constituency. It is the only facility we have. It is a five bed facility. It had been used very frequently by families in the Cavan and Monaghan area. More than six months ago it closed. There are now reports from the HSE that the house has an oil leak and will be completely closed for the foreseeable future. This affects 400 families throughout Cavan and Monaghan. Deputy Ó Caoláin and I attended a public meeting held by the parents' action group and we heard from the parents about how they feel ignored and neglected. They are completely justified in those feelings because the HSE has failed abysmally to replace that service. I have put this question to the relevant Minister. What is the plan to put respite services back in place in Cavan and Monaghan?

The Tánaiste: I know the Deputy has raised this issue previously and I cannot remember whether I told her I would get the Minister to speak to her directly on it. I do not have the details on individual respite places for Cavan and Monaghan but I will ask the Minister's office to come back to the Deputy on it.

Deputy Caoimhghín Ó Caoláin: Obviously, I fully support Deputy Niamh Smyth's appeal but the issue I need to raise is one the Tánaiste addressed earlier during Leaders' Questions. It is with regard to the anguish and stress that parents of children with spinal muscular atrophy must cope with as day by day they watch their child denied what is potentially a life-saving drug. With the advent of the approval of Spinraza for reimbursement in England and Wales, we are now one of only two countries in the European Union that has yet to take this decision. The other is Estonia. To be quick, the Tánaiste is the Deputy Prime Minister of the State. If he will not intervene otherwise, as he has explained earlier, will he at least reflect the frustration that he claims he has himself with this process and urge a conclusion with approval for Spinraza reimbursement issuing immediately?

The Tánaiste: Let me be blunt on this. I want a conclusion to this process for the families concerned but I want it to be the right conclusion for them, as does the Minister for Health. There is a process under way that must conclude. Absolutely, I share the Deputy's frustration with the length of time it is taking. We are trying to get the right outcome rather than making early decisions that would be negative ones.

Deputy Caoimhghín Ó Caoláin: It is not early.

The Tánaiste: I take that point.

Deputy Bernard J. Durkan: Yesterday and previously, I and others raised the issue of the escalating demands by insurance companies in respect of renewal of premiums. I suggested that perhaps the Financial Regulator might get involved because there appears to be no basis whatsoever for the level of increase now being imposed on people. Attributing the need for this to increased payouts is not the answer because an increase of up to 1,000% is taking place in some cases. Is there any progress on the possible input of the Financial Regulator?

The Tánaiste: Certainly the issue of insurance has been a big priority for the Government for quite some time. Multiple pieces of legislation are now moving forward or are in gestation to try to make sure we deal with fraudulent claims in a comprehensive way to ensure we will not see the type of disparity we see today with regard to payouts following court cases. When we compare our benchmark with the UK there are a number of areas linked to insurance payouts

and consistency that the State wants to deal with in legislation. It is very much under way.

Deputy Mary Butler: An application was submitted 12 months ago to the Department of Transport, Tourism and Sport applying for capital funding to extend the runway at Waterford Airport, at a cost of €5 million to the Exchequer with matched funding of €7 million from the local authorities and investors in the south east. The Minister, Deputy Ross, signed off on a Government memo that paved the way for Exchequer funding. I believe he circulated a memo to all other Departments inviting observations. Is there any update? The sooner funds are in place the sooner work can begin on this vital infrastructure for the south east. I believe the Ministers, Deputies Murphy and Humphreys, support it.

Minister of State at the Department of Business, Enterprise and Innovation (Deputy John Halligan): All of us in the south east have been pushing to have the airport extended. It has received substantial moneys in recent years, even when there were no flights. Since 2016, more than €1.1 million has been received. The Minister, Deputy Ross, was in Waterford a number of months ago where he met the airport board, members of Enterprise Ireland and businesses in Waterford. They all put forward the case for the extension of the runway. As the Deputy is also aware, two private investors and a number of councils have put forward moneys that total €7 million. The latest development is that this has been brought to Cabinet. No decision has yet been made by the Government but it will be brought to the Cabinet shortly.

Deputy Fiona O'Loughlin: I want to raise the recent report of the Department of Education and Skills on the review of career guidance in education. This is something that is very important to everybody on this side of the House because it was part of our confidence and supply negotiations. It is also something we have dealt with at the education committee. I was concerned to read in the report that no provision is included for career guidance in special schools. We have 140 special schools in the country. This came to light through the committee's stakeholder engagement. Quite a bit of lobbying has been done by other agencies to make sure they are included. As we all know, career guidance is incredibly important for all of our young people and the role of the career guidance counsellor is very important. Young people in special schools leave school at the same time as their peers in mainstream schools. They have dreams and aspirations. They are absolutely capable of getting and holding down a job, doing an apprenticeship and studying. The fact we are leaving them out is important. I ask the Tánaiste to speak to the Minister for Education and Skills and the Cabinet to ensure special schools are included for career guidance teaching.

The Tánaiste: I will raise that with the Minister. I assure Deputy O'Loughlin that anything we agreed to in the confidence and supply arrangements has been followed through on and will continue to be.

With the indulgence of the Ceann Comhairle, I will respond to a question asked earlier because I have helpful information for Deputy Brady who asked a question about 12 homelessness emergency beds in Wicklow. As he knows, those beds were provided under the winter emergency initiative. I am told by the Department and the Minister that there is no problem keeping them open if the decision is made locally by the local authority that it wants to do so and if there is a continuing need for those beds. The money is not the issue and the Department is happy to facilitate keeping those beds open if the need exists. I want to put this on the record.

Deputy Michael Moynihan: I am raising this issue again with the Tánaiste. We received more letters this morning from the carer's allowance section of the Department of Employ-

ment Affairs and Social Protection indicating that decisions will be made in 16 and 18 weeks for those families who care for their loved ones in their own homes and who have applied for carer's allowance. Commitments were given in recent weeks to the effect that a reduction in waiting times would occur but nothing has happened. Will the Government take this issue seriously? It is having a detrimental effect on families that are making decisions regarding care for their loved ones and saving the State many millions of euro in the process.

The Tánaiste: I am aware that the Deputy raised this issue previously. I will raise it directly with the Minister and try to get an answer for him.

An Ceann Comhairle: That concludes questions on promised legislation. The six Deputies who have not been reached will be given priority on Tuesday next.

Sectoral Employment Order (Construction Sector) 2019: Motion

Minister of State at the Department of Business, Enterprise and Innovation (Deputy John Halligan): I move:

That Dáil Éireann approves the following Order in draft:

Sectoral Employment Order (Construction Sector) 2019,
a copy of which has been laid in draft form before Dáil Éireann on 9th May, 2019.

Question put and agreed to.

Defence Forces Service with the United Nations: Motion

Minister of State at the Department of Defence (Deputy Paul Kehoe): I move:

That Dáil Éireann approves the reports by the Minister with Responsibility for Defence, regarding service by the Defence Forces with the United Nations in 2017 and 2018 respectively, copies of which were laid before Dáil Éireann on 7th February, 2019, in accordance with section 13 of the Defence (Amendment) Act 2006.

I was pleased to have the opportunity to report to the Select Committee on Foreign Affairs, Trade and Defence earlier this morning on Irish Defence Forces participation in United Nations missions in 2017 and 2018. In commending the motion, I will summarise some of the key aspects of Ireland's involvement with the UN in 2017 and 2018. Irish Defence Forces personnel have served in peace support missions all over the world in Europe, Africa, the Middle East, Asia and South America, completing over 68,000 tours of duty. This commitment to international peacekeeping is a very practical expression of the values we hold dear as a nation and of our commitment to the UN and to multilateralism.

Ireland's main commitments during 2017 and 2018 were to the United Nations Interim Force in Lebanon, UNIFIL, and the United Nations Disengagement Observer Force, UNDOF,

16 May 2019

in the Golan Heights. The UNIFIL mission was Ireland's largest overseas deployment during 2017 and 2018. From June 2012 to November 2018, Irish troops served as part of a joint Irish-Finnish battalion in UNIFIL. From 2015, a number of Estonian personnel were also deployed with the Finnish contingent. Due to other national commitments both Finland and Estonia withdrew from the Irish-Finnish battalion, UNIFIL, in November 2018. As an interim measure, an additional contingent of approximately 106 Defence Forces personnel were deployed to the UNIFIL mission to cover the backfilling of the Finnish contingent for a 12-month period. Ireland assumed the full duties and responsibilities of the Irish battalion in November 2018 and will continue in this role up to November 2019.

It has recently been agreed that a contingent of Polish armed forces personnel, together with a contribution from Hungarian defence forces, will join our UNIFIL contingent from November 2019 as part of a joint battalion. In 2018, for the first time, two Maltese personnel deployed to UNIFIL as part of the Irish battalion.

Ireland's second largest overseas deployment in 2017 and 2018 was to UNDOF in the Golan Heights. The Defence Forces contribution to UNDOF comprised approximately 136 personnel over this period. Since its establishment in 1974, UNDOF has been a successful mission in supporting the efforts of the international community in the Golan Heights and the Middle East in general. In March 2018, the UNDOF headquarters returned to Camp Faouar on the Syrian side of the area of separation and the then Chief of Staff UNDOF, Colonel Michael Dawson, together with seven other members of the Defence Forces moved with the headquarters. The main Irish contingent, comprising a force reserve company of 130 personnel, completed their relocation to Camp Faouar in September 2018. Throughout 2017 and 2018, Ireland continued to contribute military observers and staff to various United Nations missions such as the United Nations Truce Supervision Organisation, UNTSO, the UN mission for the referendum in Western Sahara and the UN stabilisation mission in the Democratic Republic of Congo. In 2017 and 2018, the Defence Forces were deployed on a number of other UN-mandated missions such as EU training mission, EUTM Mali, EUFOR in Bosnia and Herzegovina, Operation Sophia and the NATO-led international security presence in Kosovo.

The Government is very aware that participation in peace support missions comes at a personal cost for individuals who must be away from families and friends for extended periods. I commend our Defence Forces personnel on their commitment and dedication to overseas service, without which, Ireland's strong tradition of peacekeeping under the auspices of the United Nations, would not be possible. Our ability to protect the safety of our personnel is of paramount concern to me when considering participation in any mission. Ongoing threat assessments are carried out in mission areas and we continually review personal equipment and Defence Forces assets in order to ensure that personnel are appropriately equipped to fulfil their roles. The safety of our peacekeepers is of the utmost importance.

Ireland is making a very significant contribution in the context of the overall strength of our Defence Forces and the resources available for defence. The Government is committed to ensuring that the Defence Forces will continue to contribute in a meaningful way to overseas operations into the future. I commend the motion to the House.

