



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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# DÁIL ÉIREANN

*Dé Máirt, 21 Bealtaine 2019*

*Tuesday, 21 May 2019*

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

*Paidir.*

*Prayer.*

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## Ceisteanna ó Cheannairí - Leaders' Questions

**Deputy Michael McGrath:** The last fiscal assessment report from the Irish Fiscal Advisory Council was published in November 2018. It described the Government's medium-term budgetary plans as not credible. It said the Government's budgetary plans were not conducive to prudent economic and budgetary management.

The next report from the council will be due in approximately three weeks. It will make for interesting reading given what has emerged since the previous report was published six months ago. We now know the overall cost of the national children's hospital has spiralled to €1.73 billion and the Government is prepared to commit up to €3 billion on the national broadband plan. All of this is new information that was not accounted for in the previous budget. We have heard no plan for how these commitments will be funded. In fact, these two projects on their own leave a very big hole in the Government's numbers. We know from the Department of Public Expenditure and Reform memorandum of earlier this month as well as from parliamentary questions tabled by Deputy Barry Cowen that the national broadband plan contract would require almost an extra €500 million over the next three years alone to 2022. This comes to a total of €1.6 billion extra over the lifetime of the national development plan to 2027. The extra amount needed for the national children's hospital over the next three years is €385 million. Between the two of these the Government needs to find an extra €900 million over the next three years. The overall shortfall for these two projects is in the region of €2 billion over the lifetime of the national development plan. These are not Fianna Fáil's numbers. These are the numbers from the Government's spending watchdog, the Department of Public Expenditure and Reform.

Again, I wish to emphasise that these are additional costs, above and beyond what was provided for only a few months ago. On top of that, the Taoiseach made a political promise in recent months that he would give a €2.3 billion income tax cut in the lifetime of the next Government, if he was lucky enough to be leading it. In effect, the Government has made unfunded commitments of more than €4 billion over the next number of years. It seems to me that the

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Government is committing money it simply does not have, and these commitments are essentially unfunded. All of this is against the backdrop of most economists predicting that there will be a slowdown in growth over the coming years, that the risks we are facing are now on the downside, and that we need to plan accordingly. Most worryingly of all, the Tánaiste's report to Cabinet today states that the risk of a no-deal Brexit has never been greater.

Will the Taoiseach explain to the House, and more importantly to the people, how he is going to fund this shortfall of €900 million in the next three years, and indeed €4 billion out to 2027? If he is to keep his promises, then he has a few simple choices. He can raise taxes, cut spending, borrow more money, postpone or cut other capital projects, or he can simply hope that the booming corporation tax receipts we have enjoyed in recent years continue indefinitely. Which of these options is it?

**The Taoiseach:** I thank the Deputy. First, the Irish Fiscal Advisory Council, IFAC, is an independent body which the Government set up because we thought there should be an independent fiscal advisory council in the State. It was set up as part of the response to the financial and economic crisis which the Deputy's own party had a very large hand in creating in the first place and mishandling thereafter. Around the middle of June, the Minister for Finance, Deputy Donohoe, will present the summer economic statement in the normal way. The summer economic statement, as has been the case in previous years, will update our financial projections by taking developments in revenue, employment, expenditure, and so on into account. That will be presented in the normal way in the middle of June, as it has been for many years.

As I have informed the House already, the national broadband plan, NBP, will not have a fiscal impact on 2019 and will have a minimal one on 2020, given the carry-over of the money allocated for the NBP into 2020. However, it will have an impact from 2021 onwards, and we will have to provide for that. We are confident that we can provide for that from revenue. It is also important to bear in mind that Project Ireland 2040 and the national development plan provided for contingencies. I cannot remember the exact figure. There might have been between €5 and €7 billion set aside for a contingency, but that is later in the ten-year period and we will have to look at that too.

When it comes to the Deputy's question, what should be the most important news is the labour force survey, which came out at 11 o'clock this morning. That shows that there are now 2.3 million people at work in Ireland, which is more than ever before. There has been a net increase in employment of 80,000 in the past 12 months.

**Deputy Timmy Dooley:** There is a growing population.

**The Taoiseach:** Employment is now expanding at twice the rate of this time last year. Unemployment has fallen to a 14 year low, and long-term unemployment has fallen to 1.7%.

**Deputy Stephen Donnelly:** Like the Taoiseach's approval rating.

**The Taoiseach:** These figures are much better than we expected. Employment is now growing in Ireland at twice the rate it was growing this time last year, and this is evidence of an economy that is doing well and is being well managed. That increase in employment, with more people working than we thought and people earning more than they did in previous years, will have a positive impact on the public finances.

**Deputy Timmy Dooley:** That is already factored in.

**Deputy Stephen Donnelly:** How are there 3,000 homeless children? That is not much economic growth.

**The Taoiseach:** We will have a budget surplus this year and will reduce our debt. The Deputy's party quadrupled it, and we will continue to reduce it. We will establish a rainy day fund, and provided that these good economic numbers continue and we are not blown off course by a hard Brexit, which is a real risk, we will be in a very good position to put together a budget in September.

**Deputy Michael McGrath:** The Taoiseach has adopted the usual approach of attacking the messenger rather than dealing with the message. He did not answer my question. We have seen the latest forecast from the Department of Finance, in terms of economic growth, tax receipts, and so on, as recently as last month in the stability programme update. The Taoiseach cannot seriously be suggesting that he can find €4 billion in extra receipts and projections from last month's report to the middle of June when the summer economic statement is going to be published. That is simply not credible. The Taoiseach's predecessor had a saying that Paddy likes to know. Paddy does like to know. He wants to know what the story is, because these are hard numbers. They are not Fianna Fáil's numbers, they are the Government's own numbers from its own spending watchdog. An extra €500 million for broadband over three years and €1.6 billion over the life of the development plan will be needed, while the children's hospital will need €400 million over the next three years. Between those two projects alone, there is an extra €2 billion, but the Taoiseach saw fit to promise more than a further €2 billion in tax cuts. That is more than €4 billion, but the money is not there. It will not be there in the summer economic statement next month and it is about time the Taoiseach came clean with people by telling them the truth.

**The Taoiseach:** I answered the Deputy's question. The summer economic statement will be published in mid-June, as it always is. We will use that to update our financial projections for growth, jobs, revenue and spending. The Deputy mentioned the extra €1.6 billion that would be needed in the coming years to fund the national broadband plan. He should bear in mind that our budget is €60 billion every year and this is a national development plan of €116 billion over ten years. I have explained in the past how we propose to fund income tax cuts. Because of increasing employment and the fact that there are more people working every year-----

**Deputy Timmy Dooley:** That is already factored in.

**The Taoiseach:** -----and because people are earning more every year, we take in approximately an extra €1.8 billion in income tax every year. We are proposing to give about €500 million of that €1.8 billion back to people so that they can have more money in their pockets. That is the right thing to do, in my view. I am happy to answer the Deputy's questions-----

**Deputy Michael McGrath:** The Taoiseach did not answer the questions.

**The Taoiseach:** -----but I cannot accept Fianna Fáil trying to put on a mask of economic prudence and economic competence. Last time Fianna Fáil was in Government it quadrupled the national debt and we have reduced it.

**Deputy Timmy Dooley:** The Taoiseach's legacy will be all the children in emergency accommodation.

**The Taoiseach:** It left us with a deficit of 10% of GDP and we have brought about a budget

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surplus. The figures today show that there are 80,000 more people at work than a year ago, with employment increasing twice as fast as a year ago. We are now heading for full employment.

**Deputy Michael McGrath:** Shoot the messenger.

**The Taoiseach:** I am not shooting the messenger. The messenger has no credibility.

**Deputy Stephen Donnelly:** Where is the €4 billion?

**Deputy Pearse Doherty:** Over recent years, banks have been selling off loans, including family homes and buy-to-lets, to vulture funds at knock-down prices. To enable these funds to do their thing, the Government has designed a tax system that incentivises the funds to buy even more loans, which the banks are more than happy to offload despite the dire consequences for the borrowers. Many vulture funds are now structuring their arrangements in such a way that they pay no tax at all in this State. Ulster Bank has a particular fondness for selling loans on to vulture funds. Last year it sold a portfolio of loans known as Project Scariff which was worth €1.6 billion but was sold to a vulture fund, called Promontoria Scariff. It consists of about 3,600 family homes and 2,900 buy-to-lets. A company called Cabot Financial Ireland is administering these loans and its actions to date in dealing with borrowers have been absolutely disgraceful. A number of weeks ago, it wrote to its buy-to-let customers who were behind in mortgage payments and demanded that the arrears be cleared within 30 days. I have received correspondence from a number of those mortgage holders which shows that they were in very small arrears, in some cases less than €3,000. The statement they got from the vulture fund demanded full payment, not just of the arrears but of the entire loan. They are being given seven days to make the payment, and to come up with hundreds of thousands of euro in some cases. Some of the borrowers have serious health concerns in their households and the vultures which are sending the letters know about these concerns but they continue to issue the letters and the demands without any regard to what is happening. They are paying no regard to the fact that arrears are less than €3,000 in some cases and they are not facilitating any arrangements with borrowers. It is not just borrowers who are affected by this. As they appoint fixed-asset receivers, the tenants in these houses will be turfed out onto the street and they need somewhere to live. Two sets of lives are being destroyed as a result of this policy and it is utterly chaotic for the families involved. It runs roughshod over any level of common decency in the way vultures and banks should be dealing with customers in arrears.

All of this is a direct consequence of Government policy, which is to roll out the red carpet to these leeches. They can do this, and will do it, because they know that the Government will do nothing to stop them. That is why they are playing hard, fast and very loose with these customers. Indeed, the record shows that the Government will do everything to facilitate them.

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

**Deputy Pearse Doherty:** It is precisely because of the actions of Cabot Financial Ireland that people fear their loans being sold to vultures. Does the Taoiseach stand over this practice or does he now agree with Sinn Féin that it is time to clip the wings of the vultures?

**The Taoiseach:** I am afraid that I do not have any particular information about the financial transactions that the Deputy referred to or the individual cases that he has outlined, so it is not really possible for me to comment on either of those matters without having the information that he has. What I can say is that the tax treatment of property investment funds is under review. There was a time six or seven years ago when property prices were plummeting and

nobody was building new homes and new apartments in the State. We are now in a very different position today. Property prices have recovered. They are still, thankfully, 20% lower than they were 12 years ago, but they have recovered.

**Deputy Darragh O'Brien:** Rents are €600 per month dearer.

**The Taoiseach:** We are now seeing new building happening all over the country. It is almost certain that we will build between 20,000 and 25,000 new homes and apartments this year.

Given that the picture has changed so much, it is now time for us to review the tax treatment of property investment funds. The Minister for Finance, Deputy Donohoe, is doing that in advance of the budget, which will be in October. That is the prudent thing to do. Tax incentives are brought in at a time to stimulate particular activity but are then removed at a later time when they are no longer necessary. That work is being done at the moment by the Minister and the Department of Finance.

In relation to consumer protections, one of the things that we have done as a Government, with the co-operation of this House, is to extend regulation to property investment funds. That is a positive thing. We have also enhanced consumer protections for mortgage holders so that mortgage holders have the same consumer protections regardless of who owns those loans. In addition to that, the Deputy will be aware of legislation going through the Seanad in the next couple of days to extend protections for tenants; to increase notice to quit periods so that people are given much more time to find a new place to live or rent if they need to; to extend the rent pressure zones and work out how they are calculated differently; and to extend protections to new entrants to the property market in recent years. They are all good pieces of legislation and I thank Members for their co-operation in getting them through both here and the Seanad.

**Deputy Pearse Doherty:** The Government is reviewing the tax treatment because of an amendment that I tabled to last year's Finance Bill, but there should never have been a tax incentive for vulture funds, which bought portfolios worth billions of euro and have not had to pay a penny of tax on the incomes they have received or the uplift in property prices or any capital gains tax.

The Taoiseach does not need the details of the cases that I have outlined to know what is happening out there. Cabot Financial Ireland is doing this right across the board. I have raised this matter numerous times in the Dáil. The fact that the Government has not examined it just reinforces the point that, time and again, the Government facilitates vulture funds as opposed to those who are struggling to keep roofs over their heads.

I asked the Taoiseach a question. A number of customers have arrears of less than €3,000 with this vulture fund, yet it is telling them that it not only wants them to clear off their arrears, but also their loans of €170,000 or €190,000 within seven days, and that if they do not do so, it will come for their houses and appoint a fixed asset receiver. That is what is happening out there. The people who are unaware of what is happening - the renters in the house - will get notice to quit and will join a longer waiting list. Some may end up in emergency accommodation.

It is long past time to clip the wings of the vultures. Will the Taoiseach make a call and inquire of Promontoria Scariff, which is engaged in this type of behaviour-----

**An Ceann Comhairle:** Time is up, Deputy, please.

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**Deputy Pearse Doherty:** Will the Taoiseach lift the phone to the State-owned banks, which are about to sell more family loans to these vultures? These families will be thrown to the wolves again. Alternatively, will the Government do what it has done consistently and sit on its hands and bow down to big business, big money and the vultures and always take their side?

**The Taoiseach:** I do not have access to the information the Deputy has. If he would like to pass on that information about the particular issues that he is raising, I would be happy to have it inquired into. However, not having known that he was going to raise this issue and not having to hand any of the information that he seems to have, needless to say I cannot comment on this in any meaningful detail. If the Deputy is genuinely concerned about those people - I am sure he is - I would be very happy for him to pass that information on to me. I will make sure inquiries are made.

As I have said before, tax incentives are brought in for particular purposes and reasons. We reduced VAT for the tourism and hospitality industry when it was on the floor. When the industry made a full recovery, we were able to remove that tax incentive. We did something similar around home renovations when the construction industry was on the floor and there was no work for construction workers.

**Deputy Pearse Doherty:** When were the vultures on the floor?

**The Taoiseach:** We brought that in-----

**Deputy Pearse Doherty:** When was there a demand to give tax incentives to the vultures? Never.

**An Ceann Comhairle:** Can we hear Deputy Howlin, please?

**Deputy Brendan Howlin:** The Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, has said that professional people should live like students in so-called co-living accommodation because that is the norm in London and New York. It is obvious that prices and rents are out of control in London and New York, which are among the most unaffordable housing markets in the world. London and New York have serious housing problems because housing is now an investment for speculation. As we have heard, it is clear that speculative investment in housing is happening here too. The most recent OECD report warns that the Irish economy is vulnerable to a recession due to a disorderly Brexit. I understand the Tánaiste has indicated that the prospect of a disorderly Brexit is even more likely now. The OECD report also warns that the presence of foreign investors in the property market is a particular risk to us. More than half of all investment in commercial property is coming from outside the State. Student accommodation and buy-to-let properties are crowding out housing developments for people right now, for the simple reason that they are more profitable. It is a textbook example of how a free market approach cannot and will not deliver affordable housing. Does the Taoiseach understand that? These kinds of speculative investments are taking construction workers, scarce land and scarce capital. When housing becomes just another investment that focuses on maximum profit, this forces people to pay more and more in housing costs. That is what is manifestly happening.

The reliance on financial investment also pushes down standards. We have seen this in the ludicrous co-living proposal, which attempts to normalise cramped living conditions and erode public housing standards that we have spent most of our lives trying to improve. The Minister for Housing, Planning and Local Government has become an apologist for those who wish to

push down the quality of housing. As I have said, we have spent decades trying to have decent standards for people. All of this shows that the Government is out of touch with the reality of the lives of the vast bulk of working people. Not everyone is privileged enough to go from college into a well-paid professional job, and quickly earn enough to be able to put down a deposit on a family home. The Minister's assumption seems to be that co-living would be an acceptable option for someone on this gilded path. It shows a complete lack of understanding of the kinds of jobs that are available to most people. While I welcome today's jobs figures, I remind the Taoiseach that one in four of the workers to whom he has referred is on less than two thirds of median earnings, or little more than €23,000 a year after tax. Working people need affordable housing. I have a simple question for the Taoiseach. Will he admit that the strategy that has been pursued by the Minister and his Government colleagues is not working? Will the Government change direction in favour of a State-led housebuilding programme, like that which has been outlined in some detail by my party?

**The Taoiseach:** The type of development to which the Deputy has referred probably accounts for less than 1% of the new homes being built in the country at the moment. There could be as few as half a dozen developments of this type this year and next year. It is important to put this in context. The type of housing may be a choice for some people. We live in a country that has an increasing population, which is a good thing. Our population is approaching 5 million, if it has not reached that level already. We live in a country where new households are being formed all the time. As people get married and start families, they need their own homes. We also live in a country where there was almost no construction activity for seven years. As a result, there is an overhang of demand for housing that was not met for a long period. In my view and in the Government's view, we need new housing of all different types and sorts, and lots of it. We need social housing for people who are on the housing list, many of whom have been on that list for far too long. We need new homes for people to buy because the vast majority of people still want to be able to own their own home, and indeed 70% do. We need new places for people to rent involving cost rental models and private models. The solution does not lie in any particular model, whether it is State or private sector. It is going to require all of those things - State-led development, private sector-led development, and co-operation between the State and the private sector. That is how we will produce the volume of additional housing that we need in Ireland to cater for the demand that built up during those seven years and the new demand that arises every year.

We are making some real progress. Last year 18,000 new homes, comprising houses and apartments, were built in Ireland, which is the highest number in a decade. We know from figures released by the Central Statistics Office, CSO, in recent days that new home building is up another 25% this year so far. We will certainly see somewhere between 22,000 and 25,000 new homes being built in Ireland this year. We need to go higher again the year after and higher again the year after that, but it is simply not the case that there was ever a Government policy or measure that could get us from a situation where only 4,000 or 5,000 homes were being built in Ireland to 35,000 in a year or two. We have to do it in the only way that it can be done, in a stepwise manner, rebuilding the construction industry and rebuilding the social housing programme. That is what is being done. Last year, for example, around 8,500 new homes were added to the social housing stock-----

**Deputy Darragh O'Brien:** There were 74 homes built in Dublin last year.

**The Taoiseach:** -----which is a very significant number. About half of those were built by councils and affordable housing bodies and the other half were acquired from developers,

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leased, or brought back into use having been voids. We need to go higher than that again. We are aiming for 10,000 this year and 11,000 or 12,000 the year after. This is the largest social housing programme that we have had in this State for decades but there are constraints and we should be honest about that. There are a limited number of carpenters and plumbers, there is a limited amount of building materials and a limited amount of serviced and zoned land in the State.

**Deputy Timmy Dooley:** There is a shortage of blocks.

**The Taoiseach:** We can only increase supply as fast as we possibly can and that is what we are doing, through State-led and private sector-led development, as well as the State and the private sector working together.

**Deputy Timmy Dooley:** That is the problem. There are no blocks.

**Deputy Brendan Howlin:** The Taoiseach's reply is just mind-numbing in its lack of ambition. If we had gone into government in 2011 with that attitude to the economic crisis, we would still be in the morass. The Government has to be determined. The notion is that we cannot do enough because we do not have enough land. Is that what the Taoiseach is saying to us?

**Deputy Timmy Dooley:** No blocks.

**Deputy Brendan Howlin:** We have enough public land to build 80,000 houses tomorrow if we had the will to do it.

**Deputy Eoghan Murphy:** What about the workers?

**Deputy Brendan Howlin:** We have the builders to do it.

**Deputy Eoghan Murphy:** Not tomorrow.

**Deputy Brendan Howlin:** Of course we can find the workers and of course we can train the workers.

**Deputy Regina Doherty:** Where are they?

**Deputy Brendan Howlin:** The Government must have the ambition to do it. The Minister for Housing, Planning and Local Government wants to demolish standards whereas many of us who worked in local government, where many in this House started, have spent our lives trying to get away from such a thing. We are now talking about people sharing bathrooms or having no bathrooms. Co-living-----

**Deputy Eoghan Murphy:** They have private bathrooms.

**Deputy Brendan Howlin:** We are going backwards now. We are reducing standards so that people can live on top of one another. We are creating the social crises of the future instead of deciding that we are going to fix the problem with the same determination and absolute will used to address the economic crisis from 2011 onwards. I do not believe that the Taoiseach understands the issue and I am convinced that he does not have the will to solve it.

**The Taoiseach:** With the greatest of respect, the Deputy referred to 2011 when he was actually in office himself. His party was-----

**Deputy Brendan Howlin:** That is the very point I made. We went in with the will to solve it.

**The Taoiseach:** His party was, from 2011-----

**Deputy Richard Boyd Barrett:** That was when all of the vultures were invited in.

**The Taoiseach:** His party was in office from 2011 to 2016.

**Deputy Eugene Murphy:** So was Fine Gael.

**The Taoiseach:** During that five year period, Ministers from his party controlled the housing Department and Deputy Howlin personally controlled the Department of Public Expenditure and Reform-----

**Deputy Brendan Howlin:** We had no money until 2015-----

**Deputy Regina Doherty:** What about the ambition?

**Deputy Brendan Howlin:** -----when we put in €2.8 billion.

**Deputy Eugene Murphy:** Who was in power with Deputy Howlin?

**The Taoiseach:** During that period-----

*(Interruptions).*

**Deputy Brendan Howlin:** The only houses the Minister is opening are the ones that we funded.

*(Interruptions).*

**Deputy Brendan Howlin:** The only ones being opened now are the ones we funded because Fine Gael abandoned-----

**Deputy Eoghan Murphy:** That is not true.

**An Ceann Comhairle:** Can we hear the Taoiseach without interruption, please?

**Deputy Brendan Howlin:** The Government abandoned-----

**Deputy Eoghan Murphy:** The Deputy has abandoned the facts.

**The Taoiseach:** During that five-year period, when the Labour Party was responsible for both public expenditure and for housing, the social housing budget was slashed to almost nothing.

**Deputy Eugene Murphy:** Who was in power with them?

**The Taoiseach:** What has happened in the past three years-----

**Deputy Eugene Murphy:** Who was in power?

**The Taoiseach:** -----because we now have the money-----

**Deputy Brendan Howlin:** This is just unbelievable.

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**The Taoiseach:** What has happened in the past three years, because we now have the money, is that we are investing in social housing again.

**Deputy Brendan Howlin:** Was the Taoiseach on the Opposition benches?

**The Taoiseach:** The housing budget this year is €2.6 billion. It is the biggest budget for housing ever.

**Deputy Timmy Dooley:** There are no blocks.

**The Taoiseach:** This year, 9,000 units will be added to the social housing stock, more than in any year for a very long time.

**Deputy Timmy Dooley:** Is the Taoiseach on a comedy show at the weekend?

**The Taoiseach:** We are going to increase that again next year and the year after that.

**Deputy Brendan Howlin:** He does not get it.

**Deputy Timmy Dooley:** What about the unfinished business in health?

**The Taoiseach:** When it comes to the apartment guidelines, it was a Labour Party Minister who took the decision to amend them to reduce apartment sizes.

**Deputy Timmy Dooley:** Did the Taoiseach ever finish off that business in the Department of Health?

**Deputy Mick Barry:** Last night, I attended a protest against evictions at Dillon's Cross in Cork city. The residents of six flats were given notices to quit by July. These people had paid their rents and had not broken their leases. The previous landlord died late last year and the property had been inherited by a nephew. This nephew no doubt noted that the rents were relatively low. He handed out the notices to quit and announced that refurbishment was needed. I have no doubt that, after refurbishment, the rents will double or treble. One of the residents, Brendan, went to the council housing department and was advised to look for a house or apartment share in the private rental sector - co-living I suppose. Brendan is 42 years of age and said that he would not and, in fact, could not share. He was advised that if that was the case, he should check out the Simon Community.

Brendan is not the only one of the residents facing eviction into homelessness. Under this Government, more than 10,000 people are officially homeless. Two thousand years ago, a revolutionary Palestinian carpenter named Jesus Christ entered a temple, overturned the tables of the money changers and denounced the profiteers for organising a den of thieves. This country is crying out for a Government which will cleanse our modern-day den of thieves - the greedy landlords, get rich quick merchants and vulture funds, such as Ires REIT whose profits nearly doubled last year and which pays no corporate or capital gains tax. The Taoiseach and his Government refuse to act. They refuse to ban economic evictions and evictions into homelessness. They refuse even to put a moratorium on evictions until such time as this crisis has passed. Instead, the Taoiseach and his Government support the new European Commission directive which will restrict the rights of member states to impose their own regulations on vulture funds.

This is not a surprise. Four members of Cabinet are landlords, as are five Ministers of State. Nearly one third of members of the Fine Gael Parliamentary Party are landlords. Fine Gael will

not act against its class interests. This Friday, voters will have a chance to deliver a verdict on the Government's performance on housing. Fine Gael deserve a hammering at the ballot box.

**Deputy Paul Murphy:** Hear, hear.

**Deputy Mick Barry:** It deserves to be given its notice to quit. If Fine Gael is not prepared to protect people being evicted from their homes, is it not right and proper for the people to evict Fine Gael and the Fianna Fáil Party that supports it from the council chambers of this country this Friday?

**The Taoiseach:** The people will make their decision on who they vote for on Friday. However it turns out, we will all have to take stock of the result. I am quite confident, however, that once again the parties with which the Deputy is associated will get 1%, 2% or 3% of the vote. The Deputy talks a lot about the 1% but he is the 1% when it comes to public opinion in this State.

**Deputy Paul Murphy:** The Taoiseach represents the 1% - the elites, the landlords, the developers, the bankers and the bondholders.

**The Taoiseach:** To come back to the serious aspect of the Deputy's question, I am very sorry to hear about the case he raised. I do not know the details of it but I am sure what he says is true. I am very sorry to hear about it but I also know that there are many good stories. Some 5,000 families were lifted out of homelessness and provided with secure tenancies in the last year. Some 18,000 families are now living in houses that did not exist a year ago. There are many good stories of people who are being lifted out of homelessness and people who are getting homes for the first time. As I mentioned earlier, 9,000 families were provided with new social housing last year.

Government is working hard on the issue of tenants' rights. We appreciate that the rights of tenants need to be enhanced. That is why we are being active in this area and legislation is going through this House and the Seanad. This will do a number of things to provide more secure tenancies for people who are renting, for example, by extending the notice to quit period. People who are asked to leave by their landlord will be given much more time to find somewhere else to live and rent. That is a big change which will be welcomed by most people. We are also enhancing the resources of the RTB to allow it to take enforcement action against rogue landlords where they mistreat tenants. We have extended the rent pressure zones to other areas and to new tenancies. As a result of the rent pressure zones, hundreds of thousands of people have had no increase or an increase of less than 4% in their rents in the past year or two. We have also brought in strict criteria on refurbishment so that we do not have rogue landlords using refurbishment as an excuse to increase the rent. These important pieces of legislation and regulations are being introduced by the Government at the moment. I am disappointed that Deputy Barry's party cannot support them.

**Deputy Mick Barry:** The Taoiseach talked about extending the notices to quit and no one will oppose that. However, why does the Government not ban notices to quit for economic evictions, for evictions into homelessness and for people like the people who have this threat hanging over their head in Dillon's Cross in Cork city at the moment? The crisis is not the fault of one man; it is the fault of the Government, the market and the system. However, the one man that the Taoiseach put in charge of solving it, the Minister for Housing, Planning and Local Government sitting across from me now, is both out of touch, as was shown by his comments

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yesterday, and incompetent. Fine Gael has given us some rare talent down through the years. We had John Bruton who put VAT on children's shoes, Richie "ruin", the minister for hardship, and Phil Hogan who threatened the entire population with having their water supply reduced to a trickle if they did not obey his diktat and pay the water charges. However, the Minister, Deputy Eoghan Murphy, arguably tops them all. Again and again, he defends the landlords, the markets and the indefensible.

**Deputy Regina Doherty:** That is not true.

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

**Deputy Mick Barry:** Is the Taoiseach not in the remotest bit tempted to give this man-----

**Deputy Regina Doherty:** If there is any sign of losing an argument, it is playing the man and not the ball. The Deputy is pathetic.

**Deputy Mick Barry:** Listening to the Fine Gael benches makes me think the Dáil is like a swimming pool - all the noise is coming from the shallow end. I repeat my question. Is the Taoiseach not in the remotest bit tempted to give this man the sack?

**Deputy Regina Doherty:** Pathetic.

**The Taoiseach:** I am disappointed in Deputy Barry's contribution. This is a serious issue. Housing is a very serious issue.

**Deputy Mick Barry:** The Taoiseach can bet his life it is.

**The Taoiseach:** We have a serious housing shortage. We need to deal with that and we are dealing with it. It is very disappointing that the Deputy's only contribution is to engage in personalised attacks, not only on the Minister, Deputy Eoghan Murphy, but also on two former Members of this House, one who is not here and one who passed away not that long ago. That is just a cheap shot. It is beneath contempt and shows the lack of seriousness-----

**Deputy Josepha Madigan:** He is a total coward.

**Deputy Mick Barry:** Deal with the question.

**Deputy Timmy Dooley:** Just the way the Taoiseach targeted Garret FitzGerald one time.

**The Taoiseach:** -----with which the Deputy and his party take the issue. They only see housing as an opportunity to score points and get votes. I hope they are not rewarded for it.

**Deputies:** Hear, hear.

**Deputy Timmy Dooley:** The Taoiseach did that to Garret FitzGerald one time.

### **An tOrd Gnó - Order of Business**

**Deputy Róisín Shortall:** The business this week shall be No. 13, motion re Sectoral Employment Order (Electrical Contracting Sector) 2019, referral to committee; No. 1, Landlord

and Tenant (Ground Rents) (Amendment) Bill 2017 [Seanad], Second Stage; and No. 2, Land and Conveyancing Law Reform (Amendment) Bill 2019 [Seanad], Second Stage. Private Members' Business shall be No. 54, Domestic Violence (Amendment) Bill 2019, Second Stage, selected by Fianna Fáil.

In relation to today's business, it is proposed that No. 13, motion re Sectoral Employment Order (Electrical Contracting Sector) 2019, referral to committee, shall be taken without debate and any division demanded thereon shall be taken immediately; and No. 54, Domestic Violence (Amendment) Bill 2019, Second Stage, shall conclude within two hours.

In relation to Wednesday's business, it is proposed that the Dáil shall adjourn on the conclusion of the Topical Issue debate until 2 p.m. on Tuesday, 28 May 2019.

In relation to business on Tuesday, 28 May, it is proposed, notwithstanding anything in Standing Orders, that questions for oral answer by the Taoiseach under Standing Order 38 will not be taken and questions to the Minister for Children and Youth Affairs will take place after the Order of Business.

**An Ceann Comhairle:** There are two questions to be considered by the House. Is the proposal for dealing with today's business agreed to? Agreed. Is the proposal for dealing with Wednesday's business agreed to? Agreed.

**Deputy Michael McGrath:** As I said earlier, we have seen reports that the Tánaiste has advised the Cabinet that the risk of a no-deal Brexit has never been greater in the past two and a half years. The latest OECD report states the impact on the Irish economy of a disorderly Brexit, if all this goes wrong, could be very grave and that we could go back into recession. Could the Taoiseach advise us whether the Cabinet made any decision today on Brexit to intensify our preparations and efforts through extra supports for companies, customs registration and the hiring of additional officials? Did the Government make any decision in light of its assessment that the risk of a no-deal Brexit has never been greater?

**The Taoiseach:** The Cabinet had a detailed discussion today on foot of a memorandum brought by the Tánaiste on planning for no Brexit deal. I reviewed some of the areas where much progress has been made. The legislation was passed by this House. We now need to put secondary legislation in place in some areas. More work needs to be done on the European health insurance card and Erasmus. We noted that the staff are now in place for customs, the Revenue Commissioners and other areas where they are needed. We are going to resume information campaigns, particularly informing businesses of the actions they need to take and the supports that are now available but which have not been fully availed of.

Many businesses are prepared. They have got their EORI numbers and have done their Brexit health checks. There are others that are perhaps still taking the view that it will be all right on the night. It may well be all right on the night but we cannot assume that. We will ask businesses, in particular, to step up their planning and avail of the information, supports, advice and funding already available.

**Deputy Pearse Doherty:** The programme for Government states the Government will introduce a new model of affordable rental accommodation to provide more housing solutions for those on low incomes. Despite his lofty rhetoric, the Taoiseach has dragged his heels on the cost rental model. The Minister for Housing, Planning and Local Government now has a new pet project, which he calls "co-living", which he presents as a solution to the rental crisis.

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He goes so far as to tell people we should be all excited about this new co-living plan he has devised. Consider what is being developed. In Dún Laoghaire, for example, there are 208 studios, over 6,500 sq. m, on one floor. That means 42 people will share one kitchen, with rents in excess of €1,300 per month. That is not a solution and people should not be excited about it. It is a step on the road towards the tenements of the 21st century. The time of the Government would be better devoted to developing and rolling out affordable cost rental homes. The co-living concept has been-----

**An Ceann Comhairle:** Time is up.

**Deputy Pearse Doherty:** I will finish on this. The co-living concept has been described by Threshold as 21st-century bedsits with a glossy makeover. Will the Taoiseach heed its advice? Is he even listening to me?

**An Ceann Comhairle:** Is the Deputy listening to me? The time is up.

**Deputy Pearse Doherty:** With respect, I have been addressing the Taoiseach but he has been continuously in conversation with the Tánaiste during this period.

**An Ceann Comhairle:** The time is up.

**Deputy Pearse Doherty:** I know he has no interest in this issue but the people whom he is telling should be excited are very worried about this.

**An Ceann Comhairle:** Will the Deputy adhere to the orders of the House? Will he resume his seat, please?

**Deputy Pearse Doherty:** The rent is to be €1,300 for 42 people to share a kitchen. Is it not time to heed the advice of Threshold, abandon the plan and deliver on what the Government committed to, which is an affordable cost rental model?

**Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy):** I thank the Deputy for the question. Sinn Féin needs to pay closer attention to the housing market because the guidelines were actually announced and introduced a year and a half ago. They are not a response to the crisis in and of themselves. We are trying to build a future housing market that provides choices for every type of person in this country. It is not an attempt to bring in bedsits through the back door.

People need choice. It should not just be the privilege of a few; it should exist for everyone. That is what we are trying to do, especially for people from abroad who might be coming here for only six months, a year or two years. They would have a choice of accommodation types. Co-living has been welcomed and has been successful precisely in those cities whose rental markets we are trying to emulate, including those with models such as the cost rental model. It is a part of the choice. People should not rush to judgment based on one planning application.

Insofar as our plans for cost rental are concerned, they are being developed with the National Development Finance Agency, European Investment Bank and Dublin City Council, in particular, and also housing bodies and the Land Development Agency. We have sites earmarked and we hope development can get under way once we get the finance right. Once people have a cost rental arrangement and get the percentage deduction on their rent, it will apply for five, ten, 15 or 20 years. If we get the finances wrong on this, people could get hurt in the future. In everything we do in housing, we are trying to protect people from the mistakes that happened

so they will have sustainable, secure and affordable housing.

**Deputy Brendan Howlin:** I was listening to the Minister saying everything he is doing is to protect the tenant. He stated in Saturday's *Irish Independent* that he would act to protect tenancies of indefinite duration later this year. He was quoted in the *Irish Independent* as saying, "Currently, a landlord can evict a tenant after six years without reason. That will change". He has been told that for a very long time. In fact, he could have changed it a fortnight ago but he refused to accept an amendment tabled in this House by Deputy Jan O'Sullivan to address that very issue and which would have changed the law. That was voted down by the Minister and Fianna Fáil. The Minister has now told landlords that he will change the law at some point in the future and, obviously, there will be time then for them to make whatever arrangements they can.

As the Taoiseach said in an earlier reply, the Residential Tenancies (Amendment) Bill is on Report Stage in the Seanad later today. Will the Minister take the opportunity presented by that Bill, since he missed the opportunity in this House two weeks ago, to make that adjustment?

**Deputy Eoghan Murphy:** It is actually the same Bill. It has been Government policy for quite some time to move to tenancies of indefinite duration but it is nowhere near as simple as the very brief amendment the Labour Party tried to put forward.

**Deputy Brendan Howlin:** Why not?

**Deputy Eoghan Murphy:** If we had accepted that amendment, it would have undone Part 4 of the 2004 Act, which currently gives the bulk of the protections to tenants when it comes to section 34 and notice to quit periods. By accepting the Labour Party amendment, we would have undone the existing protections.

**Deputy Brendan Howlin:** When is the Government going to do it?

**Deputy Eoghan Murphy:** In the fourth quarter of this year, as I told the House when we were taking the Bill through, we will come with the second rent Bill, which will deal with tenancies of indefinite duration, the area around deposits and tenants who find themselves in a property that has gone into receivership, or where the loan has been sold to another financial institution. We recognise there is more to do to protect tenants. Every one of the 38 sections of the current Bill protects tenants. However, we have to ensure there are landlords operating in the market as well. It is about finding that balance. As landlords leave the market, more people find themselves in housing insecurity. Doing the things we are doing in this rent Bill will allow us to protect tenants in so many ways, as the Taoiseach outlined, while also making sure we have a European, affordable rental sector, which we are all trying to build. However, it cannot be done in a year or two.

**Deputy Richard Boyd Barrett:** Last Thursday, I was the first Deputy to bring up and condemn the proposed Bartra so-called co-living development in Dún Laoghaire, which has now sparked a national controversy. Indeed, we have been campaigning in the local area against this shameful, greed-driven development for the last number of weeks and have submitted an objection under the strategic housing development, SHD, process. I brought this up with the Tánaiste last Thursday. Has the Minister reflected, given the response from housing NGOs and so on, as to whether a 16 m<sup>2</sup> room with a fold-out bed, for which people will be paying €1,300, is the sort of accommodation we need to address the housing crisis? On a question I asked him last week, although he did not answer, is it not an abuse of the strategic housing development

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fast-track planning process to even consider such a proposal? Is it not, in fact, a manifesto for modern day tenements, with 42 people sharing a kitchen?

**An Ceann Comhairle:** The time is up.

**Deputy Richard Boyd Barrett:** Will the Minister reconsider this? This is just greed and profiteering by some of the Celtic tiger developers who helped crash this economy. Now, they are at it again on a site-----

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

**Deputy Richard Boyd Barrett:** I will conclude on this. Now, they are at it again on a site that local people have been campaigning to get public and affordable housing on for years, and these greedy people want to grab it for tenements. It is absolutely shameful.

**Deputy Eoghan Murphy:** I cannot talk about an individual planning application which is under review but we should not rush to judgment on the basis of one planning application. The Deputy might have raised this last Thursday but I talked about these guidelines a year and half ago, and they were welcomed then because they have been successful in other cities for some people who want that choice, and this is about bringing choice to everyone. Too many people in the country at the moment do not have a choice when it comes to a housing solution and that is what we are trying to fix.

**Deputy Richard Boyd Barrett:** A choice to live in a box. It is worse than a hub.

**An Ceann Comhairle:** Please allow the Minister answer.

**Deputy Eoghan Murphy:** These are new guidelines and the first applications are coming in. Of course, we will keep them under review but they were developed looking at best practice abroad. I believe the interpretation of them is straightforward in terms of what we are trying to achieve and the benefits they will bring to people, who are perhaps only going to be working for a short period in this country or who need some sort of transitional accommodation, such as moving from student accommodation-----

**Deputy Richard Boyd Barrett:** It is not what we need in Dún Laoghaire.

**Deputy Eoghan Murphy:** That is not a decision the Deputy gets to make.

**Deputy Richard Boyd Barrett:** Ask the people in Dún Laoghaire.

**Deputy Eoghan Murphy:** What we are trying to do is provide choices for the people who are looking for homes.

**Deputy Richard Boyd Barrett:** It is not allowed under this SHD process. They cannot even have an input.

### **Visit of British Delegation**

**An Ceann Comhairle:** On my behalf and on behalf of Dáil Éireann, I offer céad míle fáilte and a most sincere welcome to Sir Alan Duncan MP, British Minister of State for Europe and

the Americas, which is perhaps not the most enviable task to have at the present time. He is very welcome and we hope he enjoys his visit.

### **An tOrd Gnó (Atógáil) - Order of Business (Resumed)**

**Deputy Michael Harty:** I wish to raise an issue concerning education. A Programme for a Partnership Government states: “Education is the key to giving every child an equal chance in life”. Unfortunately that is not being acted upon in Ennis, where next September there will be insufficient places in secondary schools to accommodate those leaving primary schools. It is anticipated that this will be the case for years to come. Twelve primary school principals have written to the Minister outlining their concerns in this regard. It particularly affects those from the Traveller community, those from disadvantaged areas and those with special educational needs. The issue is compounded by the fact that there is no centralised application system. Some pupils are allocated several places in schools and others are left without a place until the school year starts. The Taoiseach recently officially opened a school in Ennis, Scoil Chríost Rí. He has also acknowledged that there is a shortage of secondary school places. What immediate action will he take to address this issue?

**The Taoiseach:** I am afraid that the Minister for Education and Skills is in the Seanad so I am not able to give the Deputy an update on the actions that are being taken or the progress that is being made in that regard. As the Deputy pointed out, I had the privilege of opening the refurbished Scoil Chríost Rí in Ennis and I am aware that there is a shortage of school places in the Ennis area. I will ask the Minister for Education and Skills to provide the Deputy with an update on the actions being taken to resolve that.

**Deputy Eamon Ryan:** The European Commission’s top civil servant on climate change appeared before an Oireachtas committee last week. He asked for each Government to aim for the target of net zero emissions by 2050, similar to President Macron when he announced the same ambition at the European leaders’ meeting the week before last. Some eight other countries signed up to that target but we did not. What are the Government’s intentions in that regard? Will the Taoiseach agree with the European Commission and other European leaders who wish to set a target of achieving net zero CO<sub>2</sub> emissions by 2050? If so, when does the Government expect to announce it?

**The Taoiseach:** We are still finalising the new climate action plan and will publish it in June. As part of our deliberations, it is our intention to agree to carbon neutrality and net zero emissions by 2050. We have a difficulty with signing up to more onerous obligations to be met by 2030 because we do not want to sign up to things that we cannot necessarily achieve. We can do it by 2050. We will struggle to meet those targets by 2030 but we will meet them. Last year, emissions fell by about 2%. If we continue on that trajectory we will meet our targets by 2030. We are not willing to sign up to more onerous obligations unless we can be sure we will meet them. The short answer to the Deputy’s question is “Yes”. The Government supports signing up to net zero emissions by 2050.