Deputy Jack Chambers: As we assess Ireland's involvement in UN peacekeeping missions over the past two years, I take the opportunity to commend the men and women of our Defence Forces who serve the State with such distinction. We have a long and proud history of peacekeeping, dating back to 1958, and this is a record and tradition we should not take lightly

or for granted.

The reports before the House lay out Irish involvement in UN Missions in 2017 and 2018. I am pleased that what was at the core of the first missions in 1958 remains today, namely, to contribute to the maintenance of international peace and security. We have now amassed almost 70,000 individual tours of duty and last year we celebrated 60 years of unbroken duty in UN peacekeeping. In so many ways, and as a small country, we punch well above our weight in this regard and this is down to the professionalism and dedication of our Defence Forces members who serve in the world's most dangerous places and harshest environments with the greatest of courage and conviction. The men and women of the Defence Forces are a credit to all of us and they are the reason Ireland is so highly regarded and renowned as a country committed to peacekeeping across the globe.

In light of this, it is so hard to comprehend why Defence Forces personnel are still awaiting a decision from the Government on the Public Service Pay Commission's report. There is a reason we are in the midst of the largest retention crisis we have ever seen among Defence Forces personnel and cannot get close to the permanent strength of 9,500 as laid out in the White Paper. The reason is that Defence Forces personnel are tired of committing themselves so selflessly only to be treated so badly and paid so poorly. The Defence Forces continue to be the worst-paid workers in the public sector. Despite the high-profile recruitment campaigns, we are still losing more personnel than we are gaining. In the context of our UN involvement, this is resulting in a huge capability drain. The ongoing retention crisis is leaving units with limited or inexperienced instructor staffs to provide essential weapons or vehicles training. These are exactly the kinds of skills and expertise required for overseas deployments. This is now leading to a situation where those with certain skill sets are being mandatorily selected having only returned from overseas less than 12 months previously. The implications of this drain in experience is having such knock-on consequences for remaining soldiers, who now are themselves looking to leave, or their peers are avoiding pursuing certain courses as they know they will become the next flogging horses. This is not a way to treat Defence Forces personnel in the 21st century. For example, a lack of vehicle gunnery instructors is affecting the ability to train crewmen within the corps. This is compounded by a lack of suitable ammunition to conduct range practices to enable personnel to qualify in weapons systems, as stocks are being withheld for overseas mission readiness exercises. The retention and recruitment crisis is having a direct impact on our peacekeeping abilities. There has been an increase in the budgetary allocation for the Department of Foreign Affairs and Trade while at the same time, according to the internal unit of the Defence Forces, the allocation for the Defence Forces is stagnant. In the context of the Department's pursuit of a seat on the UN Security Council, investment in our capabilities and capacity around equipment and training is extremely important. The Government needs to match what it says with investment. If this matter is not properly addressed without further delay, the reports the Minister for Defence will bring to the Dáil in the coming years will be much shorter because we simply will not have the personnel to continue our peacekeeping at the level we have done for so long.

I noted recent news reports on the Public Service Pay Commission, which is due to report shortly. I hope there is much more to come for Defence Forces personnel than was reported, as otherwise the problems will not go away. When does the Minister of State propose to introduce an overseas establishment for officers and non-commissioned officers, NCOs, to allow vacancies to be filled while people are overseas? In committee earlier today, I outlined the need for intervention at the levels of captain, corporal and sergeant, where there are major capability

16 May 2019

gaps. The Minister of State responded that there was an allocation available for those above that threshold but not at the levels where there are serious capability gaps. He also mentioned that a number of gap analyses had been undertaken. We need to see the outcome of that analysis in order that we can address the shortages.

The 700 personnel overseas are factored into the current strength of the Defence Forces. This is misleading and those left behind are plugging the gaps, often by double and treble jobbing which is causing huge increases in stress for overworked personnel. When will the policy of personnel acting up a rank to fill overseas gaps be reintroduced, such that detailing officers, as currently happens, is done away with? This kind of penny-pinching is forcing people out of the Defence Forces and ultimately undermines and destabilises our peacekeeping operations as a whole. We need to treat Defence Forces personnel with respect and pay them properly for their selfless dedication and commitment to our country and peacekeeping around the world.

Deputy Aengus Ó Snodaigh: I welcome both reports and I acknowledge, once again, the tremendous role of Irish Defence Forces personnel in UN-led operations overseas. The bravery and commitment of these soldiers, including Naval Service personnel, are a credit to them and are recognised and appreciated throughout the world. As a small country with, rightly, a small Defence Forces, our contribution of almost 10% of the entire peacekeeping effort overseas at any given time has gained us many friends on the international stage. For this reason, I have appealed to the Minister of State - perhaps *ad nauseam* in his eyes - as well as to the Government and previous Governments not to align Ireland with international policies or those who are warmongers and seeking to increase the militarisation of the world and those who would wish to exert influence and control once again over their former colonies, in many cases in the guise of peacemaking.

I have also repeatedly tried to have Ireland's neutrality enshrined in the Constitution so that we can continue with the honourable tradition of Irish deployment to UN missions, as we have done since the late 1950s. I will continue to question why Ireland is involved in or trying to involve itself in missions which are not blue hat UN missions, which are of dubious origin in some cases or are specifically intended to have the EU or other supposedly developed countries at odds or taking sides in a conflict rather than in the honourable tradition of peacekeeping. With this in mind, it is time the Government lived up to its constitutional obligation to hold a Dáil debate on the deployment to Mali of 20 personnel, which is more than the 12 personnel provided for in the triple lock. As this is, supposedly, a training mission, the Government believes it does not need the assent of the Dáil, but it does. There is no ambiguity in this regard. During the second Lisbon treaty campaign, Irish people were promised that, at the very least, the Dáil would have to give such a sizeable deployment its *imprimatur*. I found that promise dubious at the time and it remains so. This is more of the doublespeak in regard to the State's neutrality that has become commonplace under this Government and previous Governments. The Government would gain a lot more respect if it stood firm and became a champion for neutrality, rather than involve itself in operations that would seek to reinstate the exploitation of former colonies. We have much more in common with the countries in which UN troops have served than we do with those countries now trying to impose their rule in a different way.

On the related matter of UN duties in the past, I appeal to the Minister of State, Deputy Kehoe, to ensure that Irish soldiers who served in past UN missions and were gallant and brave in their actions are properly honoured. It emerged recently that there is documentation which recommends the award of five military medals of gallantry and 29 distinguished service medals to those who stood against 5,000 soldiers in Jadotville in 1961. I ask the Minister of State to

ensure that the regulations which prevent him doing so are changed. I acknowledge the recent award of a medal by the Minister of State to the family of the late Joe Murphy in respect of his service during the War of Independence, which was greatly appreciated. I guarantee the Minister of State that the award of medals in respect of those who served in Jadotville would be likewise greatly appreciated, not only by their families but also by the serving members of the Defence Forces who would know that if they are put in danger and if they are gallant and brave, as were those who went before them, they would be duly recognised for doing so. Some of those who were involved in Jadotville died from suicide, including a young man from Carrick-on-Shannon who was 16 years old at the time. Those people deserve much more recognition than we have given them thus far. At that time, people such as Conor Cruise O'Brien prevaricated and did not give the support and protection that the Defence Forces needed such that they were left to their own devices. Thankfully, many of them came home but many were affected by what they had seen during that fateful week in 1961. I urge the Minister of State to act on the Mali issue and in regard to the award of medals.

Deputy Brendan Ryan: These reports highlight one element of Irish foreign policy which I believe we can take the most pride in, namely, the work of our approximately 600 Defence Forces personnel in peacekeeping missions throughout the world. Our Defence Forces are helping to maintain peace and security in Lebanon, the Golan Heights, Western Sahara, the Democratic Republic of Congo, Kosovo, Bosnia and Herzegovina and Mali and they continue to serve with distinction in the Mediterranean as part of Operation Sophia. We are proud of the work we do, the lives we protect and the peace and security we provide. As stated in the report's conclusions, this is a very practical expression of the values which we hold dear as a nation and of our commitment to the UN and multilateralism.

The Army is recognised as having world class expertise. As part of UN peacekeeping work, Ireland has been involved in the destruction of mines, the removal of dangerous chemicals and the destruction of ammunition for small arms in the Balkans and Ukraine. However, our Defence Forces serving in the UN, particularly in Lebanon and on the Golan Heights, are facing increasing challenges due to the rapidly changing geopolitical situation in the region. Prior to the outbreak of war in Syria, this was a relatively uneventful UN mission, but it has now changed dramatically as the war has spilled over into the UN zone on a number of occasions. As Irish troops continue their deployment, the possibility of military action by Israel in the Golan also remains a serious threat. President Trump's decision to approve US recognition of Israeli sovereignty over the Golan Heights will only serve to further heighten tensions. Likewise, under the Trump administration, the US has publicly criticised UNIFIL and pushed for a more robust response from UNIFIL to the perceived threat from armed groups. This criticism is unfair and unwarranted, and only serves to undermine the positive role UNIFIL plays in maintaining peace in the region. It also raises important questions for UN peacekeeping in general, as a recent UN-commissioned report also advocated a more proactive UN posture in the region.

The Labour Party believes that a clear distinction between traditional peacekeeping and operations involving some degree of enforcement is needed, and these lines should not be blurred to serve the foreign policy agenda of others. This is not just important for the UN, but also for contributing states like Ireland, if our hard-won reputation as an impartial and neutral actor is to be maintained.

Participation in UN-mandated peacekeeping operations does not and should not challenge our military neutrality. What these peacekeeping missions show is that there is another way to enter into military engagements, and PESCO is not the answer. We have spoken in this House

16 May 2019

many times in recent years about the fragility of the global order. The rise of the right and the chaotic breakdown in some parts of previous norms means that the immediate future is uncertain and unknown. However, now is not a time for Ireland to jump into that unknown space. Our tradition of working within UN parameters is one that Irish people trust and believe in. We must protect it and strengthen those global peacekeeping links. We believe the triple lock approach with a UN mandate is the right approach for Ireland. It allows us to express our values of peace-building and peace-making in a practical and active manner, but guards against any creeping militarisation which may emerge in Europe.

Our own region in Europe is going through its own political instability at this time. We need to work with our European partners to deliver a social and just Europe politically. However, there is no need for us to pursue closer and costly military relationships, as some have recently suggested. Defence spending in Ireland is currently the lowest in the European Union, at around 0.3% of GDP in 2017, compared to an EU average of 1.3% and spending is as high as 1.8% in France or 1.9% in the UK. That is as it should be. We should not be spending a lot of money on defence, although I would like to see us spending more when it comes to the pay and conditions of our Defence Forces personnel.