**An Ceann Comhairle:** We must now consider Deputies brought forward from last Thursday.

**Deputy Eugene Murphy:** I will read the Taoiseach a short quotation from the 2016 programme for Government. It states: “Many farmers are experiencing challenges arising out of volatility in the market and this is in some cases further impacted by difficult farming conditions”. Since then Brexit has very much come onto the agenda and is of concern to the farming community. In that regard, I welcome the announcement by Commissioner Phil Hogan of support for the beef sector in particular. As we all know, many thousands of jobs are linked to the agriculture industry. Can we have a clear statement that the Government will give €50 million to support the €50 million from the EU? How quickly will we see this particular project put in place? As the Taoiseach probably knows, many in the farming industry are at a very difficult juncture.

**The Taoiseach:** The Government joins the Deputy in welcoming the announcement from the Commission that €50 million in exceptional aid is to be provided to beef farmers who very much need it given the collapse in beef prices in recent months. We still have not received the terms and conditions from the Commission and the exact detail of how that scheme will work. We will have to provide matching funding. We do not yet have the terms and conditions from the Commission but as soon as we get them, we will be able to develop a scheme and ensure that farmers get the money they need as soon as possible.

**Deputy Peter Fitzpatrick:** Over the past 12 months, I have raised the issue of local needs with the Taoiseach, the Tánaiste, the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, and the Minister of State with special responsibility for housing and urban development, Deputy English. Planning rules introduced in 2005 are stopping people who were born and raised in an area building their family homes near their friends and family. In 2007, the European Commission issued an infringement notice against Ireland in regard to the 2005 rural housing guidelines which was deferred pending the decision of the European Court of Justice, ECJ, in a case known as the Flemish decree case. In 2013, the ECJ gave judgment and ruled that the Flemish decree constituted an unjustified restriction of fundamental freedoms under Article 43 of the Treaty on the Functioning of the European Union on the freedom of movement of citizens. I was told in September 2018 that it was going to be resolved very soon. I have raised this on numerous occasions. The Minister, Deputy Murphy, keeps asking for solutions and I keep saying this will free up big and small houses. This will get people living in the countryside.

**An Leas-Cheann Comhairle:** The Minister has an understanding of the question.

**Deputy Peter Fitzpatrick:** When can we expect the guidelines?

**Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy):** The 2005 guidelines are still in force despite things that have happened since. We are working to take on board the Flemish decree and other things that have happened in Europe since, including the issuance of new guidelines. It is important to note that, in publishing the national planning framework, we took account of those issues. The national planning framework allows for individual houses to be built. CSO statistics on the number of new builds over the past 12 months show that there has been a high percentage of one-off housing. Houses are still being granted planning permission and being built but clarity is needed on the guidelines. Those guidelines will issue from the Department once they are ready.

**Deputy John Brassil:** A commitment is given in the programme for Government towards the provision of adequate services for people with disabilities. The circumstances around Re-

hab have been well documented in recent days and I understand there is a delegation in the AV Room as we speak.

Last week, the National Federation of Voluntary Bodies issued a statement that Rehab was only the tip of the iceberg when it comes to funding shortages for those providing services. The Kerry Parents and Friends Association issued a statement that it also had insufficient funding to carry out the services needed in 2019.

Can the Taoiseach give a commitment that there will be a fundamental, root and branch review of the funding of the voluntary services for those service providers which carry out services for people with disabilities? We need to reassess that and try to look after the most vulnerable in our society.

**The Taoiseach:** There has been a significant increase in funding for health and disability organisations in recent years and an increase of almost €1 billion in the past year. Notwithstanding that, some organisations that provide health and social care services and provide services to people with disabilities have deficits from time to time. A meeting is happening today that will address the Rehab deficit. I have no doubt there are other organisations with deficits which want to resolve them by engaging with the HSE. That is how it has always been resolved in the past and will be in the future.

**Deputy Maurice Quinlivan:** Can the Taoiseach explain why his Government has announced that it is abandoning the Garda insurance fraud unit? That unit specialises in insurance fraud which has been a Government policy, via the work of the cost of insurance working group, since early 2017 and was fully endorsed by the Personal Injuries Commission. Businesses are closing down across the country and this Government is too afraid to stand up to the insurance companies to tackle considerable insurance costs. Why has the Government abandoned the insurance fraud unit and what can the Minister tell business owners who are struggling to keep their doors open due to the high insurance costs?

**Minister for Justice and Equality (Deputy Charles Flanagan):** I would welcome an opportunity for a more intense debate on this issue and invite the Deputy to table a Topical Issue matter. I would be very happy to deal with it.

**Deputy Maurice Quinlivan:** I tabled a Topical Issue matter on this topic this morning but it was not selected for priority.

**Deputy Charles Flanagan:** It is not true to say the Government has abandoned anything. I have discussed this issue with the Garda Commissioner over a number of months. The Garda Commissioner, who is the director of operations of An Garda Síochána, is actively engaged on this issue. I support him in his plan but, rather than engage in soundbite politics, I invite the Deputy to table the issue for more substantive debate later today or tomorrow. I will be available.

**Deputy Maurice Quinlivan:** I did table a Topical Issue matter.

**Deputy Martin Kenny:** The situation regarding respite services in the north west is very serious. I have raised this issue several times in the House. Last year, Solas Respite Centre, a purpose-built respite unit in Sligo, was closed by the HSE. The HSE is now working with RehabCare to open a new respite centre in Tullaghan, County Leitrim. It was supposed to be open

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last August, but is still not open. People in the area have been waiting for respite services for children with disabilities since then. Some have been sent as far away as County Monaghan. In some cases, by the time the family gets to the respite service in Monaghan, gets the child settled and returns home, it is time to return to collect the child. It is a ridiculous situation. Will the Taoiseach please intervene to ensure that respite services are provided for everyone in the north west?

**The Taoiseach:** I am afraid that the Minister of State with responsibility for disability is not present to respond to the Deputy's query, but I will certainly inform him that the issue was raised.

**Deputy Darragh O'Brien:** On the programme for Government, on 6 March this year we discovered through freedom of information requests that the Rebuilding Ireland home loan scheme, the flagship of the Government's housing affordability measures, was effectively frozen. Since then, I have repeatedly asked the Minister, Deputy Murphy, about the situation regarding current loan applications. I am sure he is aware of the problem because I and others have received repeated representations from across the country regarding local authorities still not allowing drawdowns of loans and mortgages under the Rebuilding Ireland affordable home loan scheme, in spite of the Minister assuring me that the scheme was open, loans would be honoured and funds could be drawn down. The Minister for Finance and Public Expenditure and Reform, Deputy Donohoe is present. The cold hand of the Department of Public Expenditure and Reform put a stop to the lending. Has it allocated money this year for additional mortgages to be paid out? What is the status of the scheme? Is it open? Has the Minister, Deputy Murphy, written to local authorities and instructed them to issue the loans in the case of approved mortgage applications?

**Deputy Eoghan Murphy:** The Rebuilding Ireland home loan scheme is not and never has been frozen. It is open for applications to be processed and approved and for money to be drawn down. That is happening. If the Deputy has examples of local authorities refusing to process loans-----

**Deputy Darragh O'Brien:** I do. It has happened in South Dublin. I will send examples to the Minister.

**Deputy Eoghan Murphy:** -----I ask him to bring them directly to my attention because every local authority has been contacted to confirm that the scheme is open and they should continue to accept applications. The continuation of the scheme this year is not dependent on an agreement between myself and the Minister for Finance-----

**Deputy Darragh O'Brien:** No allocation has yet been made.

**Deputy Eoghan Murphy:** -----although we are in discussions around the overall envelope required to fulfil commitments under the scheme that have been made to date.

**Deputy Peadar Tóibín:** I wish to convey my deepest sympathies to the parents of the unborn child whose life was ended in the National Maternity Hospital as a result of a reported misdiagnosis and the alleged failure of the hospital to wait for the results of a diagnostic test. It was reported that the medics recommended an abortion unprompted by the child's parents and that the couple were told that there was no need to wait for a final test. It was further reported that there was no specific genetic involvement at the time of the abortion decision and that the couple were not told clearly that the child was healthy after the third set of results came

in, but, rather, worked this out themselves from information they received in an envelope. It has emerged that there are no national guidelines for doctors in this area. Before the abortion legislation was passed, Every Life Matters requested a meeting with the Taoiseach and the Minister for Health, Deputy Harris, to warn them that this could happen, but that request was refused at the time. I and other Members raised this issue during the debate on the legislation and warned the Government that such events could occur, but the Government refused to take that into consideration. Will it now create the necessary guidelines to ensure that this does not happen again?

**The Taoiseach:** My heart goes out to the couple affected by these events. It is important to restate on the floor of the House that this is an individual matter. These matters are deeply personal and should be confidential. Although the Deputy may have access to individual medical or other information regarding a particular patient, I certainly do not have access to such information and will not discuss-----

**Deputy Peadar Tóibín:** The information was reported in *The Irish Times*.

**The Taoiseach:** Whether it was reported in *The Irish Times* is beside the point. These are personal, private and confidential matters and it is not appropriate for us to discuss them in this Chamber. I am advised by the Minister for Health that steps are being taken to carry out an independent review of the case. Clinical guidelines are normally drawn up by doctors and their professional bodies. I will ask the Minister for Health to follow up on the matter with the Deputy.

### **Residential Tenancies (Complaints of Anti-Social Behaviour and Neglect of Dwelling Exteriors) (Amendment) Bill 2019: First Stage**

**Deputy Darragh O'Brien:** I move:

That leave be granted to introduce a Bill entitled an Act to amend the Residential Tenancies Act 2004 to amend third party complaints and to provide for related matters.

This Bill will amend the Residential Tenancies Act 2004 in respect of third-party complaints. This is an important issue, as the Minister for Housing, Planning and Local Government and others are aware. The Bill aims to tackle directly antisocial behaviour in housing estates. It forms part of a broader suite of measures Fianna Fáil has put forward, such as boosting the number of gardaí, expanding antisocial behaviour orders, and putting residential support workers in place in social housing estates. Too many communities throughout Ireland are being intimidated by a handful of households. From outright antisocial behaviour to letting their properties fall into disrepair, which casts a shadow on the entire estate, a small minority is damaging the quality of life for the majority.

This Bill will allow any third party to complain about antisocial behaviour to avoid specific neighbours being intimidated. In addition and importantly, it sets out standards for the exterior of a property that must be maintained, such as cleaning up rubbish and maintaining gardens, and it expands the powers of the Residential Tenancies Board, RTB, to terminate a tenancy in extreme cases. Many of us are able to spot the properties in housing estates that are rented,

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particularly at this time when we are canvassing with candidates and councillors throughout the country. Much of this is due to landlords not taking responsibility for the external upkeep of those properties. When complaints are made by neighbours of the affected properties, the RTB will not step in and log them as formal complaints. This can have a detrimental effect on the quality of life in the estate and also on the appearance of the estate.

This is an important issue. The Bill would give additional powers to the RTB. It would mean that I as a Deputy for Dublin Fingal could lodge a complaint on behalf of a resident in an estate. It would also mean that the landlord would have the responsibility of ensuring the property externally is kept up to standard. Currently, if litter and rubbish is being left in front or back gardens, the local authority will only get involved if it is deemed that there is an environmental health risk to neighbours or people living in the estate. I am introducing this Bill today and I intend to use Private Members' time in the coming weeks to move it forward on Second Stage. It will amend the Residential Tenancies Act 2004 to give these additional powers to the RTB and to expand the definition of affected parties, thereby giving neighbours in an estate the ability to lodge complaints about antisocial behaviour carried out by tenants, or indeed complaints about landlords who do not take responsibility to keep dwellings up to standard, which happens regularly in residential housing estates.

**An Leas-Cheann Comhairle:** Is the Bill opposed?

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

Question put and agreed to.

**An Leas-Cheann Comhairle:** Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

**Deputy Darragh O'Brien:** I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

## **Planning and Development (Climate Measures) (Amendment) Bill 2019: First Stage**

**Deputy Richard Boyd Barrett:** I move:

That leave be granted to introduce a Bill entitled an Act to amend the Planning and Development Act 2000 in order to restrict certain developments in oil, gas (including liquefied natural gas terminals) or other fossil fuels from certain strategic development infrastructure projects, to revise the procedure for making applications directly to An Bord Pleanála and to ensure that regard be given to the State's climate goals and to provide for related matters.

This Bill proposes to remove any application for fossil fuel related infrastructure, such as gas, oil or other fossil fuel related infrastructure, from the provisions of the Planning and Development (Strategic Infrastructure) Act that allow fast-track planning for what is called strategic infrastructure development.

If we are serious about the climate emergency that was declared, it is simply unacceptable that fossil fuel companies seeking to profit from the destruction of the environment could de-

velop infrastructure to lock us into further dependency on fossil fuels, which are choking and poisoning the climate, under a fast-track process whereby they essentially pay €100,000 to go straight to An Bord Pleanála and bypass the normal planning process.

There is a great deal at stake. In the past ten days or so, we had the Dáil declare a climate emergency, and rightly so. That was done as a result of the agitation of school students who went on strike, the extinction rebellion and the growing mass movement demanding that the political establishment take emergency measures to address the climate emergency. The Government did not oppose that but while its representatives were paying lip service to dealing with the climate emergency, others were busy in Europe at the European Commission adding the Shannon liquefied natural gas facility to the list of projects of common interest within the European Union. The Government was seeking to add to that list, in other words backing further fossil fuel related infrastructure to import US fracked gas into Ireland and, in doing so, lock Ireland further into dependency on fossil fuels for decades. A better example of climate hypocrisy and of a Government speaking out of both sides of its mouth when it comes to the issue of climate change could not be more evident. Such hypocrisy also extends to the European Union, which is now supporting €1.3 billion worth of gas-related infrastructure projects. The EU is fast-tracking these projects to the benefit of fossil fuel companies.

Sometimes the Government will try to justify this by suggesting that gas is transitional and better than coal or oil. All the bodies seriously looking at this have made it absolutely clear that gas is every bit as bad as coal and oil. It is a fossil fuel. Moreover, fracked gas from the US has significant methane leakage and the net impact of fracked gas on the environment and climate is every bit as bad that of coal or oil. It is simply nonsense, hypocrisy and dishonesty on the part of the Government to maintain that gas is transitional. Such infrastructure is tying up resources and crowding out the investment that should be going into developing renewable energy. It will lock us into dependency on highly expensive infrastructure that promotes and continues the use of fossil fuels.

I want to say something important, which may be news to some. The High Court action taken by Friends of the Irish Environment is the only reason the Shannon facility is currently blocked. That action is blocking the application for the time being. It may be worth noting that New Fortress Energy, the company behind the facility, essentially offered to bribe the organisation with €1 million to drop the case. Thankfully, because those involved are principled environmentalists they refused the money and are maintaining their High Court action to block the Shannon LNG facility.

The Bill is about saying that we should not give favoured planning status to this kind of fossil fuel infrastructure. This infrastructure will continue to poison our environment as long as the Government continues to support it. This position exposes the Government's complete dishonesty in claiming it wants to deal with the climate emergency.

**An Leas-Cheann Comhairle:** Is the Bill being opposed?

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

Question put and agreed to.

**An Leas-Cheann Comhairle:** Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

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**Deputy Richard Boyd Barrett:** I move: “That the Bill be taken in Private Members’ time.”

Question put and agreed to.

### **Proposed Approval by Dáil Éireann of Sectoral Employment Order (Electrical Contracting Sector) 2019: Referral to Joint Committee**

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

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

Sectoral Employment Order (Electrical Contracting Sector) 2019,

a copy of which has been laid in draft form before Dáil Éireann on 9th May, 2019, be referred to the Joint Committee on Business, Enterprise and Innovation, in accordance with Standing Order 84A(4)(k), which, not later than 30th May, 2019, shall send a message to the Dáil in the manner prescribed in Standing Order 90, and Standing Order 89(2) shall accordingly apply.”

Question put and agreed to.

## **Ceisteanna - Questions**

### **Freedom of Information Data**

1. **Deputy Joan Burton** asked the Taoiseach to set down the number of freedom of information requests received by his Department to date in 2019; and the number of requests fully and partially refused, respectively. [16349/19]

2. **Deputy Mary Lou McDonald** asked the Taoiseach to set down the number of freedom of information requests received by his Department in 2018; and the number of requests granted, partially granted and refused. [17456/19]

3. **Deputy Brendan Howlin** asked the Taoiseach to set down the number of freedom of information requests received by his Department in 2018 and to date in 2019. [21784/19]

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

In 2018, my Department received 490 freedom of information, FOI, requests. Of these, 111 were granted, 243 were part granted, 46 were refused and no records were held in respect of 70 of the requests. A total of 20 requests were either transferred, withdrawn or handled outside of the Freedom of Information Act. From January until the end of April this year, my Department received 205 FOI requests. Of these, 36 were granted, 74 were part granted, seven were refused and no records were held in respect of 32 other requests. A further 56 requests are still ongoing

or were withdrawn, handled outside the freedom of information framework or transferred to another public sector body.

There has been an increase in the number of FOI requests received in my Department since the new Freedom of Information Act came into operation in 2014. In 2013, my Department received 92 requests. This figure rose to 290 in 2015 and 490 in 2018, which constitutes a five-fold increase in five years and the upward trend is continuing this year.

Records may be part granted or refused. Material is redacted for a variety of reasons, as provided for in the Freedom of Information Act. Examples of grounds commonly used by FOI decision-makers in my Department for withholding material include: where Government records less than five years old are concerned; where the material, if released, could have an adverse impact on the international relations or the economic interests of the State; where commercially sensitive information is involved; or where it is necessary to withhold personal information, such as personal email addresses or mobile telephone numbers.

The majority of requests submitted to my Department are non-personal requests from the media. All requests received in my Department are processed by designated officials in accordance with the Freedom of Information Acts. If a requester is not satisfied with an FOI decision, he or she can seek an internal review, followed by appeal to the Information Commissioner. The freedom of information statutory framework keeps the decision-making process at arm's length from the political head of the Department. I have no role in the decision-making process for requests received in my Department nor do I see copies of decision letters issuing. Notwithstanding this and the fact I am not even asked, I keep reading in the newspapers that I have refused to release X, Y or Z.

Two members of staff work in the Department's freedom of information unit, both of whom perform other duties. Staff from across the Department are also involved in processing requests in addition to their routine duties, for example, in respect of searching and retrieving records and making decisions on requests received. At times, complicated and detailed FOI requests are received that involve significant time and resource implications for the staff involved. Section 8 of the Freedom of Information Act 2014 requires each FOI body to prepare and publish a publication scheme. My Department's scheme is published on the *gov.ie* website and sets out a range of information about the type of records it holds.

**Deputy Brendan Howlin:** I thank the Taoiseach for his reply. He will recall that the Freedom of Information (Amendment) Act was one of a suite of transparency reform measures introduced, and it is very important. Other measures included the Freedom of Information Act, the Protected Disclosures Act, which was to protect whistleblowers, and the Regulation of Lobbying Act, so that we know who is lobbying the Government or senior public officials and to what end.

It was understood that there would be a significant increase in applications once we made the amendments. They were made to allow for additional freedom of information requests because the Act at that point was so restrictive. Nevertheless, there are some grounds for concern. The Taoiseach has given the figures. There has been a 500% increase in FOI requests in his Department. That would have been expected because we facilitated it and public transparency was the objective of the exercise.

Last year's findings by the Information Commissioner indicated an unacceptably high re-

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sponse time for FOI requests, and that is concerning. Is the Taoiseach monitoring these issues himself? Does the transparency of Government concern him and is he looking at these issues? I was very anxious to drive the reform agenda as an intrinsic part of the Department of Public Expenditure and Reform, and I presume that is where it still lies.

I refer to perception. Less than two years ago a European Commission report found that 86% of Irish people think corruption is a major problem, which is an extraordinary figure, and more than 30% of Irish companies said they believed they had lost out on a public contract due to corruption. In essence, we need to not only deal with the reality but also deal with the perception, and complete transparency and openness is the way to do that. Does the Taoiseach take a hands-on view of these matters and will he give me an assurance that the reforms that were brought in will be reviewed to see if we need to go further?

**Deputy Maurice Quinlivan:** Over the past number of months there have been two landmark cases concerning the Freedom of Information Act in the Court of Appeal and the High Court. Those cases, one involving UCC and the other involving Enet, fundamentally undermine the principles of the Act, and have far-reaching consequences when it comes to freedom of information, FOI. Freedom of information is crucial for any functioning democracy, and the information obtained through FOI requests has served the public interest in shining a light on serious social and political issues in recent years. The starting point should always be a presumption in favour of disclosure and that amending legislation should be introduced if necessary. Without the circulation of information regarding public bodies, good and transparent governance is impossible. Does the Taoiseach believe the Information Commissioner should appeal these judgments to the Supreme Court? Will he support, if necessary, the introduction of legislation to deal with issues that have arisen in these cases to get us back to a position where proper disclosure is a priority?