As the Labour Party has stated many times in this House, many serving members are on shockingly low wages, and last year it emerged many are on family income supplement. The Defence Forces' members are the lowest paid workers in the public service, and this simply needs to change. Continued supports are also needed for our soldiers post-deployment. This morning, it emerged that five soldiers who survived the siege of Jadotville during a UN peacekeeping mission in the Congo in 1961 tragically took their own lives in later years. Although times have changed, the risks, both physical and psychological, that our soldiers face are not. To date, a total of 86 members of the Defence Forces have died while on missions, with many more injured physically or mentally. It is scandalous that the Defence Forces have been without an in-house psychiatrist since May 2018, and an appointment is unlikely to be made until almost 2020. Up to 50 Defence Forces personnel remain on a months-long waiting list for psychiatric appointments due to the Government's failure to find a replacement for the military's retired in-house clinician during the past year. This is not good enough.

Minister of State at the Department of Defence (Deputy Paul Kehoe): I thank all the Deputies for their comments and contributions, both earlier this morning at the select committee and here in the Dáil this afternoon. I strongly believe that it is very valuable to highlight through these reports the important overseas UN peacekeeping role the Defence Forces have undertaken over the decades. Last year, 2018, was a very significant year for United Nations peacekeeping. The UN celebrated the 70th anniversary of UN peacekeeping operations, and Ireland marked its own significant milestone as a long-standing contributor to UN peacekeeping over a period of 60 years. Since our first contribution in 1958, not a day has passed when a member of our Defence Forces, Óglaigh na hÉireann, was not deployed in peacekeeping operations in support of the United Nations. As Ireland seeks election to the UN Security Council, we can be rightly proud of this long and honourable record of service in the cause of peace and security.

I visited the Irish troops in Lebanon in March 2018. This trip coincided with the official UN commemorations in Naqoura to mark the 40th anniversary of the establishment of UNIFIL and of Ireland's participation in the mission. It was a very proud moment for me to be there representing Ireland as Major General Mick Beary of the Irish Defence Forces led the commemorations as United Nations Interim Force in Lebanon, UNIFIL, force commander and head of mis-

sion at the time. Separately, in June 2018, I hosted an official State ceremony in Dublin Castle, which was attended by President Michael D. Higgins and An Taoiseach, Leo Varadkar, to mark the 60th anniversary of Irish involvement in UN peacekeeping operations. The Government was also very proud to mark this significant anniversary internationally when we hosted a ceremony in UN headquarters in New York in July 2018. This ceremony allowed us to recognise the contribution of Irish men and women from the Defence Forces, An Garda Síochána and the wider public service to international peacekeeping. In addition, in December 2018, the 60th anniversary of Ireland's deployment with UNTSO was marked with a commemorative ceremony held in UNTSO headquarters in Jerusalem.

Deputy Jack Chambers, at this morning's meeting of the select committee, spoke about a lack of ammunition. Ammunition for all aspects of the Defence Forces, including training and for missions, is available. I have not been told that there is a lack of ammunition. If the Deputy has proof of this perhaps he could provide me with it, and I will gladly take it and follow up on it.

Deputy Ó Snodaigh referred to another issue. The UN has asked regional organisations, such as the African Union, the EU, NATO and others to mount operations on its behalf. All these missions are approved and supported by the United Nations. In Mali, Kosovo and Bosnia-Herzegovina we are responding positively to the UN request. I regularly meet with Undersecretary Jean-Pierre Lacroix to discuss UN missions. It is very important that we meet. I met him in New York earlier this year, and intend to meet him later this year again.

Deputy Brendan Ryan asked what Ireland's position is on the Golan Heights following the recent statement made by the President of the United States of America. Ireland very much regrets the decision of the United States to recognise Israeli sovereignty over the territory captured in the 1967 war. This is a breach of a central principle of international law and the rule of law, which will have unfortunate repercussions well beyond the immediate context of the Golan Heights. The Tánaiste and Minister for Foreign Affairs and Trade made it very clear in a statement of 25 March of this year that Ireland, along with the rest of the international community, continues to regard the Golan Heights as Syrian territory, occupied by Israel, and there is no reason to expect that this decision by the United States should affect the position of the Irish troops in the United Nations Disengagement Observer Force, UNDOF, mission area around the Golan Heights. The supposed annexation by Israel, which the United States is now recognising, took place in 1981. There has been no change in support within the United Nations for UNDOF.

There are currently 670 members of the Irish Defence Forces serving in nine different missions around the world. Ireland has a battalion comprising 460 in UNIFIL, as well as a company in the UNDOF mission in the Golan Heights and other significant postings in the Middle East, Africa and the Balkans. For these Irish men and women, service with the UN is rightly regarded as noble and important.

I thank the Deputies both at the select committee this morning and this afternoon in the Dáil for their recognition of the work of Irish Defence Forces personnel. They can be assured that I will pass that on to the Chief of Staff.

Question put and agreed to.

16 May 2019

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

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

An Leas-Cheann Comhairle: We must deal with a postponed division relating to the Thirty-fifth Amendment of the Constitution (Right to a Home) Bill 2016.

Cuireadh an cheist arís: “Go léifear an Bille an Dara hUair anois.”

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

<i>The Dáil divided: Tá, 36; Níl, 60; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Barry, Mick.</i>	<i>Aylward, Bobby.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Bailey, Maria.</i>	
<i>Brady, John.</i>	<i>Barrett, Seán.</i>	
<i>Broughan, Thomas P.</i>	<i>Brassil, John.</i>	
<i>Buckley, Pat.</i>	<i>Breathnach, Declan.</i>	
<i>Burton, Joan.</i>	<i>Brophy, Colm.</i>	
<i>Connolly, Catherine.</i>	<i>Browne, James.</i>	
<i>Coppinger, Ruth.</i>	<i>Burke, Peter.</i>	
<i>Crowe, Seán.</i>	<i>Butler, Mary.</i>	
<i>Cullinane, David.</i>	<i>Byrne, Catherine.</i>	
<i>Daly, Clare.</i>	<i>Byrne, Thomas.</i>	
<i>Doherty, Pearse.</i>	<i>Calleary, Dara.</i>	
<i>Ellis, Dessie.</i>	<i>Cannon, Ciarán.</i>	
<i>Ferris, Martin.</i>	<i>Carey, Joe.</i>	
<i>Funchion, Kathleen.</i>	<i>Cassells, Shane.</i>	
<i>Harty, Michael.</i>	<i>Chambers, Jack.</i>	
<i>Healy, Seamus.</i>	<i>Chambers, Lisa.</i>	
<i>Kenny, Gino.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Kenny, Martin.</i>	<i>Coveney, Simon.</i>	
<i>McDonald, Mary Lou.</i>	<i>Cowen, Barry.</i>	
<i>Mitchell, Denise.</i>	<i>Curran, John.</i>	
<i>Munster, Imelda.</i>	<i>D’Arcy, Michael.</i>	
<i>Murphy, Catherine.</i>	<i>Deering, Pat.</i>	
<i>Murphy, Paul.</i>	<i>Doherty, Regina.</i>	
<i>Nolan, Carol.</i>	<i>Donnelly, Stephen.</i>	
<i>O’Brien, Jonathan.</i>	<i>Dooley, Timmy.</i>	

Dáil Éireann

<i>O'Reilly, Louise.</i>	<i>Durkan, Bernard J.</i>	
<i>O'Sullivan, Jan.</i>	<i>English, Damien.</i>	
<i>O'Sullivan, Maureen.</i>	<i>Farrell, Alan.</i>	
<i>Ó Broin, Eoin.</i>	<i>Fitzpatrick, Peter.</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>Flanagan, Charles.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Griffin, Brendan.</i>	
<i>Pringle, Thomas.</i>	<i>Halligan, John.</i>	
<i>Ryan, Brendan.</i>	<i>Harris, Simon.</i>	
<i>Shortall, Róisín.</i>	<i>Haughey, Seán.</i>	
<i>Stanley, Brian.</i>	<i>Kehoe, Paul.</i>	
	<i>Kyne, Seán.</i>	
	<i>Lawless, James.</i>	
	<i>Lowry, Michael.</i>	
	<i>Madigan, Josepha.</i>	
	<i>McGrath, Michael.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Murphy, Eoghan.</i>	
	<i>Murphy, Eugene.</i>	
	<i>Naughton, Hildegarde.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Keeffe, Kevin.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Rock, Noel.</i>	
	<i>Ross, Shane.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Stanton, David.</i>	
	<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Aengus Ó Snodaigh and Jonathan O'Brien; Níl, Deputies Seán Kyne and Tony McLoughlin.

Question declared lost.

Faisnéiseadh go rabhthas tar éis diúltú don cheist.

16 May 2019

Mother and Baby Homes: Motion (Resumed) [Private Members]

The following motion was moved by Deputy Clare Daly on Wednesday, 15 May 2019:

That Dáil Éireann, having been made aware in recent times of the activities in Mother and Baby Homes that operated throughout Ireland in the twentieth century:

notes:

— the ill-treatment of the mothers and babies in these homes;

— the forced separation of single mothers and their babies from 1922 to 1998;

— the falsification of birth certificates and the subsequent mistreatment of survivors by the State; and

— that these practices were facilitated through official Government policy and by institutions, such as County Homes, public maternity hospitals and many adoption agencies;

further notes that:

— this has left a dark stain on our nation; and

— the State has refused the survivors justice to the present day, despite irrefutable and conclusive evidence being submitted by survivors and survivor groups; and

calls on the Government to:

— introduce, without delay, a Redress Scheme for the survivors of the Mother and Baby Homes, so as to provide some comfort for this ageing community; and

— set up a Commission of Investigation in relation to the very serious allegations emerging in recent times regarding the widespread and systematic falsification of birth certificates.