**Deputy Jim O'Callaghan:** Since the FOI legislation was introduced in 1997, it has had a positive impact in providing the public with an opportunity to see behind the Government. The great benefit of it is that it ensures the public can see the reality of what is occurring as opposed to what the Government wants to present itself as dealing with. It has been beneficial legislation. I acknowledge it makes life uncomfortable for civil servants and in many respects, civil servants may have changed their methods of doing work as a result of the Freedom of Information Act. Nonetheless, it is useful legislation.

I am conscious of the recent decision by the courts, mentioned by Deputy Quinlivan. They are significant decisions, but I do not know whether the Taoiseach will be able to answer as to whether they should be appealed. We need to ensure that we do not allow the rights available to both citizens and journalists under the Act to be eroded. I am also conscious, however, that the Government should try to disclose to the public the actuality of what is happening in government as opposed to waiting for journalists or members of the public to come along and make FOI requests. It is hard to ignore the fact that in recent days there has been a blizzard of announcements from Departments. A cynic might suggest that this is to do with the forthcoming local elections, but I am sure the Taoiseach will disabuse me of that notion. We should be able to get the papers out as to why all of these announcements were made in the run-up to the local elections. We also had the unusual announcement from the European Commission recently about some funding for Irish farmers. It, again, seems unusual that such an announcement would be made in the run-up to the EU elections, but I am sure the Taoiseach will disabuse me of those concerns. If we got the papers out, there would be no difficulty in establishing what the truth is.

**The Taoiseach:** Deputy Howlin gave examples of some progressive legislation introduced by the previous Government - often by himself as Minister - relating to FOI, protected disclosures and the Regulation of Lobbying Act 2015. In time, people will see how progressive that legislation was, and many people now look to us as an example or world leader when it comes to some of that legislation, particularly around lobbying. It is not perfect, but no legislation ever is, and we will need to amend it as we go along. Other example of reforms put in place by the previous Government that are worthy of mention are further restrictions on political and corporate donations, and spending limits on local elections, which had not existed previously.

Stamping out corruption and the perception of corruption is something in which I take a personal interest. We produced a white-collar crime and anti-corruption package approximately two years ago, and we review its implementation on an ongoing basis. Some of it is legislative, involving legislation on money laundering and corruption. We are also transforming the Office of the Director of Corporate Enforcement, ODCE, into a much stronger body. Rather than being an office of the Department, it will be a stand-alone agency in its own right and will be a much tougher, much better resourced body, which will be able to pursue and prosecute white-collar crime. On foot of the planning tribunals, we will also bring in an independent planning regulator.

My general approach is to be transparent with requests as much as I can. If something is published on a Department's website, there is no need for an FOI request, and no need for anyone to claim it is some sort of big reveal when they are issued with a rather mundane document. That is why information on expenses, Government jet use and so on are regularly issued, rather than needing to be subject to an FOI request.

I was asked my opinion on a few judgments, but I have not read them so it is probably better that I do not express an opinion on them. It is, of course, up to the Information Commissioner to take an appeal should he choose to do so.

Regarding the procedures to deal with FOI request used by my Department, we follow the Department of Public Expenditure and Reform's code of practice in dealing with FOI requests, and I am satisfied that the Department is following the code. It is a long-standing practice that successive taoisigh, including myself, as political heads of the Department, have no role whatsoever in processing FOI requests. When one reads in the papers that I refused to release something or tried to block its release, that is always untrue. Every request received under FOI is assigned to the FOI unit and the decision-maker in the relevant section of the Department. The functions of general examination and primary decision-making have been delegated to assistant principal officers, and a few administrative officers, AOs, or higher executive officers, HEOs, in specialist areas who do this in addition to their normal duties. The function of internal review has been delegated to officials of not below principal officer grade, and all requests are monitored by the Department's liaison officer.

Replies are sometimes issued outside of the normal four-week deadline, and this can happen for a variety of reasons. Some involve a large number of records, and third parties are sometimes involved who have to be consulted. In many instances, the deadline is extended by modest periods by agreement with the requesters, for example, when the decision-maker is busy attending other duties, or for pressure of work reasons. My Department is committed to meeting its obligations under the Freedom of Information Act 2014, including responding to FOI requests within the specified time frames, and it makes every effort to ensure that the volume of late replies is kept to a minimum.

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## Church-State Relations

4. **Deputy Eamon Ryan** asked the Taoiseach his plans for a new covenant between church and State. [16388/19]

5. **Deputy Mary Lou McDonald** asked the Taoiseach his plans for a new covenant between church and State. [18732/19]

6. **Deputy Richard Boyd Barrett** asked the Taoiseach his plans for a new relationship between church and State. [20546/19]

7. **Deputy Brendan Howlin** asked the Taoiseach his plans for a new covenant between church and State. [21783/19]

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

As I mentioned during the papal visit last year, I feel it is now time for us to build a new relationship between church and State in Ireland, one in which religion is no longer at the centre of our society but in which it can still play an important part.

However, while I say things need to change, I would not like to see a separation of church and State that is so strict and rigid that all the good work done by faith-based bodies, charities, and churches is lost. I am open to suggestions as to how a new covenant or relationship might work.

In terms of the progress being made on structured dialogue between church and faith bodies and the State, in July I will hold a plenary meeting with representatives of churches, faith communities and non-confessional organisations in Ireland.

The plenary will serve as a platform to discuss issues of importance to the participants and the communities they represent. Planning is under way for this to be held on Thursday, 4 July in Dublin Castle. Invitations are being issued to a wide range of churches, faith communities and non-confessional organisations in Ireland. We are aiming to be as inclusive as possible in terms of representation by religious communities at the event. I will chair the meeting, but Ministers will also attend to respond to any issues arising in policy areas under their remits. Once invites have issued, we will request Ministers to hold the date in their diaries, and we will confirm which Ministers are attending at a later date. Discussions at the meeting will draw from the questions submitted in advance by the participants.

**Deputy Eamon Ryan:** I welcome the broad approach the Taoiseach seems to be taking to this. It is important that we give it time and get it right. It is not just important for religious communities, which are in a state of real change at the moment. Archbishop Diarmuid Martin asked the right question at the time of the Pope's visit last year, that is, "Where are our young people and where are they going?" They are not going to church, by and large, but they are finding their own way and we need to give them space for that. We need to help our institutions and the Catholic Church in their evolution. It is also important that the political system is not seen as completely disinterested in, or dismissive of, those communities as they are an important part of the overall community. We have seen what can happen in other countries when one creates a sense in certain communities being ignored or left behind. The session being held in July to discuss a new covenant is a good idea, for the political system as well as members of faith communities and, indeed, people who are not members of any faith.

There was a book on this subject entitled, *A Dialogue of Hope*, by a collection of authors including Gerry O’Hanlon SJ, David Begg, Dermot McCarthy, Dermot A. Lane and Iseult Honohan, who all have experience of community life and public service. Their contribution frames the broad outline of what is happening in the State and suggests where a dialogue with faith communities might fit in. I suggest some of these authors, who are not from any one community but who have been thinking about this matter, be included at the event the Taoiseach is holding in July. We should all support a dialogue so that the divestment of our education patronage can proceed and so that we can have diversity in our hospitals and care systems, while not dismissing or undervaluing the benefits that come from faith communities and other communities.

**Deputy Maurice Quinlivan:** The Taoiseach repeated the comments he made at the time of Pope Francis’s visit that he believed the time had come for us to build a new relationship between church and State in Ireland and a new covenant for the 21st century. That could be a good idea if it is done in the right way and involves all faith communities and religious in a dialogue that lays out the clear division between church and State, which is required in most areas. We should also acknowledge what the religious and faith communities have to offer the State in other areas. Speaking a few weeks ago, however, the Archbishop of Dublin said no progress had been made by the Government in this regard. What exactly does the Taoiseach mean by a new covenant between church and State? He said he hoped discussions would take place in July. Can he confirm that he will be there in person?

**Deputy Jim O’Callaghan:** It is important to understand the relationship between the Catholic Church and the State. It is complicated and one probably has to go back to the 16th century Tudor conquest of Ireland to understand its origins, and then to the penal laws and Catholic emancipation. This would partly explain why, when the country gained its independence, there was such a bias in favour of the Catholic Church. Prior to that, there had been significant discrimination against the majority Catholics. Today, however, a significant number of people in the country are not members of the Catholic faith and do not profess any religion but find themselves suffocated by the involvement of religion in their lives. This is sometimes overstated but in the area of education, if a parent is an atheist and does not wish to bring a child up within a religion but the religion is imposed by the only available national school, that is a problem. It is imperative that we seek to recognise a new covenant, which will understand the significant and unique role played by the Catholic Church in education in Ireland. We have to remember that there was a time when no one else in the country provided an education for the majority poor population. In the 21st century, we need to recognise that parents who do not want their children brought up in a faith-based school should be given the opportunity to exercise that wish. Similarly, the significant number of parents who want their children educated in a Catholic school, a Church of Ireland school, a Jewish school or an Islamic school should also be facilitated, as diversity works both ways.

**Deputy Richard Boyd Barrett:** People Before Profit believes in the complete separation of church and State, particularly in health and education, and we think the Government has failed, even in its own terms, in the school divestment programme. Despite the rhetorical commitment to divestment, 96% of schools continue to be controlled by religious bodies, particularly the Catholic Church. The Taoiseach is always going on about wanting choice for people, but I will give an example of the failure of the Government to deliver for those who want multidenominational, rather than faith-based, education. Last night, there was a big public meeting in Dún Laoghaire attended by hundreds of parents to discuss the Dún Laoghaire Educate Together

school. After a rather convoluted voting process two years ago, in which people had to vote for which school patron they wanted, there was an overwhelming preference for an Educate Together school but the kids whose parents voted this way have been in prefabs ever since. One of the parents said, very emotionally, that she had to take her child out of the school she wanted the child to be in, because the child's needs were incompatible with being in prefabs. The parents asked where the permanent site was, which parliamentary questions had indicated would be provided a year ago. It is not on. This is an aspect of how, even at this level, the choice the Government talks about is not being provided. It is completely unacceptable for kids to still be in prefabs. It has been revealed today that €100 million has been spent over the past six years by the Government to keep children in prefabs rather than permanent school buildings. Can the Taoiseach comment on that? Will he look into the issue a permanent school for Dún Laoghaire Educate Together?

**Deputy Brendan Howlin:** This is an important subject and it is not straightforward. I very much welcome the dialogue promised by the Taoiseach but I am not sure what the new covenant means. It sounds good but I do not know what will come out of it. It is an ambition worth exploring. Most of us who have been in the House a long time will recall the two previous referenda on divorce. If we contrast those with the ongoing referendum on the same matter, we will see how transformed society is but it has been transformed in a complicated way. The latest census revealed that nearly one in ten people registered in Ireland has no religion and that an increasingly large number have a variety of faiths, who all have to be accommodated.

As I have said, the Taoiseach has talked to senior Catholic Church figures about divestment and these are important matters. We do not want to build a set of parallel education establishments to create individual silos, which has happened in other countries as they became multicultural. We have siloed populations and that causes a difficulty into the future so we have to give some care and some thought to how we are going to structure the new shape of education in Ireland. People need to have a legitimate choice over whether to have a faith-based education but this should not be done in a way that is separated out from different faiths. The consequences of doing so can be seen in Northern Ireland, where the separation of faith schools has made a contribution to the separation of society. We have to think carefully about the future and I would be interested in a structured dialogue in this House first, so that we can share views and see how we can move forward in building a new education system and a new health provision system that are not replicas of what exists.

**The Taoiseach:** I very much agree with Deputy Eamon Ryan's initial sentiments on this issue and I will consider whether we should include other thinkers in the dialogue in the meeting that is going to happen in July and whether we should precede that with some sort of debate here in the House as well.

When I talk about a new covenant, I suppose what I mean is what I said at the time - a relationship in which the church and faith-based organisations are no longer at the centre of Irish life but one in which they still have a place. That is what I would like the main topic and the high-level topic of the discussion in July to be about. It is not for me to determine the outcome of that dialogue but to offer my opinion. It is probably a new relationship that is more about pluralism than about absolute secularism. That means, for example, in education greater choice for parents through the availability of more Educate Together schools, community national schools and Gaelscoileanna, and the divestment of some existing religious schools to the community sector should parents want that, while still having a role for State funding of faith-based charities and voluntary organisations, whether those are our hospices like the St. Francis

Hospice and Our Lady's Hospice and Care Services. An absolute secularist approach would see their funding taken away or their being taken over and the voluntarism and ethos that exist there removed. I would not agree with that. We see how many faith-based organisations have made a huge contribution to helping us deal with the housing shortage, whether it be Crosscare or Depaul. If we took an absolute secularist approach, we would either defund them or take them over. I am not sure that would be the right approach. In fact, I am sure it would not be.

In terms of school buildings, we have a massive school building programme under way. New schools are being built throughout the country. There are extensions and refurbishments, but there are also a lot of prefabs. They need to be replaced, but as is always the case, we have to prioritise. Due to the demographic bulge that we have had in recent years, we have had to prioritise new schools where there would otherwise have been no school over refurbishments and extensions to remove prefabs. However, as the birth rate falls, and it has been falling for a couple of years, there is an opportunity for us to do more refurbishments and to replace more prefabs in the coming years.

Deputy Boyd Barrett asked specifically about the Dún Laoghaire Educate Together national school. This is something that the Minister of State, Deputy Mitchell O'Connor, raised with me only today. I am advised that there are multiple school site requirements in the south Dublin city area, including for the Dún Laoghaire Educate Together national school. Several viable site options have been identified and are being progressed with relevant stakeholders, including State bodies. Once all the critical information is to hand, a determination regarding the optimal configuration of school sites will be made. Officials are working to advance matters as quickly as possible so that a permanent location for Dún Laoghaire Educate Together can be confirmed by the third quarter of next year.

**Deputy Richard Boyd Barrett:** Is it next year or this year?

**The Taoiseach:** Sorry - 2019, this year. Given the number of parties and sites involved, it is not possible at this stage to give a definitive answer on some of the key issues, but the school board of management and the Minister of State have asked to meet the building unit in the next two weeks. The building unit has confirmed that this meeting will take place.

On the issue of divestment, I am advised that, so far, 11 multid denominational schools have opened under the patronage divesting process and a further multid denominational school is due to be established in September.

### **National Digital Strategy Implementation**

8. **Deputy Mary Lou McDonald** asked the Taoiseach the status of the national digital strategy being led by his Department. [16454/19]

9. **Deputy Brendan Howlin** asked the Taoiseach the status of the national digital strategy being led by his Department. [16482/19]

10. **Deputy Joan Burton** asked the Taoiseach the status of the national digital strategy being led by his Department. [21730/19]

**The Taoiseach:** I propose to take Questions Nos. 8 to 10, inclusive, together.

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Ireland and the world are undergoing profound change due to the increasing power and rapid diffusion of digital technologies. All areas of our lives are being transformed as these technologies become embedded in daily life, supporting greater connectivity and more personalised products and services. Technologies like artificial intelligence and robotics are already disrupting entire industries.

Digitalisation also poses major questions as to how governments legislate, regulate and deliver public services. The Government is developing a new national digital strategy to help Ireland maximise the economic and societal benefits from digitalisation and its transformative effects. The strategy is a shared effort by the Department of the Taoiseach, the Department of Communications, Climate Action and Environment, the Department of Business, Enterprise and Innovation, the Office of the Government Chief Information Officer, and the Department of Public Expenditure and Reform. An interdepartmental group, which includes representatives from all Departments, is guiding the formation of the strategy. This approach reflects the broad spread of policy areas impacted by digitalisation.

The strategy is being shaped by insights from Departments and agencies, public consultation, stakeholder engagement and expert consultations with academia and industry. A public consultation to allow citizens and stakeholders to feed in and influence the development of the strategy took place at the end of last year. More than 300 responses were received. In parallel, there were extensive consultations with stakeholders and experts.

The strategy will set out Ireland's vision and ambition across thematic areas, including digital infrastructure and security, trust and well-being, effective use of digital by citizens, communities, enterprise and government, and the digital economy's impact on the labour market. Importantly, it will also position Ireland internationally and within the European Union, where we are active promoters of the digital Single Market. I anticipate that it will emphasise issues such as connectivity, cybersecurity, greater use of open data, proactive regulation, public trust in digital, improved online public services, greater understanding of digital well-being, digital skills, and the digital intensity of SMEs. As committed to in Future Jobs Ireland 2019, the target for delivery of this strategy is the second quarter of 2019.

**Deputy Maurice Quinlivan:** I wish to ask about the establishment of an office of digital safety commissioner. As the Taoiseach knows, Sinn Féin introduced a Bill that reached Committee Stage in early 2018 and received strong support, including from the Chair of the communications committee, Deputy Naughton. The committee was working on definitions of "harmful communications", which was the main issue that needed to be addressed, when the Minister for Communications, Climate Action and Environment, Deputy Bruton, announced his proposals, which are still vague, in March. Why will the Government not work with the Sinn Féin Bill, amend it if necessary and come to a compromise on the issue? It strikes me that this would be the best way forward. My colleague, Deputy Ó Laoghaire, has requested a meeting with the Minister on the matter, but there has been none yet.

The Minister has not published the public consultation and has said that he will not despite having committed to doing so. He has refused to commit to a timeline any earlier than the end of this year for publishing the heads of Bills. What is all the foot dragging about and will there be some progress on this situation?

**Deputy Brendan Howlin:** The roll-out of high-speed rural broadband is key to the national digital strategy. The Labour Party and everyone in the House wants to see high-speed

rural broadband delivered as soon as possible, but the Labour Party believes that Ireland must maintain public ownership if we are to avoid the disastrous mistakes that followed the Telecom Éireann sell-off.

Last week, the Taoiseach alluded to the fact that the Government had a choice between two models - a gap funding model and a full concession model. The key difference between the two is ownership of the assets at the end of the contract term. In gap funding, the bidder would own the assets outright. If there was a concession agreement, the State would be the ultimate owner.

In July 2016, the then Minister, Deputy Naughten, stated that he was advised that, under a full concession model, the entire cost of the project would be placed on the Government's balance sheet, with serious implications for the available capital funding for other critical expenditure items such as climate change, housing and health, which he said he could not justify. In short, he implied that the gap funding model would not appear on the Government's balance sheet and that that was the reason for it being selected. According to the Department of Public Expenditure and Reform's memo to the Minister for Finance, Deputy Donohoe, in January, however, either option would ensure that all of the assets and their cost would be classified as on-balance sheet. As such, Deputy Naughten and the entire Government made the decision on the basis of a false premise. Does the Taoiseach accept that the rationale that the then Minister publicly gave for choosing the gap funding model was mistaken?

**Deputy Richard Boyd Barrett:** There is no doubt that the world we live in has been transformed fundamentally by digital, social media, communication, Internet technology and so on. There are many advantages to that at many levels in our society, but it has also produced many challenges, of which online bullying is one. There is also arguably a concern about the overuse of digital technology, social media and so on. It strikes me that as the landscape changes, the companies that are making gargantuan, astronomical and mind-boggling profits from the digital transformation should make a contribution to the society in which they function, and from which they profit, to help us to put in the infrastructure, supports and oversights needed to manage the digital revolution. These precise IT corporations - Google, Facebook, Apple and all the rest of them - pay pitiful percentages in tax. In most cases, they pay less than 1% in tax. As we know, many of them are based here. In light of the challenges for our society that are posed by the IT revolution, some of the impacts of which revolution are adverse, does the Taoiseach not think it would be fair and reasonable for these people to pay a little bit more tax? A digital tax of some kind could be used to funnel money into the infrastructure, services and supports for young people that are needed to ensure the digital revolution benefits society, rather than having an adverse impact on it.

**Deputy Jim O'Callaghan:** When the Government announced last October that a revised national digital strategy would be prepared, the public was given a one-month window in which to make submissions. For the past six months, there has been near-complete radio silence in respect of that strategy. It appears to have disappeared. Will the Taoiseach tell us what is happening in respect of the strategy that was announced more than six months ago? It is promised at that time that the public submissions would be published, but they have not yet been published. I would be interested to hear why that is the case. The national digital strategy has probably become entangled with the national broadband plan, the history of which we all know too much about. Is the national digital strategy completely entwined with the broadband plan or is it separate? What is the reason for the delay? It is important to note in the context of what Deputy Boyd Barrett has said that we are having progressively more serious problems with bullying of young people as a result of the online activities of others. The Houses of the Oireachtas

will have to deal with this issue at some stage. I agree that the technology companies need to take active steps to deal with bullying. They need to fund sections within their companies to ensure there is an anti-bullying czar. They need to target online bullying actively in the same way that they actively target the receipt of money from advertisers. If they put the same effort into tackling bullying that they put into accumulating profits, I do not think we would have a problem with online bullying. The Government needs to put this issue at the forefront of its response to the national digital strategy.