Debate resumed on amendment No. 1:

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

“acknowledges the lived experiences of Irish women and children who were in former mother and baby institutions in the last century and stands in solidarity with all former residents, and their loved ones;

recognises that the Government established the Commission of Investigation (Mother and Baby Homes and certain related Matters) in February 2015, to provide an objective account of what happened to vulnerable women and children in these institutions during the period 1922 to 1998;

also acknowledges that the current statutory investigation was established following a motion passed by Dáil Éireann on 28th January, 2015, to approve the draft Government Order for the establishment of the Commission, including, its terms of reference;

also recognises that the Commission has a focused remit to examine areas of practice and procedure in the care, welfare, entry arrangements and exit pathways for the women and children who were residents of named institutions and a representative sample of County

Homes;

endorses the important work to date by the independent statutory Commission, including the submission of five interim reports which reflect the sheer depth and complexity of the work being undertaken in comprehensively investigating these matters at a level never before possible; and

further acknowledges that many former residents and their families understand the scale of this statutory investigation, and recognises this unique opportunity to bring greater clarity and enhance national understanding of the most difficult experiences endured by vulnerable mothers and children;

further recognises that:

— a significant focus of the Commission’s work is to investigate institutional patterns of referral and relationships with intermediaries involved in the placement of children who did not remain with their parents, with scope to examine whether the child’s parentage was concealed, either by omission or by illegal means;

— when the Commission’s cross-referencing of records is complete it should provide as comprehensive an account as is possible of the pathways of the children concerned;

— the Commission has the legal authority to address crucial questions to the fullest extent possible in seeking to provide the answers to which former residents are entitled, and the scope to make any recommendations to the Government which the Commission deems appropriate;

— the interests of former residents, their families and the wider public, are best served by facilitating the Commission to conclude all relevant lines of inquiry, including the social history and Confidential Committee modules, in accordance with the legal framework under which it was established;

— the Commission has not made findings to date regarding abuse or neglect within these institutions;

— it is crucially important for the Oireachtas to avoid pre-empting or otherwise encroaching upon the independent Commission’s work;

— the Commission’s final report, which is due for completion by February 2020, is absolutely necessary to inform the State’s response to these matters; and

— the Government has committed to a comprehensive, timely and appropriate response to the full conclusions of the Commission, but it is not feasible to consider matters as complex as redress in advance of the Commission’s final report;

welcomes:

— the Government’s compassion for the dignity of the deceased and the legislative work being progressed to provide a statutory basis for the forensic-standard excavation, exhumation and identification of juvenile human remains discovered at the site of the former Mother and Baby Home at Tuam, Co. Galway;

— the Minister for Children and Youth Affairs’ efforts to be open and transparent regard-

16 May 2019

ing the discovery of illegal birth registrations, evidenced by the decision that Tusla would make contact with all those affected by illegal registrations discovered in the St Patrick's Guild files;

— the sensitivity being exercised in contacting those affected, the social work and counselling assistance that is in place to help; and

— the leadership of the Minister for Children and Youth Affairs in directing that a review of a sample of files be undertaken, overseen by an independent reviewer, to ascertain whether any similar evidence of illegal birth registrations is evident on files of other bodies involved in adoption; and

further again recognises and affirms:

— the resilience and agency of former residents, their families and supporters in seeking justice and truth in relation to these events and their experiences;

— the new and innovative approaches by the Minister for Children and Youth Affairs to engagement with former residents and their families, in particular through the establishment of the Collaborative Forum on Mother and Baby Homes, which has facilitated former residents to identify, discuss and prioritise the issues of concern to them and their families;

— that former residents are equal stakeholders in this participant-centred work, which the Minister for Children and Youth Affairs believes can have a lasting and positive impact; and

— the coordinated approach by Government to conduct a comprehensive analysis of the Collaborative Forum's published recommendations, together with a specific process and timeline for developing a package of health and well-being supports and a series of initial measures, including:

— the development of a programme of memorialisation;

— the commissioning of research on language and terminology; and

— continued action to improve access to birth information through reforms of adoption legislation.”

- (Minister for Children and Youth Affairs).

An Ceann Comhairle: I must now deal with a postponed division relating to the motion on mother and child homes. On Wednesday, 15 May 2019, on the question that the amendment to the motion be agreed to, a division was claimed and, in accordance with Standing Order 70(2), that division must be taken now.

Amendment put:

<i>The Dáil divided: Tá, 37; Níl, 61; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Bailey, Maria.</i>	<i>Aylward, Bobby.</i>	
<i>Barrett, Seán.</i>	<i>Barry, Mick.</i>	
<i>Brophy, Colm.</i>	<i>Boyd Barrett, Richard.</i>	

Dáil Éireann

<i>Burke, Peter.</i>	<i>Brady, John.</i>	
<i>Byrne, Catherine.</i>	<i>Brassil, John.</i>	
<i>Cannon, Ciarán.</i>	<i>Breathnach, Declan.</i>	
<i>Carey, Joe.</i>	<i>Broughan, Thomas P.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>Browne, James.</i>	
<i>Coveney, Simon.</i>	<i>Buckley, Pat.</i>	
<i>D'Arcy, Michael.</i>	<i>Burton, Joan.</i>	
<i>Deering, Pat.</i>	<i>Butler, Mary.</i>	
<i>Doherty, Regina.</i>	<i>Byrne, Thomas.</i>	
<i>Durkan, Bernard J.</i>	<i>Calleary, Dara.</i>	
<i>English, Damien.</i>	<i>Cassells, Shane.</i>	
<i>Farrell, Alan.</i>	<i>Chambers, Jack.</i>	
<i>Flanagan, Charles.</i>	<i>Chambers, Lisa.</i>	
<i>Griffin, Brendan.</i>	<i>Connolly, Catherine.</i>	
<i>Halligan, John.</i>	<i>Coppinger, Ruth.</i>	
<i>Harris, Simon.</i>	<i>Cowen, Barry.</i>	
<i>Kehoe, Paul.</i>	<i>Crowe, Seán.</i>	
<i>Kyne, Seán.</i>	<i>Cullinane, David.</i>	
<i>Lowry, Michael.</i>	<i>Curran, John.</i>	
<i>Madigan, Josepha.</i>	<i>Daly, Clare.</i>	
<i>McGrath, Finian.</i>	<i>Doherty, Pearse.</i>	
<i>McHugh, Joe.</i>	<i>Donnelly, Stephen.</i>	
<i>McLoughlin, Tony.</i>	<i>Dooley, Timmy.</i>	
<i>Murphy, Eoghan.</i>	<i>Ellis, Dessie.</i>	
<i>Naughton, Hildegarde.</i>	<i>Ferris, Martin.</i>	
<i>Neville, Tom.</i>	<i>Fitzpatrick, Peter.</i>	
<i>Noonan, Michael.</i>	<i>Funchion, Kathleen.</i>	
<i>O'Connell, Kate.</i>	<i>Harty, Michael.</i>	
<i>O'Dowd, Fergus.</i>	<i>Haughey, Seán.</i>	
<i>Phelan, John Paul.</i>	<i>Healy, Seamus.</i>	
<i>Rock, Noel.</i>	<i>Kenny, Gino.</i>	
<i>Ross, Shane.</i>	<i>Kenny, Martin.</i>	
<i>Stanton, David.</i>	<i>Lawless, James.</i>	
<i>Zappone, Katherine.</i>	<i>McDonald, Mary Lou.</i>	
	<i>McGrath, Michael.</i>	
	<i>Mitchell, Denise.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Munster, Imelda.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Murphy, Catherine.</i>	
	<i>Murphy, Eugene.</i>	

16 May 2019

	<i>Murphy, Paul.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Brien, Jonathan.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Keeffe, Kevin.</i>	
	<i>O'Loughlin, Fiona.</i>	
	<i>O'Reilly, Louise.</i>	
	<i>O'Sullivan, Jan.</i>	
	<i>O'Sullivan, Maureen.</i>	
	<i>Ó Broin, Eoin.</i>	
	<i>Ó Laoghaire, Donnchadh.</i>	
	<i>Ó Snodaigh, Aengus.</i>	
	<i>Pringle, Thomas.</i>	
	<i>Ryan, Brendan.</i>	
	<i>Shortall, Róisín.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Stanley, Brian.</i>	

Tellers: Tá, Deputies Seán Kyne and Tony McLoughlin; Níl, Deputies Clare Daly and Catherine Connolly.

Amendment declared lost.

2 o'clock

Deputy Michael Moynihan: I move amendment No. 2:

To delete all words after “further notes that” and substitute the following:

“— the Commission of Investigation (Mother and Baby Homes and certain related Matters) was established by the previous Government in 2015, in order to fully investigate and report upon practices within Mother and Baby Homes;

— the Commission of Investigation was due to make its final report on its findings in February 2018, a date which has twice been delayed in order to permit the Commission of Investigation to complete its investigation;

— the terms of reference of the Commission of Investigation state that the Commission may ‘include in its reports any recommendation that it considers appropriate’;

— the Commission of Investigation is required to investigate and cross-reference records regarding the paths through which mothers and children exited, and in the case of mothers, entered, these institutions; and

— a considerable number of Mother and Baby Home survivors are in their advanced years, and they are understandably keen that the report of the Commission of Investigation be published as soon as possible; and

calls on the Government to:

— immediately provide counselling and other mental health services to survivors of Mother and Baby Homes, in order to support them at this remarkably difficult time; and

— ensure that the Commission of Investigation into Mother and Baby Homes is provided with the resources needed to promptly complete its final report and release it into the public domain.”

Amendment put:

<i>The Dáil divided: Tá, 65; Níl, 33; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Aylward, Bobby.</i>	<i>Barry, Mick.</i>	
<i>Bailey, Maria.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Barrett, Seán.</i>	<i>Brady, John.</i>	
<i>Brassil, John.</i>	<i>Broughan, Thomas P.</i>	
<i>Breathnach, Declan.</i>	<i>Buckley, Pat.</i>	
<i>Brophy, Colm.</i>	<i>Burton, Joan.</i>	
<i>Browne, James.</i>	<i>Connolly, Catherine.</i>	
<i>Burke, Peter.</i>	<i>Coppinger, Ruth.</i>	
<i>Butler, Mary.</i>	<i>Crowe, Seán.</i>	
<i>Byrne, Catherine.</i>	<i>Cullinane, David.</i>	
<i>Byrne, Thomas.</i>	<i>Daly, Clare.</i>	
<i>Calleary, Dara.</i>	<i>Ellis, Dessie.</i>	
<i>Cannon, Ciarán.</i>	<i>Ferris, Martin.</i>	
<i>Carey, Joe.</i>	<i>Funchion, Kathleen.</i>	
<i>Cassells, Shane.</i>	<i>Harty, Michael.</i>	
<i>Chambers, Jack.</i>	<i>Healy, Seamus.</i>	
<i>Chambers, Lisa.</i>	<i>Kenny, Gino.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>Kenny, Martin.</i>	
<i>Coveney, Simon.</i>	<i>McDonald, Mary Lou.</i>	
<i>Cowen, Barry.</i>	<i>Mitchell, Denise.</i>	
<i>Curran, John.</i>	<i>Munster, Imelda.</i>	
<i>D’Arcy, Michael.</i>	<i>Murphy, Catherine.</i>	
<i>Deering, Pat.</i>	<i>Murphy, Paul.</i>	
<i>Doherty, Regina.</i>	<i>O’Brien, Jonathan.</i>	
<i>Donnelly, Stephen.</i>	<i>O’Reilly, Louise.</i>	
<i>Dooley, Timmy.</i>	<i>O’Sullivan, Jan.</i>	
<i>Durkan, Bernard J.</i>	<i>O’Sullivan, Maureen.</i>	
<i>English, Damien.</i>	<i>Ó Broin, Eoin.</i>	
<i>Farrell, Alan.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Flanagan, Charles.</i>	<i>Pringle, Thomas.</i>	