**The Taoiseach:** The Action Plan for Online Safety, which was launched in July 2018, contains 25 targeted digital safety actions that will be delivered over 12 to 18 months. It seeks to balance the opportunities and benefits provided by the Internet with the need to ensure people are informed and supported to deal with the risks. The implementation of these actions is under way across relevant Departments and agencies. The key achievements of the action plan to date include the creation of an online safety hub; the establishment of the new National Advisory Council for Online Safety, NACOS, which is advising the Government on Internet safety policy issues; the establishment of a new cybercrime area of responsibility in the Department of Justice and Equality; the development of dedicated advice hubs for young people, parents and teachers; the provision of new digital capacity and resources for primary schools and public libraries; and the roll-out of mental health initiatives, including media campaigns and text line supports. The newly formed NACOS recently issued a progress report on its work, which included proposals for the development of practical guidance for online safety, the adoption of a proposal to conduct a phased research project on online safety during 2019 and the provision of an Irish research base to inform policymaking on further research. The members of NACOS are drawn from a range of stakeholder groups and sectors, including representatives of children's and parents' organisations and major online platforms and experts on online matters.

The Digital Safety Commissioner Bill 2017, which was introduced by Deputy Ó Laoghaire, has been referred to the relevant Oireachtas committee and is the subject of detailed scrutiny. The Bill presents a number of legal and operational issues, including the absence of a definition of the "harmful content" about which the proposed commissioner would exercise his or her takedown powers. The Action Plan for Online Safety covers a range of activities that are relevant to the proposed office of digital safety commissioner, including education and awareness raising, communicating with the public, and oversight and consultative structures. The action plan contains a commitment that the Government will engage with the issues raised by the Bill and highlight the upcoming transposition of the revised audiovisual media services directive, which requires member states to put in place oversight structures for video sharing platform services. On 4 March last, the Minister for Communications, Climate Action and Environment gave a speech in which he outlined new proposals for legislation to tackle the spread of harmful online content. He launched a six-week public consultation on the regulation of harmful content on online platforms and the implementation of the revised audiovisual media services directive to seek views on the shape that the proposed legislation should take. The Minister, Deputy Bruton, plans to bring a draft proposal to the Cabinet for the development of an online safety and media regulation Bill and a regulator, including an online safety commissioner.

As I have mentioned in the Dáil previously, the initial five models were reduced to two - the gap funding model and the concession model. The gap funding model was adopted by the Government on the advice of the then Minister, Deputy Naughten, having been assessed on a number of occasions by the Government and independently. One of the advantages of the gap funding model is that it involves a lower cost for the taxpayer. As we are all aware, some

people feel that €3 billion is too much to invest in rural broadband. I do not agree with that. There are many people who feel that €3 billion is too high a cost to connect 1.1 million people to high-speed broadband. It would have cost more - upwards of €3 billion - if we had gone for the concession model. The gap funding model also involves greater risk sharing by the private sector. As people know, under this arrangement the risk for the public sector and for taxpayers is capped, but the risk for the private sector is not. Crucially, this arrangement incentivises the company to continue to upgrade the fibre and the fibre optics, which would not necessarily be the case if it were being handed over to the State at the end of 25 or 30 years. As I have said previously, the real infrastructure, the thousands of poles and ducts throughout the country, is privately owned. It went into private ownership 20 years ago when Telecom Éireann was privatised as Eircom. The only physical asset that could possibly revert to the State would be the fibre running within privately owned ducts. That fibre has to be replaced every 25 or 30 years in any event. This system is cheaper, involves greater risk sharing by the private sector and incentivises the private sector to invest in upgrading that fibre.

We are working on the assumption that all of this will fall on the Government balance sheet. This really arose on foot of EUROSTAT's decision to classify Irish Water and, more recently, some affordable housing bodies in the UK as being on the Government balance sheet. That may yet change. This is a €5 billion to €6 billion project. Less than half of the money is coming from the taxpayers of this State in subsidies.

**Deputy Brendan Howlin:** Why did the former Minister, Deputy Naughten, believe it was off-balance sheet?

**The Taoiseach:** We decided, in the interests of caution and prudence, to assume it is all on the balance sheet unless EUROSTAT decides otherwise.

**Deputy Timmy Dooley:** It just gets worse.

**The Taoiseach:** That is the reverse of the mistake that was made in the case of Irish Water, when it was assumed that it would be off-balance sheet, but it was not.

**Deputy Brendan Howlin:** The former Minister said it was all off-balance sheet.

**The Taoiseach:** I cannot answer questions on behalf of the former Minister, unfortunately. That is the current state of play.

**Deputy Timmy Dooley:** What about Cabinet collectivity?

**The Taoiseach:** It is important to point out when we are speaking about the ownership structure that there are termination clauses. If the contractor does not deliver on certain milestones, the contract can be terminated. At that point, the fibre would revert to the State. If, after 25 years, the contractor does not want to continue to provide the service, there is the option to buy. It will be possible in the future for the Government to take an equity stake in the business. That could not really be considered until after the contracts have been signed.

**Deputy Brendan Howlin:** We pay for it and then we buy it back.

**Deputy Timmy Dooley:** We already did that with Enet.

## Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

### National Broadband Plan

48. **Deputy Timmy Dooley** asked the Minister for Communications, Climate Action and Environment the role of companies (details supplied) in the national broadband plan; the contractual and financial powers of the State with regard to these companies; and if he will make a statement on the matter. [22060/19]

**Deputy Timmy Dooley:** This question relates to the companies which may be providing the financial backing to the national broadband plan. In response to a parliamentary question tabled by Deputy Cowen, Fianna Fáil received the following answer:

The holding company and Granahan McCourt Dublin (Ireland) Limited will have agreements in place with the ultimate investors, Granahan McCourt Dublin (Ireland) Limited, Tetrad Corporation and McCourt Global LLC., in respect of both corporate governance and equity funding for the project.

However, it was reported in this week's edition of *The Sunday Times* that McCourt Global is not an investor. I ask the Minister to tell us which is the case.

**Minister for Communications, Climate Action and Environment (Deputy Richard Bruton):** The national broadband plan is a plan to design, build and operate a network which will make high speed broadband available to every home in rural Ireland within seven years and to continue to operate the service for 35 years. Granahan McCourt relied on the resources of Tetrad Corporation and McCourt Global LLC to demonstrate its economic and financial capacity for the purposes of the pre-qualification process and the requirements for doing so are set out in the project information memorandum, including at section 10.2, and the pre-qualification questionnaire. Tetrad Corporation and McCourt Global LLC provided letters of support as part of that process. Tetrad Corporation and McCourt Global both reiterated their support at final tender and Tetrad Corporation provided a commitment letter in relation to the equity required for the project. The equity commitments will be contractualised in advance of contract award. This means that the Minister will have the right, through those contracts, to enforce the equity commitment on behalf of the project. This committed equity from the bidder will be invested ahead of the Government subsidies, thereby placing this investment at risk first.

**Deputy Timmy Dooley:** The Minister has gone ahead and appointed Granahan McCourt as the preferred bidder for the national broadband plan, yet he has not received basic information on the bidder. What is the full membership of the consortium and who is ultimately financing it? The Minister has confirmed that Granahan McCourt did not even have the €175 million in equity that was needed up front so who is providing the money? I ask the Minister to provide a breakdown of who is involved in that.

In the event of anything going wrong, we have been told in recent days by the Minister and the Taoiseach that Granahan McCourt will be responsible for up to €2.4 billion of funding. However, it did not have €220 million or even €175 million at the start. Who is providing that cover? What instrument will be used to provide that cover? The project information memorandum seems to suggest that all that is required is a letter of comfort and that such will suffice.

**An Ceann Comhairle:** I ask the Minister to respond.

**Deputy Timmy Dooley:** That is not enough.

**An Ceann Comhairle:** We cannot have further debate. The Deputy's time is up.

**Deputy Timmy Dooley:** The Taoiseach indicated that there was €2.4 billion on the hook but now we are being told that the capital is all that is involved.

**Deputy Richard Bruton:** The position is that the commitments in relation to equity will be contractualised in advance of contract award. Any committed funding that has not been drawn down by National Broadband Ireland at financial close will require a guarantee in a form that is acceptable to the Department. The Department will have a legally enforceable contract in relation to the equity that has to be provided. That equity will be rolled into the company and all of it must be in the company before any equity could be withdrawn or returns made.

In terms of the €2.4 billion, the Deputy is correct that the company is exposed to the full risk of funding the investment right out to the 25 year period and while the State's commitment is capped, the company has no such capping. The company not only has to provide that initial equity of €175 million and the working capital of €45 million but it is also exposed to the risk that if any of the projections do not materialise, it could have to make additional equity investments.

**Deputy Timmy Dooley:** It is clear now that the only commitment that Granahan McCourt has to make, along with the myriad of companies that sit behind it supporting it and providing it with letters of comfort, is to invest €175 million of equity. It is also clear from the Minister's answer that all of that €175 million may not be in the company by the time the contract is signed. The Government has talked loosely about an additional €2.4 billion of exposure. I ask the Minister to confirm that there will be no encumbrance or lien on any asset of Granahan McCourt or any of its support companies to ensure that the money is available in the event of the performance of the contract not being as expected. I want clarity. Will there be some legal connection or instrument to encumber that €2.4 billion in the event of the contract not performing as expected?

**Deputy Richard Bruton:** The position is that the contract will provide an enforceable equity commitment on behalf of the project which will cover the equity involved of €175 million. The company will also have to provide all of the working capital. As I indicated in my initial reply, the State will not be making any commitment to make a payment until and as the roll-out is delivered.

In terms of the longer-term prospects of this company, it is operating in a controlled market where it will pay a price that is fixed under the contract, which is at the same price that access to urban broadband will occur. At year 25, it is expected that its total turnover will be of the order of €150 million. That is the size and scale of this operation. The commitment of equity is absolutely secured in the contract and the State will have recourse in respect of that. If at any point the company fails to meet its commitments, as set down at six different milestones, the State can intervene and repossess the assets.

49. **Deputy Brian Stanley** asked the Minister for Communications, Climate Action and Environment if he will seek a full cost-benefit analysis of all State owned alternative models to deliver the national broadband plan. [21700/19]

**Deputy Brian Stanley:** My question also relates to the national broadband plan. Has the Minister considered commissioning a cost-benefit analysis on alternative models, given the difficulty with the current plan and the difficulties arising from it, particularly with regard to the option taken by the Government of the gap model with the sole bidder, Granahan McCourt?

**Deputy Richard Bruton:** The availability of high speed broadband to every home in the country will unlock the door to equal participation in digital transformation which is already transforming our lives and will continue to bring fresh opportunities that will be crucial to operations in Ireland's regions.

My Department commissioned a comprehensive cost-benefit analysis on the national broadband plan, as is a mandatory requirement under the public spending code. A cost-benefit analysis benefits report and a detailed benefits calculation annex were published in 2015. This analysis was updated over the last four years and the finalised cost-benefit analysis was published earlier this month. Alternative options for delivering high speed broadband were also considered in the context of only one bidder remaining in the process and this analysis has also been published. Each of these alternatives was considered against the cost-benefit analysis framework. In stress testing a number of alternative options, it is not expected that a full cost-benefit analysis will be carried out. Rather, the approach is to evaluate the salient changes that other options would bring in the context of the general framework of benefits and costs. Some options sought to reduce the area covered, alter the technology, delay the roll-out or alter the model underpinning the tender. This all involved an examination of costs, potential changes in timing and roll-out, state aid requirements and so forth, depending on the alternative under consideration. That analysis concluded that these alternatives would take longer to reach 100% of the premises in the intervention area and in some scenarios would involve leaving some premises behind. In addition, the analysis concluded that the alternatives considered could potentially result in a higher cost to the State and would require a consultation on a new strategy, along with a new procurement process and state aid application. Some of the alternatives considered were unlikely to provide the level of future proofing required under the European Commission's strategy for a gigabit society.

**Deputy Brian Stanley:** I thank the Minister for his reply. Unfortunately, a detailed cost-benefit analysis was not done on the alternatives. It is clear that the Government does not have a plan B, despite what has unfolded in recent weeks. The Minister is responsible for the national broadband plan which is a disaster for the Irish taxpayer. It is based on a failed tendering process, a flawed cost-benefit analysis, as pointed out by his own Department, and it does not represent value for money. What is even worse is that the taxpayer will not own one metre of cable when the 25 years are up. Everything stays with the private company which will be bankrolled by the Irish taxpayer. The failure to conduct a proper cost-benefit analysis of the alternatives is reckless, both from the point of view of providing broadband and from a financial perspective. We know from the documents released last week that there have been two contingency reports, one carried out in 2018 and one in 2019. They told of two viable options. To quote directly from the 2019 report, officials in the Minister's Department reported that alternative options "have not undergone a project appraisal or any CBA analysis". Will the Minister tell the taxpayer why he chooses not to carry out a cost-benefit analysis on viable State-led alternative options?

**Deputy Richard Bruton:** I assure the Deputy that the cost-benefit analysis was conducted according to strict procedures and that, contrary to his claim, my Department did not in any way suggest that it was not done in the correct manner. I also assure the Deputy that we have examined every alternative. One of the things we have learned from conducting public projects in a robust way is that one has to be sceptical about the different alternatives. In 2015, five alternatives were considered, ten were considered in 2018, and three alternatives were considered in 2019. At no point did we overlook the importance of testing plan A, the one we now have on the table, against possible alternatives. Every time we did so we found that the alternatives would result in some people being left out, a longer delay for the project, or a higher cost. I do not know whether the Deputy wants people to be left out - it is not clear from his comment whether he is advocating for that - or whether he wants the process to be delayed to allow a new tendering process to be completed. I know he advocates a different model that would require such delay. It is important that the Deputy and other Deputies be honest with the public. We have a plan that is capable of delivering. If one wants to take an alternative approach, one has to look at whether it will deliver cheaper, sooner, and in a better way.

**Deputy Brian Stanley:** The Minister suggests that an alternative would have to be cheaper. How much of the €2.95 billion State subsidy will be paid to another private company, Eir, for the use of its poles and ducting? We have a network in place. As regards people being left out, the network to which I am referring, that of the ESB, covers every house while Eir's does not, even though it has poles all over the place, some of which are falling over. As regards the cost, if we have infrastructure, why does it make sense to rent or lease other infrastructure on which to hang cables or through which to duct it? Sinn Féin has tabled a motion to bring this issue before the Dáil on 11 June. We have put forward the basis of an alternative plan for delivering value for money through public ownership, which we believe is the best model. I fail to see why the Minister has ignored the advice of the most senior officials in the Department of Public Expenditure of Reform and in his own Department. Perhaps he will tell me.

**Deputy Richard Bruton:** To explain to the Deputy, the proposal involves rolling out 146,000 km of fibre. We chose to adopt the approach of using an existing network, which could either be that of Eir or the ESB. Of course, because this project involves state aid, one cannot specify which must be used. It is up to those delivering to choose based on market competition. One option cannot be designated. However, the price paid for rental is controlled by ComReg. It is entirely independently controlled.

**Deputy Brian Stanley:** How much is that?

**Deputy Richard Bruton:** That price will be payable whether ESB poles or Eir poles are used. Under the estimate, the cost of rental over 25 years will be €1 billion, which is €40 million a year.

**Deputy Brian Stanley:** That is €1 billion of taxpayers' money.

**Deputy Richard Bruton:** That is a ComReg regulated price which is independently set. It can be altered by ComReg. It would have to be paid whether ESB poles or Eir poles were used. This contract allows the contractor to choose whether to use the ESB, Eir, the metropolitan area networks, MANs, or any other network it chooses.

## Climate Change Policy

50. **Deputy Timmy Dooley** asked the Minister for Communications, Climate Action and Environment the position with regard to the declaration of a climate and biodiversity emergency; the actions he will take in view of this decision; the status of the response to the report of the Oireachtas Joint Committee on Climate Action; and if he will make a statement on the matter. [22061/19]

**Deputy Timmy Dooley:** Two weeks ago the Dáil declared a climate and biodiversity emergency. The Taoiseach subsequently described the declaration as a mere symbolic gesture. He failed to note that the declaration was part of a motion which endorsed immediate action in the form of implementation of the report of the Oireachtas Joint Committee on Climate Action. Will the Minister confirm that the Government's forthcoming plan will reflect all recommendations and timelines set out in the committee's report?

**Deputy Richard Bruton:** All of us in the House will agree that tackling climate change is one of the greatest challenges facing humanity. The deliberations of the committee and the very lively participation of all members, including the questioner, is testimony to the interest of the Oireachtas. As the Deputy recognises, I have been asked to prepare an all-of-Government climate action plan to ensure Ireland makes an effective transition to a low-carbon economy and creates a climate resilient society. This will involve radical change in every home and workplace with regard to how we generate power, how we travel, and how we farm our land. It is a collective challenge of enormous scale and importance.

I warmly welcome the unanimous vote of the Oireachtas to endorse the all-party report and to declare a climate and biodiversity emergency. This builds on the work of the Citizens' Assembly and provides a strong platform on which to build an effective implementation plan.

Every Department has been asked to examine the recommendations of the Oireachtas committee which fall within its remit and I will be seeking to integrate proposals put forward by the Oireachtas committee into the climate action plan. I have signalled our commitment to achieving 70% of supply from renewables in the electricity sector and to building an electric vehicle, EV, charging network to facilitate transition to no non-zero emission vehicles being purchased in Ireland from 2030 onwards. In respect of biodiversity, primary responsibility in this area lies with my colleague, the Minister, Deputy Madigan, who has engaged with me and my Department on the preparation of the climate action plan but who has also developed specific policy initiatives for biodiversity and who has recently hosted Ireland's first biodiversity conference.

**Deputy Timmy Dooley:** It has already been widely reported that the Minister's plan will be different in including new measures and responsibilities to be introduced across the public sector. Indeed the Minister has used the word "radical" on a number of occasions. This would be a welcome development but this plan will be this Government's third climate related strategy. Previous strategies have lacked not only substantive measures but also commitment to implementation and a clear idea of impact. We cannot accept a business as usual approach that allows industries to use sustainability and efficiency as buzzwords while failing to ensure measurable progress in other sectors. Has the Minister's plan been analysed by the Environmental Protection Agency or the Climate Change Advisory Council to provide an independent analysis of its effectiveness? If such analysis has not been carried out, I hope that it will be before the plan is published, particularly with regard to the emissions reduction that will be achieved. Will the Minister also confirm that the necessary legislation will be enacted this year, especially amend-

ing legislation to provide for necessary targets and a new accountability regime? Will the Minister set out how the Oireachtas committee's recommendations will be reflected in the national energy and climate plan to be finalised at EU level by the end of the year?

**Deputy Richard Bruton:** I assure the Deputy that I recognise the importance of the work done by the Oireachtas committee and that I absolutely accept the importance of a much greater level of transparency and accountability and the importance of setting of clear targets which will be adopted by each sector. We will be adopting legislative proposals to ensure that the Oireachtas plays a far greater role. I assure the Deputy that we are drawing on the very best analytic support from the Climate Change Advisory Council, the Environmental Protection Agency, EPA, the Sustainable Energy Authority of Ireland, SEAI, and many other public agencies to assist us in developing this plan. I am also fully conscious that success will involve every home, enterprise, workplace, pupil, and worker getting involved. One of the challenges we face is how to mobilise that much wider group. I fully accept that Government must lead the way and that it must lead by example and create the framework, but we must also work collectively to draw people into the challenge we mutually face.

**Deputy Timmy Dooley:** It is well accepted that this cannot be solved through legislation alone, but the legislation will have to show leadership, as will all of us in this House. While I know issues of biodiversity are somewhat outside the Minister's sphere of influence, the declaration of this House was significant in asserting a biodiversity emergency and in calling for a citizens' assembly to address the equally disturbing ecological crisis. A major global assessment recently found that ecosystems are rapidly declining and that 1 million species are at risk of extinction, including several species native to Ireland. The necessity for a citizens' assembly to examine this crisis is a reflection of the failure of the Government to integrate biodiversity protections adequately into our policymaking. I hope that can be achieved and such a discussion can take place in a citizens' assembly. That, of course, will require the Government to ask for that to happen.

How will the Government amend departmental strategies, increase investment in habitat conservation and protection and ensure that necessary resources are made available to relevant State agencies? While it is not in the Minister's sphere of influence, he might be able to pass it on to the relevant Minister, noting that it is part of the wider climate change issue. I know the Minister has ongoing dialogue with other Departments in that regard.

**Deputy Richard Bruton:** I understand that the Minister, Deputy Madigan, has introduced to the House in the Wildlife (Amendment) Bill a new biodiversity duty, obliging public bodies to work to reduce the impacts of their activities on biodiversity. She has also published the National Biodiversity Action Plan 2017-2021. She convened the national conference, which I attended. It is interesting that a number of public bodies made substantial commitments to habitat restoration as part of that conference. The work is ongoing on the biodiversity sectoral climate change adaptation plan, which is part of the obligations we have undertaken. I will convey to the Minister the Deputy's desire to see wider citizens' involvement in the initiatives in this area.

## **Air Pollution**

51. **Deputy Peter Fitzpatrick** asked the Minister for Communications, Climate Action and Environment the measures he is putting in place to combat air pollution (details supplied); and the measures he is taking to reduce domestic solid fuel burning. [21787/19]

21 May 2019

**Deputy Peter Fitzpatrick:** What measures is the Minister putting in place to combat air pollution to reassure GPs that it is safe for their patients to breathe in fresh air? Emissions from solid fuel burning throughout the country and transport emissions in large urban areas should not be taken for granted.

**Minister of State at the Department of Communications, Climate Action and Environment (Deputy Seán Canney):** Recent scientific evidence indicates that air pollution is more damaging at lower concentrations than was previously understood. With this in mind, we are committed to publishing the national clean air strategy this year, which will provide the policy framework necessary to identify and promote integrated measures across Government that are required to reduce air pollution and promote cleaner air, while delivering on wider national objectives.

Under the national emission ceilings directive, Directive (EU) 2016/2284, more stringent emission reduction targets for 2020 and 2030 have been set, as percentage reductions from 2005 emission levels, for five key pollutants, namely, sulphur dioxide, 65% reduction by 2020 and 85% reduction by 2030; nitrogen oxides, NO<sub>x</sub>, 49% reduction by 2020 and 69% reduction by 2030; non-methane volatile organic compounds, NMVOCs, 25% reduction by 2020 and 32% reduction by 2030; ammonia, 1% reduction by 2020 and 5% reduction by 2030; and fine particulate matter, 18% reduction by 2020 and 41% reduction by 2030. The directive requires member states to prepare a national air pollution control programme, NAPCP, to identify the programmes and measures that will deliver on these reduction targets. Ireland's NAPCP is currently open for public consultation.

While Ireland's air quality compares favourably with more industrialised and urbanised countries, we have specific challenges which need attention. In terms of overall annual emissions, we have a particular problem with ammonia from agriculture and, to a lesser extent, with NMVOCs and NO<sub>x</sub>.

Separate from annual emission levels, Ireland faces challenges with ambient air pollution - the concentration of a particular pollutant at a particular place and time. Thresholds for ambient air are established in the clean air for Europe directive, 2008/50/EC. We have a problem with particulate matter in our smaller towns and villages, associated with the burning of solid fuel for domestic heating. In this regard, I am disappointed that a number of coal firms have indicated that they would challenge the decision of two former Ministers to extend the smoky coal ban nationwide.

*Additional information not given on the floor of the House*

There is also some concern about how increased economic activity may impact on levels of NO<sub>x</sub> from transport in our cities.

As many air pollutants come from the combustion of fossil fuels, there is a significant potential for the successful execution of a climate action plan to positively impact air quality both in ambient terms and overall emissions. A key focus of work in my Department is to ensure that synergies are maximised between climate plans and the national clean air strategy with the purpose of reducing the health and environmental impacts of air pollution in the most efficient manner.

**Deputy Peter Fitzpatrick:** The air we breathe is growing dangerously polluted. According to the World Health Organization, nine out of ten people now breathe polluted air which

kills 7 million people across the world every year. In Ireland premature deaths caused by air pollution are estimated at 1,200 people per year. Air pollution is an invisible killer. One in five children in Ireland suffers from asthma and four deaths a day are directly associated with poor air quality. The health effects are serious. One third of deaths from stroke, lung cancer and heart disease are from air pollution. This has the same effect as someone smoking tobacco and it is higher than the effect of eating too much salt.

**Deputy Seán Canney:** I agree that it is a very serious issue. Air quality in Ireland compares favourably with more industrialised and urbanised countries but it is not without challenges. The Environmental Protection Agency's most recent annual air quality report was published in November 2018 and provides an assessment of air quality in Ireland in 2017. Values for all network sites were below the EU annual limit but exceeded the stricter World Health Organization guidelines for a number of pollutants at individual sites. I accept we have an issue that needs to be dealt with.

The EPA also reports that particulate matter from solid fuel burning remains the greatest threat to good air quality in Ireland, closely followed by nitrogen dioxide from transport emissions in urban areas. The report can be found on the EPA's website. It is a problem we are taking very seriously.

**Deputy Peter Fitzpatrick:** Air pollution is hard to escape as it is all around us. In my Louth constituency doctors are advising people not to go out walking as the air is polluted, which is very serious. The true cost of climate change is felt in our hospitals and in our lungs. Air pollution is harmful to everyone's health. What is the Government doing to combat the problem? What measures is it taking to reduce domestic solid fuel burning?

Like the Minister of State, I like walking and running. Over recent years in the small town where I live I can actually feel the pollution in the air. The country has a serious problem with obesity and we are trying to encourage people to go out. I ask the Minister of State to let people know what the Government is doing to combat this issue. I feel that it is a neglected area. My six year old grandson is a David Attenborough fanatic and he is asking me these questions. I want the next generation to realise that we are doing our best. When will this start? We need to start today.

**Deputy Seán Canney:** Recent scientific evidence indicates that air pollution is more damaging at lower concentrations than was previously understood. Tackling the sources and causes of air pollution is a significant challenge and will form part of the overall climate action plan we will put in place. It involves emissions from transport, industry, agriculture and shipping and the use of solid fuels in homes. It goes across a wide spectrum and is a major challenge. Given the wide range of pollutants, it is important that action is co-ordinated across these sectors. A number of plans are under development, including the national air pollution control programme and the national energy and climate plan, which is relevant to the clean air agenda. As part of this renewed emphasis on the importance of air quality, the Department is also funding the ambient air quality monitoring programme which will greatly improve the data available on air pollution in Ireland, facilitating the design and targeting of policy measures to tackle it.

## **National Broadband Plan**

52. **Deputy Catherine Murphy** asked the Minister for Communications, Climate Action and Environment the number of cost-benefit analyses undertaken before the decision was made to grant preferred bidder status to a consortium regarding the national broadband plan; if the analyses will be published; if the initial investment in the plan by the preferred bidder will be released in one block or in tranches; and if he will make a statement on the matter. [21733/19]

**Deputy Catherine Murphy:** The question has two elements to it. One relates to the cost-benefit analysis and if all of the updates to the original cost-benefit analysis have been published. If not, when will they be published? The second aspect asks whether the initial investment by the preferred bidder will be released in one block or in tranches. Is that known at this stage?

**Deputy Richard Bruton:** To some degree the earlier question from Deputy Stanley covers the Deputy's points.

The original cost-benefit analysis was commissioned in 2015 under the terms of the public spending code and has been published. This was updated over the past four years and the finalised cost-benefit analysis was published earlier this month. This was done after detailed evaluation and engagement with the bidders. The cost-benefit analysis was carefully scrutinised before it was published.

Regarding the investment by the bidder in the national broadband plan, this will be in tranches in the initial years of deployment when capital costs are highest. While the subsidy to be invested by the State is capped, the bidder's equity will be invested ahead of Government subsidies, thereby placing the bidder's investment at risk first. There are separate subsidies to cover the costs of passing, and then connecting, rural homes. These are paid retrospectively and only on independent verification of the achievement of milestones set out in the contract. The bidder will also bear the risk of additional equity injection requirements over the life of the project if some of those projections are wrong. As I indicated to Deputy Dooley, the commitment of the equity will be dealt with in the detailed contracts that are now being drawn up.

**Deputy Catherine Murphy:** The Minister has a routine of knocking on doors in his constituency, not only at election time, so he must be acutely aware of the concern over the escalation of the costs, the response of the Secretary General of the Department of Public Expenditure and Reform regarding the risk to the State, and the fact that we will not own the infrastructure if the plan goes ahead under the gap-funding model.

Is the Minister concerned that, in its cost-benefit analysis, the Department of Public Expenditure and Reform pointed to the kinds of risks that have been stated on the public record? Has he concerns at all in that regard or over the escalating costs? He must be hearing about them on the doorsteps. We are certainly doing so.

Does he know who is in the consortium? I have asked this at the Committee of Public Accounts on several occasions. As late as this morning, we were told that we could not get the information at this point and that it was not available. Surely we should know who the beneficial owners are.

**Deputy Richard Bruton:** People obviously raise the issue with me. When I explain to them that Telecom Éireann was sold 20 years ago and that we do not own the infrastructure and rely on the private sector to deliver for rural areas, they understand our position on providing 146,000 km of fibre to connect rural areas to the network, which is important for our future. I explained to the people that we considered every alternative, as I outlined to Deputy Stanley.

We sought to determine whether there were cheaper ways of proceeding. We evaluated the cost at several gateways to see whether there was a cheaper way, and we found there was not. Those are the explanations I give.

With regard to the critique of the cost-benefit analyses, I assure the Deputy that the cost-benefit analysis carried out in 2015, which was published, and that in 2019, which is being published, are absolutely robust. I acknowledge that in the process of verification of the second cost-benefit analysis, there was scrutiny of the benefits, which were reduced, and there was scrutiny of the costs, which were also reduced. That was done, however, with full participation on the part of those concerned, who did the work professionally. That was an example of the system working. It was a matter of making sure that any cost-benefit analysis was subject to due diligence so we would now have confidence in it.

**Deputy Catherine Murphy:** The Secretary General of the Department of Public Expenditure and Reform does not agree with the Minister because he was very forthright in his response on the cost not outweighing the benefits. Would this not, in its own right, prompt the Minister to re-examine the exposure of the State to the cost being talked about in respect of the contract?

**Deputy Richard Bruton:** I will not enter into a public dispute with the Secretary General of the Department of Public Expenditure and Reform. He scrutinised the figure of 30%, concerning benefits being greater than costs, and challenged the benefits, as is his job. The cost-benefit analysis was robust, however, and it showed the figure was verifiable. The other point I would make to the Deputy is one that is intuitively understood. The assumptions underpinning the cost-benefit analysis were extremely conservative. For example, it was assumed that 4% of white-collar workers in the area would take up remote working. We all know that considerable transformation is happening. The assumptions ignored the benefits of digital education or digital health. We are all aware that technology is coming and the broadband connectivity can allow people to participate remotely in health monitoring and education, which will transform both businesses, homes and participation.

A major part of the reason we are doing this is not just the static benefits one can measure today that are accounted for in a cost-benefit analysis; there is also the belief that digital transformation will be crucial to fair participation by people in rural areas in enjoying the benefits all of us will enjoy.

## **Ceisteanna Eile - Other Questions**

### **National Broadband Plan Implementation**

53. **Deputy Timmy Dooley** asked the Minister for Communications, Climate Action and Environment when the contract for the national broadband plan will be signed. [21777/19]

**Deputy Timmy Dooley:** As the Minister knows, this is an issue of timing. As he is aware, the Oireachtas communications committee has started an investigation into the national broadband plan, as signalled previously. The past few weeks have seen a number of announcements that a cynic might say are timed to coincide with the elections on Friday. I refer to announce-

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ments on the NBP, sports capital grants and the transport plan from Cork. It has been a busy couple of weeks for the Government on the trail of announcements.

While a certain milestone was reached with the NBP, we have still been given no idea when a contract will be signed with the remaining bidder. Could the Minister enlighten us a little more on that process?

**Deputy Richard Bruton:** As I have outlined to the House, and to the Deputy at the joint Oireachtas committee meeting last week, following rigorous evaluation by my Department, I recently brought a recommendation to the Government to confer preferred bidder status on Granahan McCourt, the remaining bidder in the NBP procurement process, and the Government agreed to this at its meeting on 7 May. This is an important step towards achieving the overarching goal of the plan, which is to provide access to high-speed broadband to every home, farm, school and business in Ireland, no matter where they are located.

The Government decision means that it is intended to award the State intervention contract to National Broadband Ireland, subject to contract close, including the finalisation of financial and legal documents. A period of final due diligence on all elements of the contract is part of the normal conclusion of a procurement process.

National Broadband Ireland will be supported by a number of experienced subcontractors and is currently tasked with finalising negotiations on contracts with approximately 40 subcontractors to assist in the delivery of the NBP. It is anticipated that a subset of approximately 15 to 20 of these subcontracts will be required prior to contract close to support deployment. The state aid notification relating to the NBP will also be submitted to the European Commission.

It is anticipated these elements will require a number of months, with contract close expected later this year and deployment commencing shortly after that.

**Deputy Timmy Dooley:** Is the Minister not in a position to give greater clarity, rather than stating the date will be later this year? As I stated previously, a number of issues remain to be addressed before the NBP can be delivered. The committee is carrying out an investigation that must be completed before a contract can be signed. That can happen.

In light of the continued drip of information on the remaining bidder, which has taken place over the past two weeks, it is not unreasonable to expect that further revelations may come to light. For example, it appears that Mr. Peter Smyth, when he carried out his review, did not seek to resolve the presence of Mr. Frank McCourt of McCourt Global LLC at the meeting in New York. Could the Minister outline the issues that must be resolved before any contract is signed? Could he confirm that the Government has, to date, not committed to signing the final contract?

**Deputy Richard Bruton:** The position is that the Government has appointed a preferred bidder. The preferred bidder has been successful in the tendering process but it is only on the satisfactory completion of the contract details that the Government will sign. We will have to be satisfied that all the financial agreements, guarantees and performance bonds are in place. We will have to be satisfied that there are credible subcontractors in place with contracts so we can proceed. There are a number of significantly important steps to protect the taxpayer, which will be finalised during the months I mentioned. They comprise a very important part of any contract. Neither the Deputy nor the House would thank me if I sought to foreshorten them to commence earlier. It is very important that we nail down these protections for the protection of taxpayers and, indeed, the potential beneficiaries from the system. While I can understand the

Deputy is impatient, I have to make sure this is done right.

**Deputy Timmy Dooley:** My impatience was not with the Minister's appropriate due diligence in regard to the signing of the contract. It was the fact that he rushed to the pulpit at the first possible opportunity, right in the throes of an election, to announce that he had conferred preferred bidder status on the only bidder that has been in existence for 15 months and so it would not be lost on the general public and the people who are waiting for broadband that this is not at all a done deal and that he still has an awful lot of i's to dot and t's to cross along the way. It speaks to the way in which this Government attempts to spin information. While I am not suggesting the Minister does that, there is an effort to spin and to give the impression that all is well and good and that all is ready to happen. In truth, however, when we lift the bonnet, we realise there is a hell of a lot more detail required and a hell of a lot more work to be done. It would be appropriate that the Minister would at least accept that, which I think he has done in his previous contribution.

**Deputy Richard Bruton:** I am not going to comment on spin but let me be honest. Every week, I was coming into the House and Members of the Deputy's party, including himself, and Members of the other parties were asking what was the delay in bringing forward a decision on the preferred bidder. Now, it seems, the very same people who were clamouring for that decision to be brought forward are saying this was rushed. It was not rushed. This was done in a proper fashion. We did the work and all of the due diligence that was appropriate. This is a very important decision and I am glad it is getting the scrutiny it is getting. I am absolutely confident that it is robust and will stand up to every scrutiny. This is the cheapest and best way of delivering it, this is the best technology and it will transform rural Ireland. It is, of course, right the House scrutinises it but I believe this system is robust. I have taken a lot of time to satisfy myself and I hope I will also be able to satisfy my colleagues.

## **Online Safety**

54. **Deputy Tom Neville** asked the Minister for Communications, Climate Action and Environment the status of the implementation of the action plan for online safety; the progress made to date; and if he will make a statement on the matter. [21484/19]

**Deputy Tom Neville:** I wish to ask the Minister of State about the status of the implementation of the action plan for online safety; the progress made to date; and if he will make a statement on the matter.

**Deputy Seán Canney:** The action plan for online safety was published in July 2018 and was drawn up following engagement with a wide range of stakeholders, including online safety experts, Government agencies, NGOs, parents, young people and industry. The plan recognises the opportunities and benefits provided by the Internet but also the importance of co-ordinated action and wide engagement in dealing with online risks and harms. The plan contains 25 targeted actions which are assigned to six key Government Departments, including the Department of Communications, Climate Action and Environment.

Implementation of the action plan is co-ordinated by a sponsor's group, chaired by the Department of Education and Skills. The first progress report on the implementation of the action plan was published on 5 February 2019 to coincide with Safer Internet day. That report outlines progress in the first six months of its implementation, from July to December 2018. During this

period, 22 of the actions targeted for completion were achieved. A further progress report is being prepared by the Department of Education and Skills for the period January to June 2019. In terms of the Department, key actions assigned by the action plan are the establishment of the National Advisory Council for Online Safety, which I chair, and the regulation of harmful online content.

In early March, we announced that Government would address harmful content through the development of new legislation, an online safety and media regulation Bill, which will also transpose the revised audio visual media services directive. A public consultation on these proposals was concluded last month. This Bill will establish, for the first time, a clear expectation for online platforms to take reasonable steps to ensure the safety of their users, especially children, and provide for regulatory oversight by a robustly empowered online safety commissioner with significant enforcement powers. It shall also provide a mechanism on appeal to the only safety commissioner to require the take-down of harmful material.

We want to thank those who contributed to the consultation, including NGOs, industry players, experts and members of the public, and to note that these contributions will be published in the coming weeks. We are currently examining the issues raised and suggestions made to inform the development of this new legislation.

**Deputy Tom Neville:** I thank the Minister of State for his answer, which I welcome. I look forward to seeing what updates there are in regard to the consultation and what has been put forward. I sit on the Committee on Children and Youth Affairs which, in examining these issues last year, spoke to various young people. What came across from that was the importance of education, which is something I myself champion. It is not only education in regard to the technologies, what they can provide and the content they can put out, it is also looking at the nuances of communication. By that, I mean online communication as opposed to visible, verbal communication in that something written online can be interpreted in a very different way when compared to the same thing being communicated face-to-face, given there is no body language, no tone of voice and so on, which means things can often be misinterpreted.

Second, when inappropriate behaviour happens online, in particular cyberbullying, which affects the mental health side, we have to educate people and give them the tools and equipment to be able to deal with that and to understand the nuances behind it. They need to understand that this is a snapshot in time and although the emotion has been put there, people and situations move on from that. Anxiety can often be driven by that and I believe we need to focus on the education side of communication as online matures.

**Deputy Seán Canney:** I agree with the Deputy that education for young children and parents on how to deal with all of that is very important. As part of my role in chairing the national advisory council, we have brought in experts and stakeholders to explain what is going on at the moment. There is a rise in the incidence of people reporting to the different organisations and this is something we need to deal with as a matter of urgency. Education is certainly important but, as the Minister has said a number of times, self-regulation is finished with; it is out the door and we cannot have that anymore. We need proper regulation and proper control. It is something many people have to engage with, including the industry, and education plays a very important role in that.

**Deputy Tom Neville:** I welcome the response from the Minister of State. As I said, education will give the tools. For example, the 300 hours we are providing in secondary schools

give people the tools to be able to deal with and cope with the challenges that are being thrown at them and means they are able to manage their emotions around that. As I said, this is just a snapshot in time. We need also to look at why people carry out this behaviour online and what are the drivers of that. This online behaviour can often be misinterpreted but we have to get behind this, as a culture, and there has to be a culture shift. We are dealing with this because it is new. It is a maturing environment and we are trying to alter the culture for our young people as they grow up. In the same way people have to conduct themselves socially and act in a socially acceptable way when face-to-face or on the telephone, there must be a socially acceptable way of conducting oneself online. I believe that really needs to be pushed as well.

**Deputy Seán Canney:** I agree with the Deputy. The other big problem with online safety is that this is not just confined to our country but applies right across the world, and it is a question of how we deal with the area of regulation internationally. I believe we need to start in our own country, have the regulation and have the online safety commissioner, so we show we are intent on protecting our young people who are most vulnerable.

In my role, I find everybody is engaging. We are starting a survey with children, parents and educators as to what is going on with the use of the Internet, how people deal with something which is not totally right and whether parents are aware of what is going on. All of this is to bring people more into focus with regard to what can be going on. Parents have a role to play as well as educators.

*Question No. 55 replied to with Written Answers.*

### **National Broadband Plan Administration**

56. **Deputy Timmy Dooley** asked the Minister for Communications, Climate Action and Environment the cost-benefit analyses conducted by his Department or on behalf of his Department with regard to each alternative option considered for the national broadband plan; the cost of each of the options considered; the state aid considerations and the meetings and-or communications with the Department of Public Expenditure and Reform on these options; and if he will make a statement on the matter. [21776/19]

**Deputy Timmy Dooley:** The question concerns the Department of Communications, Climate Action and Environment's consideration of alternatives to the national broadband plan in 2018 and earlier this year. Costings were made but this information was not released. Will the Minister outline the indicative cost of each of the options considered by the Department?

**Deputy Richard Bruton:** The purpose of the national broadband plan is to ensure that more than 1.1 million of our citizens in rural Ireland have the same opportunity to participate in the digital society as citizens living in urban areas. The availability of ubiquitous high-speed broadband will bring significant benefits in areas such as e-health, e-education, smart farming, regional development and tourism.

As I outlined in my response to an earlier question from Deputy Stanley, my Department commissioned a comprehensive cost-benefit analysis on the national broadband plan, which is a mandatory requirement under the public spending code. In stress testing a number of alternative options, it is not expected for a full cost-benefit analysis of each to be carried out. Rather, the approach is to evaluate the salient changes that other options would bring and evaluate them

in the context of the general framework of benefits and costs. Some options sought to reduce the area covered, to alter the technology, to delay the roll-out or to alter the model underpinning the tender. All of this involved an examination of costs, potential changes, state aid requirements etc.

In developing alternative options, my Department and the Department of Public Expenditure and Reform were in regular and ongoing engagement. Publication of the initial costings of the analysis of alternative interventions in advance of a revised strategy could impact on the State's ability to get value for money in a procurement process, which is why these costings have not been made public.