16 May 2019

<i>Griffin, Brendan.</i>	<i>Ryan, Brendan.</i>	
<i>Halligan, John.</i>	<i>Shortall, Róisín.</i>	
<i>Harris, Simon.</i>		
<i>Haughey, Seán.</i>		
<i>Heydon, Martin.</i>		
<i>Kehoe, Paul.</i>		
<i>Kyne, Seán.</i>		
<i>Lawless, James.</i>		
<i>Lowry, Michael.</i>		
<i>Madigan, Josepha.</i>		
<i>McGrath, Finian.</i>		
<i>McGrath, Michael.</i>		
<i>McHugh, Joe.</i>		
<i>McLoughlin, Tony.</i>		
<i>Mitchell O'Connor, Mary.</i>		
<i>Moynihan, Michael.</i>		
<i>Murphy O'Mahony, Margaret.</i>		
<i>Murphy, Eoghan.</i>		
<i>Murphy, Eugene.</i>		
<i>Naughton, Hildegarde.</i>		
<i>Neville, Tom.</i>		
<i>Noonan, Michael.</i>		
<i>O'Brien, Darragh.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Keeffe, Kevin.</i>		
<i>O'Loughlin, Fiona.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Rock, Noel.</i>		
<i>Ross, Shane.</i>		
<i>Smyth, Niamh.</i>		
<i>Stanton, David.</i>		
<i>Zappone, Katherine.</i>		

Tellers: Tá, Deputies Michael Moynihan and Shane Cassells; Níl, Deputies Clare Daly and Denise Mitchell.

Amendment declared carried.

Motion, as amended, agreed to.

Sitting suspended at 2.10 p.m. and resumed at 2.50 p.m.

Treatment of Cancer (Advertisements) Bill 2018: Second Stage (Resumed) [Private Members]

Question again proposed: “That the Bill be now read a Second Time.”

Deputy Maureen O’Sullivan: Returning to my previous point, I acknowledge that there have been amazing advances in treatments for cancer and that cancer is not the death sentence it once was. Everybody here has family or friends who have experienced cancer. We know the range of treatments. If plan A does not work, there can be a plan B and a plan C. However, it is not easy dealing with cancer. We know about the side effects, which are particularly difficult for some cancer patients. We know that some of the drugs people are on are toxic and if people are on them for a particularly long time, some of them will experience pretty dire side effects. It is a balancing act between the drugs that are dealing with the cancer and what those drugs are doing to the person’s body.

I can understand why those diagnosed with cancer will turn to alternatives alongside or perhaps instead of conventional treatments. We know there are other treatments that are very positive. They include aromatherapy, reflexology, acupuncture, tai chi, mindfulness, yoga and meditation. I think we can all agree that mental attitude is very important when we are coping with an illness. All of these alternative treatments are very helpful for many people in conjunction with but also instead of conventional treatments if that is the decision they make.

With regard to the explanatory memorandum, the Bill has a narrow remit, which is to ensure that patients are not given false hope through advertisements for treatments that have no scientific credence. However, even with regard to treatments that have scientific credence, science is not perfect. Hope can be relative and I would not like to destroy anybody’s hope by telling people they cannot do this or that. While we need a deterrent for unscrupulous businesses advertising treatments that are taking advantage of cancer sufferers, the big pharmaceutical companies are also taking advantage of cancer patients by charging extortionate prices for drugs. During Leaders’ Questions yesterday, I raised the issue of how our publicly funded universities and research institutes do the work to create these drugs and then sell the patent to pharmaceutical companies. The universities and research institutes need more capacity building and support to enable them to include conditionality with the patent and ensure the drugs in question are accessible and affordable. I gave the example yesterday of a new drug for cancer developed by the University of Pennsylvania at a cost of \$150,000. Novartis is now selling it for \$475,000. There are many similar examples of this practice. The research and development is publicly funded but after that, there is a gap and pharmaceutical companies can do what they like. We know they are driven by their shareholders’ profit.

The other difficulty cancer patients face is delays in accessing medicines. We know that there is a median 623-day wait between the licensing of new oncology medicines by the European Medicines Agency and the date on which they are made available in Ireland. Within the European Union, only Portugal, Lithuania and Estonia experience longer delays. A total of 42% of new oncology medicines licensed by the European Medicines Agency between 2015 and 2017 were available in Ireland in 2018 compared with 68% in Belgium, 94% in Austria and the Netherlands and 97% in Germany and the UK. I know from the Taoiseach’s reply yesterday that Ireland is involved in the BeNeLuxA initiative, which involves collective bargaining and that is really good. In 2016, the European Council under the Dutch Presidency made some very strong recommendations. If it could be on the Irish agenda to push that to get the momentum

going, implementation in place and a co-ordinating mechanism, that would be very helpful.

Returning to the Bill, I was contacted, as were others, by the Irish Association of Master Medical Herbalists. The association is concerned that the Bill could have unforeseen and unintended consequences, particularly for the complementary and alternative medicines sectors and therapists. It is of the view that the application of the proposed legislation, as it is currently constituted, could be used to clamp down on these practitioners or, under the most extreme interpretation, prohibit them from practising. We must respect those who, for many reasons, take the decision not to use drugs and ensure they are supported in what they have decided to do. The Bill needs to strike a balance by enabling people to try the alternative route while ensuring they are not taken advantage of by those who are out to make money under false pretences.

We have spoken about cancer and I acknowledge the work of oncologists, particularly oncology nurses. We need trained oncology nurses to be involved with patients so that we do not rely on nurses in training.

It is difficult to discuss this Bill with its narrow remit without looking at the wider aspects of cancer treatment such as the availability, affordability and accessibility of drugs. We must also take into account people's views and beliefs, which must be respected. We know that mental attitude is very important so if I, as a person with cancer, believe that "A" is the road for me, that must be respected, while keeping in mind the need for balance. Advertising claims of health benefits without proof are very damaging, particularly if they impact on people's already fragile health.

Minister for Health (Deputy Simon Harris): I thank Deputy O'Connell for introducing this Bill. I was sorry that I could not attend the beginning of the debate but I am very pleased to have the opportunity to be here this afternoon. I will start with the issue raised by Deputy Maureen O'Sullivan, namely, the cost of drugs. She very kindly and accurately noted that Ireland has joined the BeNeLuxA initiative, which is a potential game changer for our country in terms of access to medicines because we have joined with Belgium, the Netherlands, Luxembourg and Austria to work together, not just potentially on the procurement of drugs but also on sharing information and horizon scanning. Yesterday and the day before, officials from all of those countries met at a gathering hosted by the Department of Health to look at how we can put in place a horizon scanning initiative to identify what new medicines are coming on to the market over the next 12 months and plan how we will ensure citizens can access them. That is really encouraging.

Deputy Maureen O'Sullivan makes a fair point because none of us, including Deputy O'Connell, wishes for there to be any unintended consequences. Of course, people can access various therapies. That is not in dispute here. The aim is to ensure no false linkages are made between accessing those therapies and a claim that something is a treatment for cancer. We have all seen, as Deputy O'Sullivan stated, the potential for false claims or, on some occasions, manipulation of somebody in a very vulnerable position. That is the balance we are trying to strike. This is never about blaming the patient or citizen. Rather, it is about safeguarding our citizens and making sure they have accurate information regarding medical and scientific advice on how we cure and treat cancer. There is only really one source of factual information about how we can treat and cure cancer, namely, our medical and scientific communities.

I know this Bill is of great interest not only in this House but also to cancer patients, advocacy groups, families of cancer patients and the medical professionals who care for cancer

patients.

These are people who are committed to providing professional, high quality and appropriate treatments to patients in their care.

I thank all Deputies for contributing to the debate on this issue today and I particularly commend my colleague, Deputy Kate O’Connell, on her leadership yet again on another really important public health matter. I know she put much work into developing this Bill and engaged with a number of advocacy groups and patient organisations to get the Bill to this point. I assure her of my support as we work together to ensure we can advance the objectives that this Bill outlines. Under the National Cancer Strategy 2017-2026, the primary aim for all cancer services is to provide evidence-based care that is effective, safe, of high quality, patient-centred and fully supported by national standards and clinical guidelines. That is the goal of the national policy. There will be no tolerance for anything other than this professional standard of care and the intention of the Bill as presented has a similar objective, which I highly commend.

Whereas the aim of the Bill is in line with the national cancer strategy regarding the standard of patient care expected, there are some aspects of the Deputy’s Bill, as outlined by my colleague, the Minister of State, Deputy Catherine Byrne, requiring further examination. I am pleased that Deputy O’Connell and I will work together with officials in the Department of Health to develop an approach to progressing its aims. I hope the health committee will do some pre-legislative scrutiny on the Bill as well. The aim of this Bill is to stop vulnerable people being targeted by falsehoods and untruths. Unfortunately, we have seen the effect of similar tactics of using misinformation when it comes to vaccination. The effect of anti-vaccination myths is apparent, and it is sad that those myths are sometimes advocated by people in this House as well. I have called for a cross-party motion supporting our childhood immunisation programme and our human papillomavirus vaccine, and I hope all Deputies in the House will sign up to it and stop putting forward the spin of “anti-vaxxers”. That has a very damaging effect on the health and well-being of our children and our population at large, not just in Ireland but globally. There is a responsibility on us all and particularly those of us who hold public office to prevent the spread of this dangerous nonsense.