**Deputy Timmy Dooley:** I find that hard to understand. Earlier I heard the Taoiseach respond to a question about the ultimate value of the contract. There has been an effort by the Minister and the Taoiseach to suggest that after 25 years the only value that will accrue for this massive State investment will be the value of the fibre optic cable. That fails to recognise the tremendous amount of money that will be spent in marketing, connecting and building a customer base that is projected to comprise 400,000 customers after the 25-year period. The asset in question here is the value of that connection and monopoly access to that pool of customers and its revenue-generating capacity. As the Minister has indicated in this House, each of those customers will pay €30 per month. It does not take a mathematician to work out the value of that. I do not see any true recognition of what might be referred to as the soft asset, that is, the customer pool, in any of the communications of the Department, the Minister or the Taoiseach.

**Deputy Richard Bruton:** I can see the rationale for not publishing the costings and I hope the Deputy can understand it. The individual tenderer which has now been successful has to conclude deals with subcontractors. If we publish the tentative costings, it will undermine the ability of that tenderer to get value. Similarly, if we priced those alternatives and published those costings, we would undermine our ability to get value for money for the taxpayer if in the end it does not go ahead and we have to go back to the market. That is the reason for the redaction.

The development of the customer base is crucial to the success of this company. However, the company carries that risk entirely. One of the oft-cited critiques by the Department of Public Expenditure and Reform concerned what will happen if this company does not get sufficient take-up. In that eventuality the company is at risk, not the State. That is included in the terms.

Regarding whether this is going to be a huge and lucrative company, I pointed out that this is an entirely regulated price. There is a fixed price which is currently set in the contract and in the future will be set by ComReg. It is comparable to the price in urban areas. There is not some super-price to be charged in rural areas. It is the same price. The projected turnover on the take-up the Deputy refers to is €150 million. Some €220 million of investment will be made in equity and working capital. That gives an idea of the scale of the company. It is very important that we develop the take-up and that is why we are doing it, to give those people a chance to access the network.

**Deputy Timmy Dooley:** The Minister knows full well what will happen if the take-up does not meet this company's projections. The company will walk away. The Minister has already provided for that. He has indicated that the State will step in and take the stranded asset. It will then be left with the burden of completing it to protect the investment and the customers to whom the Government has already rolled out the service.

We must pick this deal apart bit by bit, look at all the risks and move way from the falsehood employed by the Taoiseach to the effect that the contractor will somehow be on the hook for €2.4 billion. It is clear that it will not be. If the company is not able to recover its capital investment, it will walk away. The Minister has already provided for that. The State will be left to pick up the tab. When one looks at it in the round, it is an exceptionally bad deal and there is potential for further delays. If at some inflection point the contractor walks away, it will take the Minister some time to pick up the pieces and start the roll-out again. None of this seems to have been factored in. This undertaking was entirely based on the belief that this was the only option. The Government has been taking that approach for four years. The fundamentals have changed on so many occasions and the Government has simply proceeded with the same approach, hoping for some other outcome. When one gets into the detail, it beggars belief. It is to be hoped we will be able to do that at committee in the next few days and shine some more light on a project that is doomed to failure.

**Deputy Richard Bruton:** There has been much talk about the projected take-up. As the Deputy knows, it is projected that 80% of those passed will take up the service by the end of this project. Existing information says that where it is available on a fixed line, the take-up of high-speed broadband is already at 65%. We have no reason to believe that take-up in rural Ireland will be lower. Our cost-benefit analysis assumes that farmers would take it up at a rate of just 20%. That is quite unrealistic.

If it turns out to be less than projected, it will be solely the contractor's equity which is at risk. If those targets are exceeded, the State will recoup 60% of the extra profits. This model is designed to ensure that the State shares in the benefits and carries a capped risk. This approach has been worked out as the best way of protecting the State while creating an incentive for the operator to continue to invest, upgrade and future-proof the network. That evaluation was made at the very start of the project. The Deputy can see why that advice came to the Government. When he reads and scrutinises it in the committee, he will see that it is robust.

### **Post Office Network**

57. **Deputy Brian Stanley** asked the Minister for Communications, Climate Action and Environment his views regarding the relocation of post offices from town centres to the outer fringes of towns and thereby accelerating the doughnut effect of towns. [21705/19]

**Deputy Brian Stanley:** What is the Minister's view on the relocation of post offices from town centres to retail facilities on the outer fringes of towns? This is accelerating the so-called doughnut effect which the Government and local authorities are supposed to be counteracting in towns.

**Deputy Richard Bruton:** We discussed this earlier in the week. An Post has its own State board and its own prerogatives. We in the Oireachtas have designated this to be so. It is responsible for the day-to-day management of its affairs. My responsibility is to ensure that the company operates to the standards of governance set for it and that it is in a financially sound position. As the Deputy knows, the company was not in a financially sound position very recently and it is suffering a continuous decline in revenue from traditional postal services. An Post has had to be very innovative in developing new services. Its view is that it can deliver new services if it develops a modern post office network. One of its offices is in Deputy Stanley's constituency. He has mentioned another in discussions. An Post has made that decision

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to best serve the people of Laois and Tipperary, to ensure that they have access to a high quality modern postal service and at the same time to ensure that the company continues to be viable and has the customer base that will allow it to thrive in the future.

The company is undertaking and delivering major strategic reform and is improving its services. The proof of the pudding is in the growth in its parcel business and its movement into financial services. It is transforming its business and we must allow the company do what is best for its customer base and workers.

**Deputy Brian Stanley:** I am well aware of the situation An Post was in two or three years ago. Members from all across the Chamber supported a number of measures in this House to try and retrieve the situation. An Post got a financial injection from the Government to modernise. The protection of the post office network is within the terms of the partnership Government. That is fine but what is happening here flies in the face of that. The Government has said that it wants to protect small and medium-sized rural towns and yet, in action, the Government is doing the very opposite and tearing the heart out of them.

The Department of Rural and Community Development and other Departments are engaged in town and village renewable schemes in the centres of towns, putting down nice paving and all of that, while at the same time vital parts of the cluster of businesses needed to retain and maintain a town centre are being pulled out. The Minister should know that the post office network is a vital component of the cluster of businesses in rural towns and villages. Pulling out the post office would have the same effect as pulling out one leg from underneath a stool. The stool will keel over. That is likely to happen to our towns and villages. This will have a detrimental effect on the hearts of towns such as Mountmellick and Thurles.

*5 o'clock*

**Deputy Richard Bruton:** The mandate of An Post must be to develop services for its customer base. It has been very successful in developing the parcel network. It is dealing with big companies like Amazon and other online players. It has successfully developed its own parcel business. It is developing into the financial services sector. We must rely on its capacity to build its customer base and ensure it delivers a high quality, future-proofed service to the people of Laois.

The Deputy wants me to issue a ministerial direction against the views of the board which is responsible for delivering that quality service. If that direction was unsuccessful, the Deputy would rightly ask why the Minister intervened in the work of An Post, resulting in its successful strategy for the future development being undermined. The Deputy would rightly come in here and say that.

The board, the chief executive and the staff have a responsibility and they are taking it seriously. They are restructuring the company, developing modern, future-proofed services for communities in Laois and every other county and are doing so effectively. We must allow them to do the work for which they are responsible.

**Deputy Brian Stanley:** All of those services will have to fit into the new An Post premises in Connolly Street in Mountmellick. Sinn Féin supports the modernisation of the network and the provision of additional services through the post office network. Sinn Féin has put forward various proposals for that over the past ten or 15 years and supported the general thrust of that notion. There is no argument there. However, the modernisation that must happen in the build-

ing in Connolly Street is similar to that which would have been required in An Post's former premises in the town square. The Minister mentioned the parcel service which is growing at the same time as the mail business is decreasing. I recognise that as a commercial reality but there was sufficient space in the building in the town square to do that. That building remains available and there is another one in the town square that is also available.

Sinn Féin also supported co-location of post offices in smaller towns and villages to ensure they were viable and retained in the commercial hearts of villages and towns. There is no argument other than that new services should be available and Sinn Féin supports that fully.

The Minister is saying he cannot issue a policy directive but this is a policy issue. I ask the Minister at least to discuss it with the chief executive officer of An Post, Mr. David McRedmond. This is a policy issue which is impacting negatively on Government policy, spatial strategies and the policies of local government. It is also impacting the local town development plan and the county development plan in County Laois.

**Deputy Richard Bruton:** The Oireachtas has given the company and its local service providers the responsibility to work with its local customer base to develop those services and deliver them in the most appropriate way. It would be totally incorrect of me to try and intervene in that process. An Post has a responsibility to its customers and it is convinced that it will deliver a better service to the people of Mountmellick and Laois by making the changes it is making. It believes that its move is in the best interests of developing and future proofing those services. I cannot impose myself and try to alter An Post's evaluation. It is dealing with its customer base locally and must make those decisions. That is the responsibility of the An Post board. Of course I urge An Post to talk to local stakeholders and customers to ensure it is making the right decision but I will not put myself in the position of intervening because the board rightly has the responsibility for taking those decisions.

### **Climate Change Policy**

58. **Deputy Thomas P. Broughan** asked the Minister for Communications, Climate Action and Environment the steps he will take to implement the decision of Dáil Éireann to declare a climate emergency following the report of the Oireachtas Joint Committee on Climate Action; and if he will make a statement on the matter. [21343/19]

**Deputy Thomas P. Broughan:** Our colleagues moved the motion to declare a climate emergency a couple of weeks ago based on the report of the Oireachtas Joint Committee on Climate Action which, the Minister will agree, was a fine effort and one of the achievements of this 32nd Dáil. The question now is what the Government is going to do to implement it. Fine Gael has had eight years of budgets, following five or six years of budgets from Fianna Fáil and the Green Party, and absolutely nothing was done. How is the Government going to decarbonise transport, agriculture, energy and housing? What steps will the Government take to implement the 42 priority recommendations? For example, will the Minister be proposing legislation to the House to take any emergency measures?

**Deputy Richard Bruton:** I was pleased both to open and close the debate to which the Deputy refers and I was here for the entirety of it. It was a worthwhile debate and I think everyone in this House recognises that the climate emergency is the greatest threat that faces humanity. We also realise it involves not only changes for Government but also for every

home, worker, enterprise and farm. We need to change how we travel. All of these systems must change dramatically. It is welcome that there was unanimous Oireachtas support for the all-party report and the declaration of a climate and biodiversity emergency. That builds on the work of the Citizens' Assembly and provides a strong platform for an effective implementation plan. That is exactly what I am undertaking. Each Government Department has been asked to examine the referred recommendations that are relevant to it and to come back to me. I hope to integrate proposals from the Oireachtas into the plan we ultimately publish.

One can already see the direction of travel. I have committed that we will raise the proportion of renewables in our electricity system from 55% to 70% by 2030, a significant increase. I aim to roll out the infrastructure so that no non-zero emission cars can be purchased from 2030 onwards. We have ambition but we need to implement a wide-ranging plan and I will be working to implement as much as possible of what has been set out by the committee. I will be bringing legislation before the House to underpin the Oireachtas view.

**Deputy Thomas P. Broughan:** The concern among constituents is that the most vulnerable households are affected. The report notes from its own research that 28% of households suffer energy poverty. How can we decarbonise energy if it is to be left to ordinary individuals? The Taoiseach has been flinging around figures such as €50 billion for what the decarbonisation effort will cost. Nobody seems to know.

Does the national energy and climate plan have to be agreed with the European Commission? Does that have to happen this year?

Has any work been done on the five-year carbon budget or the establishment of a carbon action council? The key figure which is cited each night in the debates for the European Parliament election is the proposed increase in the price of carbon from €20 per tonne to €80 per tonne. For example, what should the Committee on Budgetary Oversight and all other sectoral committees be doing now to get ready? Will the Minister bring forward proposals on carbon and the key areas of the economy we need to address like agriculture and transport?

**Deputy Richard Bruton:** I will not try and tell Oireachtas committees what they should be doing. I will be bringing forward an all-of-Government plan to look at agriculture, transport, the built environment, electricity and waste and it will have a strategy for each of those. We will seek to be ambitious. We will have sectoral targets based on what we believe can be achieved over a five-year plan to 2025 and 2030. I recognise what is being sought by the Oireachtas by way of legislation. Of course, we will have to move to drafting when the Government adopts a plan. I recognise what is being spelled out there.

On the national energy and climate plan, we had to provide a draft at the end of last year and that was submitted. I do not believe it is ambitious enough. Our plan will factor into a finalisation of a proposed five-year plan at the end of this year. We are working to that deadline.

**Deputy Thomas P. Broughan:** On legislation, will it be similar to the Brexit legislation in terms of the provisions for the various sectors in the case of a bad Brexit? The report refers to a review to be carried out this year on the area of fuel poverty and the potential impacts of an increase in carbon tax. Will that happen? The Department of Finance was asked to look at the possible impact of a carbon tax on the profits of fossil fuel corporations and businesses operating directly in the area of fossil fuels. Will that be addressed? I previously asked the Minister about the measures to be taken in areas such as agriculture and he could not give me a definitive

answer. For example, the role played by hedgerows across our beautiful country does not seem to enter into the equation in terms of the exact levels of carbon in our economy. Is something being done regarding mitigation measures? I asked a colleague of the Minister about lower speed limits and the benefits that could accrue from them in terms of carbon mitigation. Will those kinds of areas be addressed?

On carbon tax, does the Minister envisage that any tax increase will be hypothecated, that is, referred back to constituents or organisations or treated as a full dividend? Will it be targeted?

**Deputy Richard Bruton:** It will be a matter for the Minister for Finance, Deputy Donohoe, to bring forward proposals on carbon pricing. The Oireachtas has clearly signalled that the money should not be used for revenue raising but rather as a dividend or to shoehorn additional work to decarbonise the economy. The Taoiseach has put on the record his support for that approach. On agriculture, the committee on climate action set out the need to adopt the Teagasc measures identified which would help to decarbonise agriculture. There is an agenda in that regard.

On legislation, the committee did not envisage separate sectoral legislation but rather legislation that would create a set of targets, namely, five-year budgets, as referred to by the Deputy, with the responsible Ministers to report back within those targets to the Oireachtas. A set of legislative measures in each sector is not envisaged; it is more about creating a framework and seeking that the players within those sectors act creatively to deliver on the targets. It will not all be regulation. I recognise that in certain areas we will need to look at regulations by way of statutory instrument or fresh legislation.

### **Climate Change Adaptation Plans**

59. **Deputy Peter Burke** asked the Minister for Communications, Climate Action and Environment the steps he is taking to ensure that a just transition is a key element of the forthcoming all-of-government plan on climate disruption; and if he will make a statement on the matter. [21476/19]

**Deputy Pat Deering:** I thank the Leas-Cheann Comhairle for allowing me to take this question on behalf of Deputy Burke. What steps are being taken by the Minister to ensure that a just transition will be a key element of the all-of-Government plan that is being put together? When will the plan be produced?

**Deputy Richard Bruton:** The concept of just transition will form a key pillar of the climate action plan. It recognises that while every home, workplace and community will have to make far-reaching changes in our lifestyles to achieve climate resilience and protect our environment for future generations, the level of adjustment and options for adaptation risks imposing particular hardship for some. In that light, we need to ensure that policy is in place to support transition for those worst affected.

A range of measures will be considered in this context, including helping enterprises and workers in sectors particularly affected to adapt; ensuring that revenues from carbon prices are transferred back to help households cope and adapt; developing the economic opportunities that will come with the scaling up of renewables, retrofitting, managing resources in a sustainable way and smarter working and living; and, in particular, that regions particularly affected

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benefit from these economic opportunities. It will also involve building climate resilience into the framework for key funds for climate action, rural and urban regeneration and disruptive technologies in order that early movement can protect our communities.

The work we are undertaking in the midlands embracing a whole-of-Government approach and along with Bord na Móna, enterprise agencies, education institutions, social protection agencies and local stakeholders to commence planning and development of policy is providing a working model which can be developed.

**Deputy Pat Deering:** As the Minister indicated, some sectors will be affected more than others. For example, figures for the cost involved of retrofitting of homes have recently been quoted in the media. This week, it was reported that it will cost €50 billion for every house in the country to be retrofitted to the required standard. To ensure no particular hardship is levied on those more directly affected, will a plan, possibly involving financial assistance and above what may be returned to them in carbon tax, be put in place to help those people directly? Will there be extra assistance for sectors that may be more directly affected, such as the agriculture sector? The Minister referred to the midlands, which will be particularly affected. What else can be done to ensure that they will not be left isolated by what may be coming down the line?

**Deputy Richard Bruton:** I agree with the points made by the Deputy. Last Friday, I attended a very useful session in Mount Lucas which brought together many companies operating in the new decarbonisation world and which offer many employment opportunities. Representatives of educational institutions were also in attendance to identify how the midlands could be a centre for developing some of the new retrofitting opportunities. Very practical examples were offered. Bord na Móna is leading the charge in moving from brown to green, as it describes it. It is looking at new ways in which it can develop as a renewables provider, become involved in resource recovery and look at new forms of delivery using its existing assets.

The Deputy is correct that some sectors and people will come under pressure. It is important to state that there is a positive payback from retrofitting and many other changes that must be made. The economy will benefit from the changes, although there may be an upfront cost. As part of the plan, we will examine the existing grant levels from the Sustainable Energy Authority of Ireland and determine whether there are other approaches that could improve the capacity of people to avail of its supports. We will have to look at smart finance and the scale of our undertakings. We will be looking at how to help people to make the transition. Interestingly, 256 sustainable energy communities are already lifting themselves up by their own bootstraps with State support.

**Deputy Pat Deering:** Education is key as we move forward. Communicating exactly what is happening and what will happen is essential. We need to be able to bring people with us along the road. It may be a difficult road and there may be obstacles along the way, but educating people and communicating the message will be a key element of bringing people with us.

The Minister referred to smart finance. I may have seen reference recently to low-cost loans. Have such loans been considered as a way of helping to make the adjustment in areas such as retrofitting? There is no doubt that there will not be enough finance available within the country to make the transition from where we are to where we need to go. What other finance options may be available?

**Deputy Richard Bruton:** These are the things that are or will be in development. The plan

which we will publish will only be the start of the roll-out. Smart finance will be a key part of it. Institutions such as the Strategic Banking Corporation of Ireland, which is looking seriously at this sector, have a significant role to play.

I agree with the Deputy on the role of education. It is not by accident that it is young people who are leading the charge on this issue and telling our generation that we have failed to live up to our responsibilities. It is their world and future prospects for which we are responsible. The younger generation demanding action will be among the most powerful advocates in building momentum. Much of the constitutional change we have experienced in this country came from younger people influencing older people to recognise that changes were required, and that will be true in this area as well.

### **National Broadband Plan Implementation**

**60. Deputy Peter Burke** asked the Minister for Communications, Climate Action and Environment the number of homes in County Westmeath that will benefit from the national broadband plan; the investment in the county over the duration of the plan; and if he will make a statement on the matter. [21477/19]

**Deputy Pat Deering:** I again thank Deputy Burke for letting me substitute for him today. I presume the Minister of State will have substituted my county in the reply. I welcome the recent announcement regarding the national broadband plan. Like many rural Deputies, I have been inundated over recent years by people asking questions about when they will get broadband, saying they cannot access this and that, so it is well overdue. With regard to County Carlow, how many homes will benefit from this and what cost will be involved? Are the figures available for the number of homes, farms and businesses?

**Deputy Seán Canney:** The status of broadband in Carlow is that today 65% of premises have access to high-speed broadband, compared with 61% in 2015. Some 18,052 or 28% of Carlow premises will receive high-speed broadband under the State intervention. Since April 2017, Eir has provided high-speed broadband to 1,980 premises in Carlow. When Eir's deployment is complete, the company will have provided high-speed broadband to 3,942 premises in Carlow. The national broadband plan investment in providing high-speed broadband in Carlow over the duration of the plan will be approximately €29 million.

The maps use the latest version of GeoDirectory and are revised every three months. They show the number of premises in all the areas of the map, including the light blue areas, and may change from version to version. The information shows that improvements are happening. On commercial activity in Carlow, SIRO is active in Carlow town with a 1 Gb connection to the Carlow gigabit hub and more than €7 million is being invested by Open Eir in upgrading the broadband network in the county. The mobile telephone and broadband task force for those premises awaiting access to high-speed broadband will continue to progress practical initiatives through the task force to address obstacles and improve connectivity in respect of existing and future mobile broadband services.

Engagement between the telecommunications operators and the local authorities' broadband officers continues to strengthen. These broadband officers act as a single point of contact in the local authorities for communities. The appointment of these officers is already reaping rewards in terms of ensuring a much greater degree of consistency in engagements.

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**Deputy Pat Deering:** I thank the Minister of State for his comprehensive reply and I welcome the fact that €29 million will be invested in County Carlow. That is very good news and a welcome investment, although it is long overdue. Will the Minister of State indicate when the first of this money will be spent? It was indicated a few weeks ago that it would be spent over a seven-year period. Is there a breakdown of the number of homes that will be done in year one, year two, year three and so forth? Is there a specific target of the money to be spent in a particular year or is it just an overall cost?