I welcome the fact that some social media giants have responded to the call for action made by me, Deputy O’Connell and others. They have a responsibility to ensure they do not become a platform for misinformation and I welcome the fact that some of them have made progress in that regard. I call on the rest of those companies to join in being much more responsible in that regard. The onus does not stop with social media giants and there is a responsibility on those in the media to call out politicians or leaders who spread misinformation and nonsense about vaccination. There is no doubt the Government has a responsibility to work with clinical leaders to protect public health but all of us in this House, and in the wider sphere as citizens, have responsibilities to the greater public good. Deputy O’Connell has been a leader in this area and she continues to fight for patients and against those who target them with falsehoods and misinformation. I am very proud to stand with her and I look forward to working with her to ensure the intent of the Bill is delivered to the public and, most important, to those cancer patients and their families who are battling with cancer in all its forms. They must face enough struggle in the fight against cancer without being targeted with falsehoods and misinformation. That is why I am proud to support the objectives of this Bill and I look forward to working constructively with the Deputy to ensure its objectives are brought into law.

16 May 2019

Question put and agreed to.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

An Ceann Comhairle: I wish to advise the House of the following matter in respect of which notice has been given under Standing Order 29A and the name of the Member: (1) Deputy Fiona O'Loughlin - the current situation of the new school building at St. Paul's secondary school in Monasterevin. The matter raised by the Deputy has been selected for discussion.

Saincheisteanna Tráthúla - Topical Issue Debate

Schools Building Projects Status

Deputy Fiona O'Loughlin: I note I have the only Topical Issue today and the Minister of State is doing her usual Thursday slot dealing with matters of education as well as the health matters she normally addresses. I have spoken on this matter over a number of months and I have had the opportunity to speak about the position of St. Paul's secondary school both here in the Chamber and at a meeting of the education committee. St. Paul's secondary school is an excellent school and the quality of education there is top class. There is a very committed principal and staff of teachers who are also top class. However, the physical structure of the building is in an appalling condition and the school was practically condemned at one stage when it suffered a fire. It was stated at the time that the school building was not fit for purpose but many years later it is still there.

The number of students has doubled over ten years and there are only two toilet cubicles for 207 boys, which is shocking. I have spoken to parents who have said children come home who are afraid to go to the toilet during the school day. Teachers have no staff room and they must mark copies sitting in their cars. There are old and damp prefabs still in use and there are no parking spaces for teachers either. Mr. Brian Bergin, the excellent principal at St. Paul's, has been before the education committee to outline how the school has arrived at this point. He has outlined his frustration, along with that of the board of management, students, parents and teachers, at having waited so long for a new building. There is a high level of anger and frustration in Monasterevin and its surrounding areas because of this. The school feels incredibly let down. I have visited it a number of times. I was there recently with Deputy Micheál Martin to meet the parents' action group, the students and Brian Bergin. Deputy Martin was shocked by what he witnessed.

The situation is unfortunate and was exacerbated by a legal case that was initiated through the pre-tendering process in November 2018 and only finished this year. This created very significant concerns about the delays in commencing the new school building, and we need some reassurance in this regard. At the end of April we learned that the pre-qualification tendering had been advertised once again. The closing date for tendering requests is Monday, 27 May, and the process can take 18 months to complete fully. This could mean that the school will be completed by mid-2021. However, I was looking at the school's website earlier and I saw

that a commitment had been made by a previous Minister for Education and Skills in 2013 that the school would be completed by 2015. If the current tendering is successful, though, we are looking at mid 2021. I will go into a separate issue, the lease and the acquisition of land, in my supplementary contribution.

I appreciate that the Minister of State is not a Minister in the Department of Education and Skills but I want to know when we will have a completion date for this school. I hope she can give us some information or some news in this regard.

Minister of State at the Department of Health (Deputy Catherine Byrne): I apologise on behalf of the Minister, Deputy McHugh, who unfortunately had to be somewhere else.

I thank the Deputy for raising this matter as it provides me with the opportunity to outline to the Dáil the current position regarding the major building project for St. Paul's secondary school, Monasterevin. This project is included in the Department of Education and Skills' construction programme, which is being delivered under the national development plan. The project brief is for a new-build 850-pupil post-primary school on a greenfield site. The major building project for this school is at an advanced stage of architectural planning, namely, stage 2(b) - detailed design. This stage includes the applications for planning permission, a fire certificate and a disability certificate and the preparation of tender documents. All statutory approvals have been secured.

Has Deputy O'Loughlin received a copy of the reply?

Deputy Fiona O'Loughlin: No.

Deputy Catherine Byrne: There seems to be a problem getting her a copy. One was supposed to be given to her.

Deputy Fiona O'Loughlin: I am listening to the Minister of State anyway.

Deputy Catherine Byrne: I am sorry. I will just continue.

The current status of the project is that the design team has recently been authorised to commence the pre-qualification of contractors process to select shortlists of contractors for the main contract. The notice was published on the e-tenders platform on 26 April, with responses due on 27 May 2019. When the pre-qualification process for the main contract and reserved specialists contracts is complete, the project will be progressed to tender stage. A tender stage normally takes, as Deputy O'Loughlin said, between seven and eight months to complete.

Pending the delivery of the major building project, the Department earlier this year sanctioned additional temporary accommodation for this year and next year, which will be delivered by the design team. Additional off-site car parking has also recently been approved by the Department to facilitate the school until the new building has been completed. Department officials have met twice with school representatives in recent months and continue to be in regular contact with the school regarding the progression of this major building project. The Minister, Deputy McHugh, has recently agreed a date with the school for a visit, which is scheduled to take place early in the 2019-2020 academic year.

Regarding the site acquisition, legal representatives for both parties are working together with a view to concluding the conveyancing. There continues to be progress on foot of close and intense engagement from all parties. All parties continue the work to ensure the acquisition

16 May 2019

is completed at the earliest possible date. At this point it is not anticipated that the completion of conveyancing will impact on the timelines for delivery of the building project. The Department is fully committed to completing the project as soon as possible.

I will come back on some of the Deputy's other comments.

Deputy Fiona O'Loughlin: I thank the Minister of State. At the last public meeting I was at - it was attended by candidates for the local elections from all parties and none - a commitment was made that the Minister would visit the school. I know what the Minister of State is saying, that he will visit the school in the next academic year, but how long is a piece of string? I know he visited some schools in the same constituency this morning. I was not invited to join any of those visits. I will make the point, which I made at the public meeting, that when the Minister visits St. Paul's, everyone who is involved in supporting the school, including the teachers and the pupils, should be at that meeting. This has gone on for so long.

I have also sought a meeting with the Department in Tullamore, and I was quite shocked when the meeting was turned down. I was told I had to go to the Minister's office to get him to agree to a meeting. The Minister's office came back to me and said there was no need for a meeting. I took the matter up with the Minister's adviser who I rang no less than three times. He said he would arrange the meeting, but there has still been no meeting. I then took the matter up with the Minister. Any Deputy who has concerns about a school in his or her constituency should be able to get a meeting with the Department. Particularly in my role as Chairman of the Joint Committee on Education and Skills, I was extremely disappointed I was not afforded the courtesy of a meeting.

Moving on to the second aspect I mentioned, the lease regarding the site has still not been finalised. The site has been looked at for more than ten years. I put this question in to the Minister's office on an ongoing basis and I get the very same response every time, and it is this:

Regarding the site, legal representatives for both parties are working together with a view to concluding the conveyancing. There has been significant progress recently on foot of close and intensive engagement from all parties.

I have been getting this response for over a year. It is simply not good enough. In one oral conversation I had with someone senior in the Department prior to Christmas or possibly just afterwards, they indicated to me that because there had been the delay caused by the court case, people took their eye off the ball and they would only start back looking at it then. This is absolutely disgraceful. The site has been looked at for over ten years and many issues regarding roads and access have been successfully dealt with in conjunction with Kildare County Council, so a lot of money has been spent on the site. There is, however, a real fear on the part of the community and the school, when they see there is no sign of anything being signed, that this will not be delivered. I have more faith than that, but it is a ridiculous situation and we absolutely need more elaboration and a timeline regarding the site.

Deputy Catherine Byrne: I will refer back to my statement. I am sorry if the Deputy still does not have a copy of it. Did she not get a copy?

Deputy Fiona O'Loughlin: I did.

Deputy Catherine Byrne: It states at the end, "At this point it is not anticipated that the completion of conveyancing will impact on the timelines for delivery of the building project."

That is positive. In addition, I looked to see if there was a date here for a visit to the school, and I think there is if the Deputy just-----

Deputy Fiona O'Loughlin: No. The Minister of State said earlier that it would take place during the academic year 2019-2020.

Deputy Catherine Byrne: Yes, but I have a date here. It states here that the date agreed is early in the 2019-2020 academic year, and beside that the date 2 October 2019 is written.

Deputy Fiona O'Loughlin: The Minister of State has a date. That is great. I thank her.

Deputy Catherine Byrne: I hope that is helpful to the Deputy. I am afraid I cannot give her any further information but I have taken notes and I will bring her concerns to the Minister's attention. I know she spoke to the Minister herself recently.

Deputy Fiona O'Loughlin: I did.

Deputy Catherine Byrne: I agree with her that a school with so many students only having two toilets in this day and age is a very difficult situation, not only for the students and the parents, but also for the teachers. I will raise the matter again with the Minister.

Deputy Fiona O'Loughlin: Will she, please?

Deputy Catherine Byrne: I believe that as part of the summer works programme there can be additional funding for toilets, so perhaps some avenue might be pursued with the Deputy in that regard. I am pursuing such an avenue with another school.

Deputy Charles Flanagan: The Ceann Comhairle is listening attentively to this debate.

Deputy Catherine Byrne: Yes, indeed.

An Ceann Comhairle: Of course.

Deputy Catherine Byrne: I thank the Deputy again. I will raise her concerns with the Minister.

Property Services (Regulation) (Amendment) (Management Company Regulation) Bill 2018: Second Stage [Private Members]

Deputy Darragh O'Brien: I move: "That the Bill be now read a Second Time."

I thank the Minister for Justice and Equality, Deputy Flanagan, for attending this debate. I will briefly address what this Bill is intended to do. I am introducing this Bill to support apartment and homeowners who live in estates managed by owner management companies. I refer in particular to those directors who ensure these developments are well run. The Bill will set up an ombudsman for owner management companies and that body will help train board members, assist in dispute resolution and make recommendations on the future development of the sector.

The ombudsman for owner management companies will be based within the Property Services Regulatory Authority, PSRA. We have costed the establishment of the ombudsman and

16 May 2019

the estimated running cost is €500,000 per annum. The Bill will bring owner management company law up to scratch and will make it much more effective in helping to improve quality of life in these developments. At the outset, I thank all the people who have contributed to this Bill and, in particular, the Apartment Owners Network which has appeared before the housing committee on a number of occasions. More than 500,000 people around the country, and I am one of them, live in estates and developments managed by owner management companies. That is a significant part of the population. These owner management companies run the developments and set the budgets, fees and priorities. All these owner management companies are run by volunteers who freely give of their time to improve the quality of life in their estates. Managing agents are retained to provide professional help with that.

This area has many issues, however. I have described it previously as a ticking time bomb in respect of sinking fund provisions but I will come to that issue later. The directors of these owner management companies carry out complicated duties. They are ruled by a dense thicket of company law and they fall between several stools at departmental level. Directors have significant obligations and little or no Government support in helping them carry out those duties. This Bill seeks to support volunteer directors by setting up an ombudsman to provide expert advice and resolve internal issues that may arise from time to time. The ombudsman would also make recommendations to the Government on owner management company regulation and help to enhance governance and standards in owner management companies.

This Fianna Fáil Bill forms part of a broader suite of policy measures I have brought forward on behalf of my party to assist people living in apartments and managed estates. Those other measures include the Management Fees (Local Property Tax) Relief Bill 2018 which has passed Second Stage and proposes that marginal relief be given on property tax to avoid double charging for services for principal private residences, reform of owner management company regulation, the strengthening of sinking fund requirements and the provision of a new deal for tenants and landlords.

I will go through some of the provisions of the Bill. A recent submission to the Oireachtas Joint Committee on Housing, Planning and Local Government from the Apartment Owners Network and the Society of Chartered Surveyors in Ireland estimated, as I mentioned earlier, that about 500,000 people live in these developments. Since 1 April 2011, the Multi-Unit Developments Act 2011, known to us all as the MUDs Act, regulates the ownership and management of the common areas of multi-unit developments and provides for the setting up of owner management companies to manage such areas. A multi-unit development is a development with at least five residential units where facilities for amenities and services are shared. The Act provides that owner management companies must be set up and the common areas of the development transferred to it by the developer who sells the units.

That Act and this Bill place a series of complex obligations on volunteer directors and leaves them straddling a couple of Departments under company law. My Bill aims to provide good governance within the owner management company sector, to provide information on the duties and responsibilities of owner management companies and to provide training to members of owner management companies. It also aims to make recommendations to the Minister for Business, Enterprise and Innovation on the regulation of owner management companies, including a recommendation that tenants living in multi-unit developments have representation, to assist in the reconciliation of disputes in owner management companies on a non-binding basis and to publish an annual report on the work of owner management companies. The Bill would also transfer responsibility for this sector from the Department of Justice and Equality to

the much more relevant Department of Housing, Planning and Local Government.

I thank the Minister for the engagement I have had with his officials in recent days. This Bill is to provide assistance to many people who urgently need it. Many managed estates across this country are effectively insolvent and others are underfunded. About 90% of managed estates have sinking funds that are insufficient to meet any issues that may arise. There are also issues with management fee collection as well as many other similar issues, a large proportion of which eventually end up in the courts. I do not believe that needs to happen in many of those cases, particularly if we had an ombudsman for this sector providing the type of advice which may be needed. This type of ombudsman exists in Britain, our nearest neighbour, and that body is funded by a small levy on each management fee paid. In Ireland, the fee to provide this service would be about €1 per management fee paid. That would be good value to assist in trying to regulate this sector properly and improve the quality of life of people living in these managed estates.

All of us have experience - I do in Dublin Fingal and I am sure that is also the case in counties Laois and Offaly - of managed estates that have been run down and volunteers who do not have the time or the expertise to be able to manage the day-to-day affairs of the estates and who have given up. I have come across another and more worrying situation quite regularly. I refer to estates where block insurance is not in place because fees have not been paid and consequently there is no money to pay for insurance. That is why Fianna Fáil has proposed, and had passed on Second Stage, a small reduction for principal private residences in the local property tax of one third of the management fee or €300, whichever is lower. That is recognition that in many instances people are paying the local property tax and management fees and are paying on the double for some services. The reduction would only apply if people had paid their management fees in full.

One other provision is also urgent. I refer to the need for all management companies to report on their sinking funds separately and have separate accounts for those sinking funds. We should heighten the provision for sinking funds in managed estates. Provision should also be made regarding what assistance local authorities will give to managed estates. In some instances, local authorities have been able to take over underground services such as foul water, drainage, public lighting, roads and paths. We should be setting guidelines concerning how local authorities should interact in those cases. If we do not get a grip on this sector, where 500,000 people live, we are storing up further problems to be faced in the future. I thank the Minister sincerely for his interaction and engagement on this legislation. I believe it will make a real difference to a significant portion of our population.

An Ceann Comhairle: I am supposed to call the Minister now but I wonder, however, since so few of us are here, if we might hear from Deputy Ó Snodaigh first and then from the Minister.

Minister for Justice and Equality (Deputy Charles Flanagan): That is fine.

Deputy Aengus Ó Snodaigh: Gabhaim buíochas don Aire agus don Teachta Darragh O'Brien as an mBille seo a chur os comhair an Tí agus as an deis a thabhairt dúinn an cheist chuibheasach simplí seo a phlé. Tá mé sásta go bhfuil an méid atá le rá ag mo pháirtí ag tacú go hiomlán leis an mBille. My understanding is that the Bill seeks to establish an ombudsman for owner management companies as outlined by Deputy Darragh O'Brien. It is intended to set up a body to train board members of owner management companies and to assist them in dispute resolution and in making recommendations on the future development and management

of the sector.

Any of us in this city and throughout the country who have dealt with management companies or been affected by them, or both, have seen how disparate is people's application to their responsibilities. We have seen how simple issues escalate that could have been resolved quickly. One of the important aspects of the Bill is that it aims to assist in dispute resolution. The owner of each residential unit is entitled to membership of the owners' management company and is generally entitled to one vote. Where alternative arrangements are already in operation, they may be continued provided that they are just and equitable. That is the key. There have been different models over the years and the sooner we get to a single, standard model that can be used for management companies generally, the better. A great deal of work has been done. Management companies were not a major issue prior to the commencement of the current century. It was not an issue of which I was aware before that. Once the Celtic tiger took off and people started to live more and more in apartment blocks, issues started to emerge and the matter came to occupy its current place of importance. It is taking up much more of our time and that of the Government than it should as we have tried to catch up with the need to legislate in this area. That is why I am enthusiastic in my support for the legislation.

Owners' management companies are involved in the conveyancing procedure for individual units. If a unit is subsequently sold or transferred to another person, membership of the management company should transfer automatically to the new owner. It should not be necessary to execute the transfer formally or to have it approved by the directors of the company. Again, that is a logical step but sometimes logic must be set down in law. Owners' management companies must comply with company law as well as with the specific obligations imposed by the Multi-Unit Developments Act 2011. All directors are limited to a term of three years. The main obligations of an owners' management company are extensive and include annual reporting, collection of service charges and dispute resolution. However, they are no more onerous than the obligations imposed in many other areas of company law and the like. As outlined by Deputy Darragh O'Brien, the Apartment Owners Network and the Society of Chartered Surveyors Ireland made a submission recently to the Joint Committee on Housing, Planning and Local Government. In that submission, they estimated that nearly 500,000 people lived in multi-unit developments in Ireland, the majority of which are run by owners' management companies. It is a substantial number of people who are dependent on such accommodation. It demonstrates the scale of the matter. I do not have the figure from 20 years ago but I can guarantee that it was a great deal smaller.

I understand that membership of the boards of owners' management companies is voluntary in nature and comes with a significant responsibility to the residents they represent. I have no doubt that there are significant complexities and challenges involved in trying to please everyone at all times. The role is similar to those of trustees in charitable companies and the members of other voluntary boards. In the past, such roles were not as onerous but now there is a greater responsibility on foot some of the issues that have emerged. Management company boards are no different. As such, education must be made available along with the necessary supports for those acting on boards in a voluntary capacity. They must not be left in the lurch and expected to accept blame when they have not had the training required to address any issues which arise. While owners' management companies are rightly governed by company law, board members are generally unfamiliar with its intricacies. The key is to ensure they have that education.

I agree with Deputy Darragh O'Brien that the Property Services Regulatory Authority has the capacity and is best placed to assist those who run these companies for the greater good of

those who dwell in multi-unit developments. It is proposed in section 2 of the Bill to extend the remit of the authority by including an advisory role which is key to provide the information and training required by board members. As a result, the issue of the resourcing of this additional role arises. While the proposed role would not be hugely onerous, it is important to be aware that when one extends the remit of any body, a small cost is generally involved. Perhaps the Minister will encourage his colleague, the Minister for Finance, to put the necessary funding in place to help the authority to develop this aspect of its remit as extensively and as quickly as possible. That would be in keeping with the intention to deliver this legislation as quickly as possible and without any delay. It cannot be delivered quickly if the resources are not in place.

Minister for Justice and Equality (Deputy Charles Flanagan): I acknowledge the importance of the Bill and the interest that Deputy Darragh O'Brien has taken in this matter over a long number of years. I thank him for tabling this Private Members' Bill which provides the House with the opportunity to discuss matters connected with the operation of owners' management companies, or OMCs, in multi-unit developments. We have seen a significant increase in the number of multi-unit developments in recent times and this trend is set to continue. Large numbers of people are now living in apartments in multi-unit developments in cities and towns all over Ireland. It is essential, therefore, that our legislation provides a supportive and sustainable framework for apartment living and that it is kept up to date and relevant to the needs of those who, whether as owner-occupiers or tenants, live in apartments. This includes the company laws that underpin OMCs and their activities. Particularly welcome is the emphasis in the Bill on the promotion of good governance in the management of OMCs, the provision of information and training services and the resolution of disputes by means of mediation rather than through costly and possibly lengthy legal proceedings.

I assure Deputy Darragh O'Brien that the Government is supportive of the aims and objectives of the Bill. However, which is not a word I like to use as it is a bit like inserting a "but"-----

An Ceann Comhairle: Is this the amendment coming?

Deputy Charles Flanagan: Let me rephrase. I strongly support the Bill and am very keen to work with Deputy Darragh O'Brien to improve it. As drafted, the Bill requires a fair degree of analysis to ensure that it can be effective in achieving its aims. In this context, the policy experts in my Department have identified a number of legal and practical difficulties that will necessitate detailed consultation with the Office of the Attorney General and the Office of the Parliamentary Counsel. In particular, I am anxious to reduce as far as possible the risk of legal challenge to the imposition of functions on the Property Services Regulatory Authority that are unrelated to its current licensing function and the operation of its redress mechanisms. For that reason, I propose a six-month delay to permit my officials and me to engage with Deputy Darragh O'Brien on the detail of the Bill's provisions. The delay is for no other reason than that. I acknowledge the Deputy's goodwill regarding my suggestion. He and I enjoyed a previous working relationship in our respective roles in respect of the foreign affairs and trade portfolio and I am confident that we can work together to achieve a positive outcome.

The House will recall that statutory provisions relating to multi-unit developments are set out in the Multi-Unit Developments Act 2011. The 2011 contains provisions relating to the ownership and management of the common areas of such developments as well as a number of supplementary measures relating to management structures and dispute resolution. This Act imposes an obligation on developers to establish an OMC in respect of a multi-unit development prior to the sale of the first residential unit in the development. It means that the purchaser

of an apartment in such a development acquires a long lease on the residential unit and, in addition, he or she becomes a member of the OMC which owns the common areas of the development. On the sale of an apartment, membership of the OMC transfers automatically to the purchaser of the unit concerned.

The OMC model of ownership of common areas of a multi-unit development is based on the recommendations of a Law Reform Commission report published in 2008 titled “Multi-Unit Developments”. Publication of the Law Reform Commission recommendations was based on a lengthy consultation process during which all relevant stakeholders had the opportunity to make submissions. At that time, the Law Reform Commission did not recommend a specific oversight and enforcement mechanism for OMCs because such companies are subject to company law provisions, including their own memorandum of association, and are subject to oversight by the Company Registration Office and the Office of the Director of Corporate Enforcement.

The Law Reform Commission also pointed out that the then Consumer Protection Authority, now incorporated into the Competition and Consumer Protection Commission, had an important role to play in providing information and advice to intending purchasers of residential units in multi-unit developments. This is a real issue and I listened closely to what Deputy Darragh O’Brien said on the practical problems and challenges that arise on a day-to-day basis. I see these in my constituency office, for example, and saw them during the roll-out of many of these schemes. It is fair to say that they were organically rolled out in the context of Celtic tiger development. I engaged as a solicitor on some conveyancing issues and I acknowledge that there are still some practical issues to be resolved. Many of these arise from a lack of information and understanding and perhaps even a lack of appropriate training. It is extremely important in the context of further developments that we work on many of the problems identified by Deputy Darragh O’Brien. They are not unique and particular to the Dublin Bay North constituency and are very much evident in Kildare, as they are in my constituency of Laois-Offaly.

The 2011 Act acknowledges the risk of disputes arising in the enforcement of rights and the performance of obligations imposed by its provisions and makes provision for the resolution of such disputes in sections 24 to 28 of the Act. While the Act does not contain specific provisions in relation to mediation, it clearly encourages and supports the resolution of disputes by means of mediation by requiring any party intending to launch legal proceedings to state whether mediation or another dispute resolution process has been attempted in order to resolve the dispute. This is required under section 24(2), while section 27 provides that the court may, of its own motion or at the request of one of the parties, direct the parties to engage in a mediation conference in order to resolve their dispute. The Mediation Act 2017, which entered into force on 1 January 2018, has supplemented these specific mediation promoting provisions in the Multi-Unit Developments Act 2011. This Act seeks to promote and facilitate the settlement of disputes by mediation as an alternative to potentially costly and possibly lengthy legal proceedings.

For all of these reasons, I very much welcome the proposals made by Deputy Darragh O’Brien in his Bill, which seek to promote mediation as a means of resolving disputes relating to OMCs. The proposals in the Bill are entirely in line with the general approach of successive Governments to dealing with this issue.

At this point, I will briefly turn to some of the legal and practical issues that arise in the Bill as drafted, which will require detailed consultations with the Office of the Attorney General. I pledge to keep in close contact with Deputy O’Brien as matters develop. The role of the

Property Services Regulatory Authority is to operate a licensing system for auctioneers, estate agents and property management agents, and to investigate complaints in the provision by them of property services. It does not have a role in relation to OMCs. Where complaints are upheld by the authority, it may impose appropriate sanctions, which range from revocation or suspension of licences in the case of serious infringements to the issuing of cautions or reprimands in the case of less serious breaches. It does not operate a mediation service in respect of any of the property services that it controls and supervises. The authority comprises of not more than 11 members who hold office on a part-time basis.

Section 19 of the Property Services (Regulation) Act 2011, which was enacted in the same year as the Multi-Unit Developments Act, provides for the appointment of a chief executive to implement the policies and decisions of the authority and to manage and control the authority's staff, administration and business. In other words, there is a clear distinction drawn between the role of the part-time authority members and the functions of the professional staff, including the chief executive officer. This is the standard structure for public authorities of this kind.

At the heart of Deputy O'Brien's Bill is the proposal in section 3 to establish a new statutory office of ombudsman for management owner companies and to locate that office in the Property Services Regulatory Authority. This raises a number of questions. Apart from the appointment of such a person as an authority member, it is unclear how the appointee would function within the authority structure or whether staff, including the chief executive, would have any role in discharging the proposed ombudsman's functions. This will need to be teased out. A further issue arises regarding the authority's self-funding model based on licence fee income. Under section 25 of the Act, the authority is required to recover fees for the performance of functions and the provision of its services. This means that the ombudsman would be required to charge fees for his or her services. Otherwise, there would be a risk that the allocation of funding derived from licence fees towards the provision of services unrelated to the control and supervision of property services could result in legal challenges by licensees. Both of these matters, namely, the proposed role of the ombudsman within the authority and future funding arrangements, will necessitate, therefore, detailed consultations with the Office of the Attorney General. I will be happy to discuss these issues further with the Deputy once I have received these advices.

Insofar as specific functions of an ombudsman are concerned, it will also be important to avoid, as far as possible, overlap with or, more seriously, conflict with the functions of and services provided by other statutory bodies. For example, the Office of the Director of Corporate Enforcement has an important statutory duty to promote compliance with the Companies Acts and to bring those who flout company law provisions firmly to account. In like manner, the Competition and Consumer Protection Commission, in the exercise of its important consumer protection function, provides important information and guidance on OMCs on its website, including useful materials on service charges, sinking fund and the role of the developer, property management agents and house rules, all of which are subject to some challenge at present in respect of information, role, function and, more important, as Deputy O'Brien correctly stated, action to provide solutions.

I know Deputy O'Brien will be familiar with positive changes by the Residential Tenancies Board which now operates as a fast-track dispute resolution service based on telephone mediation. This is a free service designed to resolve disputes between tenants and landlords who have an issue with their tenancy. The process is not based on examining evidence or determining who is right or wrong but, rather, focuses on how parties can resolve their dispute by engaging together.

16 May 2019

Section 1 seeks to make provision for proxy voting in OMCs. However, I understand that section 183 of the Companies Act 2014 may already deal with that matter. Section 183(1) of the 2014 Act provides that any member of a company entitled to attend and vote at a meeting of the company shall be entitled to appoint another person, whether a member or not, as his or her proxy to attend and vote instead of him or her. In that context, there would not appear to be a need for this provision.

Before concluding, I again thank Deputy O'Brien for tabling this Bill. It is very important that the House consider these issues. I also listened closely to what Deputy Ó Snodaigh had to say and I welcome his contribution. I will be happy to deal with some of the issues raised by the Deputy and I will continue to do so in the context of the progression of this legislation.

As I indicated, I am broadly supportive of the aims and objectives of the Bill, especially its focus on promoting the resolution of disputes by means of mediation. However, as the Deputy will understand and appreciate, certain proposals in the Bill require deeper analysis and consideration, in particular the positioning of the ombudsman function within the membership of the Property Services Regulatory Authority as well as the future funding needs. For this reason, I have tabled a motion today to delay Second Stage of the Bill for a period of six months. This will allow me and officials in my Department to consult Deputy O'Brien to find a way forward. This timeframe will also allow necessary consultations with the Office of the Attorney General to take place. My office has already been in touch with Deputy O'Brien and I acknowledge what he said in that regard. It is my intention that we will be in a position to make early progress on these issues.

It only remains for me to move amendment No. 1.

An Ceann Comhairle: Thank you.

Deputy Charles Flanagan: I move amendment No. 1:

To delete all words after "That" and substitute the following:

"Dáil Éireann resolves that the Bill be deemed to be read a second time this day six months, to allow the Deputy to address shortcomings in the Bill including:

(a) further examination required as to whether the proposed establishment of an office of "Ombudsman for Management Companies" in the Property Services Regulatory Authority is the appropriate approach given existing legislation on Owners' Management Companies contained in the Multi-Unit Developments Act 2011;

(b) clarification that, if an Ombudsman is to be appointed, the proposed Bill does not impose functions on the Property Services Regulatory Authority that conflict with its existing statutory functions;

(c) clarification that, if an Ombudsman is to be appointed, concerning the relationship between the "Ombudsman for Management Companies" and the Property Services Regulatory Authority, as well as the Chief Executive and staff of the Property Services Regulatory Authority;

(d) clarification, if an Ombudsman is to be appointed, of the manner in which the Ombudsman function is to be funded;

(e) concerns regarding the proposal that the Ombudsman, if appointed, should assist in reaching resolutions of disputes in multi-unit developments, which would appear to conflict with the existing dispute resolution mechanism in the Multi-Unit Developments Act 2011 and the provisions of the Mediation Act 2017;

(f) consideration, if an Ombudsman is to be appointed, that the role of the Ombudsman does not conflict with the statutory functions of other bodies such as the Office of the Director of Corporate Enforcement.”.

Deputy Darragh O’Brien: I thank the Minister for his positive response. Work on the Bill is doubtless needed, particularly in view of the fact that it was drafted some time ago and selected by lottery. Nevertheless, and as we have all acknowledged, it is important. I also thank Deputy Ó Snodaigh and Sinn Féin for their support.

This issue applies throughout the country. We need to pass not only the Bill before the House but also a wider package of legislation to provide supports. The Bill will be a start in that regard. If an ombudsman for the sector is established, everything else will be able to flow from that one point of contact. Much work is required within the sector. Many residents in estates, particularly where management companies are bordering on insolvency and are not operating as they should, feel helpless and fall between the stools of local authorities and the Government. The type of office for which the Bill would make provision would, therefore, be of great assistance.

I will support the Minister’s amendment. It makes sense to try to get the legislation right. The Minister’s office has indicated that our first meeting with officials to tease out the Bill will be held the week after next. I welcome that we are not putting the matter on the long finger and I accept the bona fides of the Minister and his officials in the Department in the context of their engagement. I look forward to working with the Minister and Deputy Ó Snodaigh to ensure that what is provided for in the Bill becomes a reality.

Amendment agreed to.

Motion, as amended, agreed to.

The Dáil adjourned at 3.50 p.m. until 2 p.m. on Tuesday, 21 May 2019.