**Deputy Seán Canney:** The €29 million is the overall cost for the roll-out of broadband for Carlow. Following the rigorous evaluation by the Department, a recommendation was brought to the Government, which was accepted, to confer preferred bidder status on Granahan McCourt, the remaining bidder in the national broadband plan procurement process. The Government has agreed to proceed with the preferred bidder. The Government decision means it is intended to award the State intervention contract to National Broadband Ireland subject to the contract close, including the finalisation of financial and legal documents. Deployment of the national broadband plan State intervention network will commence shortly after that. The roll-out will take seven years from the beginning of deployment until the last house is connected. Local authority broadband officers will act as a single point of contact between the local authorities and the bidder's deployment teams, allowing greater engagement between those parties on matters such as planning permission and road opening licences.

The other important issue is the broadband connection points, of which there will be 300 in the country. It is anticipated that these will be connected first and the broadband officers have identified almost 300 connection points. These broadband connection points will be deployed and connected in places such as community centres, GAA clubs, schools and public buildings chosen by the broadband officers where connectivity is particularly poor. There are seven in County Carlow.

**Deputy Pat Deering:** Where are the seven? Have the seven areas been indicated? The Minister of State said the broadband officer would nominate those venues. Will they be first before the work on the overall roll-out of the scheme to houses and businesses? Have the hubs or connection areas the Minister of State mentioned been identified yet?

**Deputy Seán Canney:** My understanding is that the broadband officer, in conjunction with the local authority, has identified areas where these broadband connection points would be of most benefit. The broadband officer is engaging further with the owners, community centres or community groups to tie down the premises. The other part is that a body of work must be done, and it is ongoing this week and next week, on how the local authorities can put a service level agreement in place to allow these centres to become part of the national broadband plan.

On the question of where the seven centres are, I cannot identify them but the local broadband officer can give the Deputy a good indication.

*Question No. 61 replied to with Written Answers.*

### **Illegal Dumping**

62. **Deputy Thomas P. Broughan** asked the Minister for Communications, Climate Action and Environment the steps he is taking to address the issue of illegal household dumping and of

alleged highly organised illegal dumping of industrial and soil waste in areas of north County Dublin and Fingal; and if he will make a statement on the matter. [15749/19]

**Deputy Thomas P. Broughan:** This question was submitted some time ago. It is about the serious problem of littering in our constituency of Dublin Bay North and the general problem of illegal dumping across north Dublin, especially in an area I indicated to the Minister. He has provided additional funding of €3 million for the 2019 anti-dumping initiative but constituents are still very anxious that the problem is resolved. There should be a strong lead from the Department on the issue of dumping, littering and criminal behaviour.

**Deputy Richard Bruton:** The Deputy raised this matter previously and I am aware of his concern. Each local authority, including Dublin City Council and Fingal County Council, is responsible for the supervision and the enforcement of the relevant provisions of the Waste Management Act within its functional area. Local authorities have specific powers under the Act to require measures to be taken or to take measures directly to prevent or limit environmental pollution caused or likely to be caused by the holding, recovery or disposal of waste and to mitigate or remedy the effects on the environment of such activity.

The eastern and midlands waste enforcement regional lead authority has co-ordinated a number of multi-agency operations close to this site. This has resulted in the impounding of vehicles used for alleged unauthorised waste activities and the initiation of prosecutions. Officials from my Department and the Environmental Protection Agency, EPA, have met Dublin City Council on site to assess the situation, their responses to date and to examine what measures of support can be provided to Dublin City Council under the 2019 anti-dumping initiative and the sites of concern programme. I recently announced funding of €3 million for the 2019 anti-dumping initiative, an increase of 50% on last year's funding.

**Deputy Thomas P. Broughan:** The key concern was the emergence of a huge, illegal dump beside residents' homes. It was illegal under the 1996 Act and regulations. As I said previously, a mountain of rubbish has begun to move across an amenity open space towards dozens of houses. People are very distressed by this. It has been a problem across the north fringe of Dublin city and the south fringe of Fingal, which the Minister and I are delighted to represent, and it must be addressed severely.

**Deputy Richard Bruton:** It is being taken very seriously. The national waste enforcement steering committee will discuss this particular site at its next meeting in June. An effort is being made to get co-ordination among the various agencies that can play a part in order to get resolution. As I have said, the Environmental Protection Agency met city councillors as recently as last week to try to make progress in this area. As the Deputy is aware, it has proved a challenging site. I assure him that-----

**Deputy Thomas P. Broughan:** Does the Minister expect any prosecutions?

**Deputy Richard Bruton:** There have already been prosecutions, as I outlined in my reply. Vehicles have been impounded and prosecutions initiated.

*Written Answers are published on the Oireachtas website.*

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**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Noel Rock - to discuss legislative proposals to regulate electric scooters; (2) Deputy Joan Burton - to ask the Minister for Education and Skills to outline the progress on a permanent school building for Pelletstown Educate Together national school and to set out the timeline for the delivery of a permanent school building as well as his plans to ensure pupils will not have to move to alternative temporary accommodation in February 2020 as the site the school currently occupies needs to be vacated by then; (3) Deputy Thomas Byrne - the need for the Minister for Health to address the urgent health and welfare needs of a child (details supplied) who is currently staying in a hospital (details supplied) and taking up significant resources in the hospital in a totally inappropriate situation and who urgently needs an appropriate placement as well as appropriate medical care, which, despite the best efforts of the hospital staff, is not available in the hospital; (4) Deputy Eugene Murphy - the urgent need to prioritise Pobal funding for Mountbellew Community Childcare Centre in County Galway, which is in need of a new extension in a bid to meet childcare needs in the area; (5) Deputy Declan Breathnach - to discuss with the Minister for Health the proposed introduction of minimum pricing on alcohol; (6) Deputy Donnchadh Ó Laoghaire - the need to discuss services for children and teenagers with type 1 diabetes in Cork and the need for increased staff for these services; (7) Deputy Maurice Quinlivan - to ask the Minister for Justice and Equality to explain the recent decision not to establish a Garda fraud unit; (8) Deputy Michael McGrath - to ask the Minister for Health when the second operating theatre at Cork University Maternity Hospital will be opened to help address the waiting list for gynaecology surgery there and if he will make a statement on the matter; and (9) Deputy Catherine Connolly - the crisis in the provision of rehabilitation care services throughout the country, including at the centre at Casla, Connemara, due to inadequate funding.

The matters raised by Deputies Rock, Breathnach, Ó Laoghaire and Michael McGrath have been selected for discussion.

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

### **Road Traffic Legislation**

**Deputy Noel Rock:** We have discussed the issue of electric scooters in this House several times. Since then several things have changed. In the area covering the Dublin 2 and Dublin 1 postcodes, An Garda Síochána has started impounding and detaining these vehicles and taking them away. In recent times, the Road Safety Authority, RSA, has decided to update the advice on its website in respect of these vehicles. The website was not clear. Perhaps this reflects the lack of clarity in the law.

One year ago, I raised this issue with the Minister in a parliamentary question as a member of the Joint Committee on Transport, Tourism and Sport. I forewarned of this issue. At the time, the Minister said it was not envisaged that the position with regard to the need for regulation or legislation in respect of these vehicles would change in the immediate future. Does he now accept that the position has changed and that there is a need to clarify in law and regulation

the status of these vehicles?

In the past hour, the Fianna Fáil Party has belatedly agreed with this position and is launching its proposed legislation on the plinth at 2.30 p.m. tomorrow. This is to be welcomed, as is further focus on this issue. I wish we had foresight in respect of the problems that have so predictably arisen with this new technology. We must now nevertheless legislate for it in hindsight. Fianna Fáil's move in this regard is welcome.

Last week, I met representatives of several institutions and companies that are interested in this area. Many of them are setting up in this country and many others have started operating here. I met representatives of several companies on the DCU Alpha campus in Glasnevin. They are world leaders in creating technology in this sector. It is impressive stuff. Ireland could become a leader in this area but to do so requires foresight to allow the sector to grow and develop.

In the absence of law, there are now far in excess of 2,000 users of these vehicles in the city. Lest we forget, they are also used in many European cities where they are effective. They are a reflection of many of the values the Government espouses, including many of the aspirations of the Department of Transport, Tourism and Sport. They are green and environmental. They reduce congestion and increase the onus on us to improve cycle lane investment. I am at a loss to understand why the Department has been stonewalling on this issue for so long and why responsibility for it has been handed to the Road Safety Authority one full year after I first raised it in the House. I am also at a loss as to why we have been reactive instead of proactive on this issue.

In reply to my most recent of many parliamentary questions, the Minister cited several international experiences that were negative. Much of what was put to me on the record in reply to my parliamentary questions about the international experience was not correct and was, in fact, erroneous. There are many positive international experiences and lessons that could be brought to bear in light of the first wave of these vehicles that occurred some years ago. We can now do things with technology that we could not do three or four years ago to safeguard pedestrians and other road users as well as allow for the effective and safe use of these vehicles.

I was surprised and alarmed by the conservative approach taken in the most recent reply to my parliamentary question. I would welcome it if the Minister clarified his remarks. I would welcome some clarity in respect of the overall issue. Is the Road Safety Authority report available? Do we know when it will be available? What is the Minister's position on this issue?

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** I thank Deputy Rock for raising the issue of electric scooters and providing us with the opportunity to discuss it.

I am of course aware of the increasing number of electric scooters, electrically powered skateboards and similar small vehicles on our footpaths and roads. I will start by advising the Deputy of the current legal position in respect of such vehicles. It is important that we get such clarity on the matter before we go any further or make any statement about it. The Road Traffic Act 1961 defines a mechanically propelled vehicle as a vehicle intended or adapted for propulsion by mechanical means, including a bicycle or tricycle with an attachment for propelling it by mechanical power, whether or not the attachment is being used. It also includes a vehicle, the means of propulsion of which is electrical or partly electrical and partly mechanical. Electric scooters and powered skateboards fall into this category and are, therefore, considered to be

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mechanically propelled vehicles. Any users of such vehicles in a public place, as defined in the Road Traffic Act 1961, must have insurance, road tax and a driving licence. There are penalties under road traffic laws, including fixed charge notices, penalty points, fines and possible seizure of the vehicle, for not being in compliance with these requirements.

As it is currently not possible to tax or insure electric scooters or electric skateboards, they are not considered suitable for use in a public place. As the Deputy knows, I have requested the Road Safety Authority to research how electric scooters and other such vehicles are regulated in other countries, particularly other EU member states. I am keen to understand the road safety implications of the use of such vehicles on public roads, especially when interacting with other vehicles. Road safety is paramount. I am due to receive the outcome of the authority's research within the next few weeks. Until I have received it, I will not make a decision on what actions, if any, to take. I will need to be persuaded that permitting such vehicles on our roads will not give rise to safety concerns for the users themselves and for all other road users, including cyclists, pedestrians and motorists. In this context, I expect the Road Safety Authority to include in its consideration whether there is a potential inability of the scooterist to obey some basic rules of the road; difficulties with lighting electric scooters so that they are easily visible to other road users; the absence of suspension or shock absorption, which places the scooterist in danger on an uneven road surface; and insurance issues in the event of a collision. The Deputy should further note that, should I decide the benefits derived from the use of electric scooters outweigh the risks associated with using this type of transport, an amendment to primary legislation would be required.

**Deputy Noel Rock:** I thank the Minister. The genesis of this issue, and of the different perspectives from which we are coming at it, arises from the definition of a mechanically propelled vehicle in law. There is an ambiguity in this regard. For instance, the Minister referred in his answer to a vehicle being powered by mechanical means. He needs to clarify his answer in that regard because it raises a question as to whether he meant a vehicle that can solely be powered by mechanical means. The Minister left out the crucial word "solely". He has effectively dragged electric bicycles into this grey area along with electric scooters on account of the vagueness of his answer. He gave a similar answer to a previous parliamentary question. As anyone who uses an electric scooter or who has watched the RTÉ "Prime Time" report on them knows, it is impossible to achieve 100% of any journey on an electric scooter without manually intervening. One needs a manual intervention to start up these vehicles, and must reach 5 km/h via manual propulsion to start them. It is only then that an electric motor kicks in, and one continues the journey from there. The journey is, therefore, not 100% mechanically propelled and, accordingly, it is commensurate under the current law with electric bicycles. There is no threshold for which a mechanically propelled vehicle can be defined in law currently. The vagueness of the law needs urgent clarification. The incomplete understanding of various State agencies is exactly why there is ambiguity right now. That ambiguity is precisely what will end up being challenged in court and it, therefore, needs to be clarified in law urgently.

**Deputy Shane Ross:** The Deputy is asking me to take a position on this before the RSA completes its report. I am not going to do that. We have people who have made a detailed study of what happens both here and abroad, and for me to make a decision in advance of that would be absurd. I may have a disposition, but the RSA is an agency with some authority and interest in safety, which I notice is absent from the Deputy's representations. Safety is paramount. The most important thing is that passengers, travellers, and people in other vehicles should be safe, and that is the most important element of these particular e-scooters, which the Deputy

is seeking to have introduced. If they are introduced, it is important to me that the RSA gives a judgment on whether they are safe for the people affected by them, and I am not just talking about those who are on them.

It is also very important that the Deputy does not make statements without backing them up. He said there were events which were being quoted of incidents overseas, which did not happen. He said they were erroneous. Let us get the detail on that. I have quoted facts and figures about what has happened in other European cities to him. They are well known, and those details, as far as I know, are open to correction but have not been corrected.

**Deputy Noel Rock:** I will correct them.

**Deputy Shane Ross:** If they should be corrected, let us have them corrected. The Deputy also said, without any basis whatsoever, that to allow these scooters will reduce congestion. The evidence, as far as I know, shows the opposite of that. Those who are proposing to use and are using these particular e-scooters are swapping from bicycles, buses and other means of public transport. They are possibly taking up space. Let us not have some un-backed up, unsupported evidence here. My position is open. I am prepared to take authoritative advice, not populist advice from the Deputy.

**Deputy Noel Rock:** The Minister advising on populism is an Alanis Morissette level of irony.

### **Alcohol Pricing**

**Deputy Declan Breathnach:** I would like to thank the Office of the Ceann Comhairle for the opportunity to raise this Topical Issue matter. The purpose of seeking it is to get clarity from the Minister of State on the timelines for the implementation of the section of the Public Health (Alcohol) Act 2018 that relates to minimum unit pricing. I emphasise once again the futility of enacting this Part of the Act in the absence of any similar minimum pricing in the North of Ireland. The rumour has been doing the rounds in the trade, from the chambers of commerce to Retail Excellence Ireland members and some members of the Vintner's Federation of Ireland, that the Department may be on the verge of enacting or implementing this Part. Every Member will be aware of the importance of minimum unit pricing and a majority of this House, including myself, saw, and still see, fit that this Part be enacted. When we debated this issue, the necessity that this legislation would have to operate simultaneously on the island of Ireland was flagged, otherwise there would be an outflow of shoppers to the North of Ireland, not just to buy alcohol, but to do their weekly shopping as well, thus inflicting problems on the retail industry, be they pubs, bars, off-licence trade, or the livelihoods of small shopkeepers who lose out to the larger supermarket outlets, particularly in the Border region. In 2015, when he was Minister for Health, the Taoiseach stated in the Seanad:

While we are not writing it into the Bill, it is our intention to go ahead with minimum pricing at the same time as Northern Ireland. We have an agreement with the Northern Ireland Executive that it will also introduce minimum unit pricing. We intend to do it at the same time for all the obvious reasons. It would be totally counterproductive if people just went north of the Border. While it is not written into the legislation, as we do not want to totally tie our hands, it is certainly the intention.

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The Minister for Health, Deputy Harris, when addressing the issue in the Seanad in 2017 stated:

I take the point about Northern Ireland and acknowledge Senators from the Border area, including Senators O'Reilly, Wilson, Gallagher and any I have missed, who raised this issue. I understand that we always have to be conscious on the island of Ireland of the impact of what we do in one area on the other.

He went on to state:

There is a Government decision on trying to do this alongside Northern Ireland. We need a government to talk to in Northern Ireland but that is for another day. Northern Ireland was moving in this direction but the Government will commence this at an appropriate time. The purpose of the Bill is to put the legislative framework in place to enable the Government do that.

I support the Taoiseach and the Minister of Health's stances on that and the need to continue with it, once we have similarity in approach both north and south of the Border. The activities of some supermarkets in using alcohol as a loss leader, especially last Christmas, were probably the most extreme abuse of alcohol as a product to date. In one outlet, a bottle of Captain Morgan rum was on sale at €10, when the combined excise and VAT on that product was €12.30. Another outlet was selling six bottles of wine with a 25% discount and a £10 voucher. This offer, again, was below the combined excise and VAT for the product. I could go on, but I would not want to blame the Minister of State for being tempted to introduce minimum unit pricing on account of this activity, as what is often missed is that the State is subsidising this activity of below-cost selling through the VAT system. I urge him not to be influenced by that greed

**Minister of State at the Department of Health (Deputy Finian McGrath):** I am stepping in for the Minister for Health, Deputy Harris. I thank Deputy Breathnach for raising this important issue. The Public Health (Alcohol) Act 2018 was enacted on 17 October 2018. Its primary policy objectives are to reduce alcohol consumption to 9.1 litres of pure alcohol per person per annum by 2020; delay the initiation of alcohol consumption by children and young people; reduce the harms caused by the misuse of alcohol; and regulate the supply and price of alcohol in order to minimise the possibility and incidence of alcohol-related harm. These objectives were developed in recognition that alcohol causes harms to health and significant costs to the Exchequer, and that alcohol consumption in Ireland remains very high.

Section 11 of the Act provides for a minimum price of alcohol products of 10 cent per gram of alcohol. Government approval was originally given in 2013 for the introduction of minimum unit pricing of alcohol on the basis that it would be introduced simultaneously in the North of Ireland. As the Executive in the North of Ireland is not currently operating, minimum unit pricing cannot be introduced there and, therefore, the Minister for Health is constrained from implementing this measure due to a circumstance that was not foreseen in the original decision. As he outlined in the Seanad last October, he intends to return to the Government to seek approval for this measure and will do so shortly. Minimum unit pricing will target cheaper alcohol relative to its strength because the price is determined by and is directly proportionate to the volume of pure alcohol in the drink. This means that the price of individual products will depend on their strength. It sets a floor price beneath which alcohol cannot legally be sold and targets products that are currently very cheap relative to their strength. A sample application of a 10 cent minimum price per gram shows that it will affect only the cheapest of products sold

in off-licences. The prices of products sold in the licensed trade are unlikely to be impacted by a minimum price of 10 cent per gram. A pub measure of whiskey would cost €1.12, a measure of vodka would be €1.05 and a pint of Heineken lager, Guinness stout and Bulmers cider would be €2.25, €1.89 and €2.02, respectively. The aim of minimum unit pricing is to target harmful drinkers - those who drink so much that they are putting their health in danger. The measure is targeted and it attempts to minimise the impact on moderate drinkers and the minimum price will make little difference to those who only drink low or moderate volumes of alcohol.

Effectively, the price of alcohol products will depend on their strength. Minimum pricing is considered effective because international evidence shows that those who consume alcohol at harmful levels tend to purchase cheaper alcohol relative to moderate drinkers and, therefore, the policy impacts harmful drinkers the most. In addition, a minimum price will mean that strong alcohol products are not cheaply available for children and young people.

**Deputy Declan Breathnach:** Will the Minister confirm that the Department will introduce this portion of the Bill shortly? That is contrary to what the Minister said in the Seanad. I have lived my life on the Border and witnessed the sharp movements and volatility of vast currency fluctuations. I have witnessed unsequenced budgets, not to mention the vulnerability we currently have with Brexit. I am going to speak for the small businesses that will be seriously affected by the introduction of this. Unless there is a reciprocal arrangement on an all-island basis, we will go back to the days of smuggling, illicit trade and losses to both businesses and Revenue. If the Minister is intent on forging ahead with this, as he appears to be, he will do damage to our economy and our trade. He mentioned 10 cent per gram on alcohol but without a reciprocal commitment by the Northern Executive, there will not be a bottle of wine for less than €8, a standard bottle of spirits will be at least €24 and a standard 500 ml can of beer will be at least €2.

Without co-ordination North and South, this will drive people to shop abroad. The sugar tax was co-ordinated when Deputy Michael Noonan was Minister, with the tax being introduced North and South, and if the Minister of State attempts to do otherwise, which he suggested will happen shortly, we will go back to unregulated sales into the South, including to minors and the vulnerable people he is purporting to help. My party and I support this section of the Bill but I represent the people who will be affected the most, whether they are in Donegal, Cavan, Monaghan, Louth or Sligo. The Minister is dealing with an issue that is connected to Brexit and will do harm to the trade of small retailers along the Border region. I urge him to desist.

**Deputy Finian McGrath:** I thank the Deputy for raising this issue on behalf of businesses along the Border and I will take his points back to the Minister for Health. A minimum price unit of 10 cent is likely to affect the price of only a small proportion of products in any off-licence. The aim of minimum unit pricing is to target harmful drinkers - those who drink so much that they are putting their health in danger. The measure is targeted and attempts to minimise the impact on moderate drinkers. The minimum price will make little difference to those who only drink low or moderate amounts of alcohol.

Minimum unit pricing will target cheaper alcohol relative to strength because the price is determined by, and is directly proportional to, the volume of pure alcohol in a drink. Effectively, the price of alcohol products will depend on their strength. In view of this, it is the Minister's intention to seek a revised Government decision to implement minimum unit pricing of alcohol as soon as possible to address the significant health harms and financial costs of alcohol consumption.

## Hospital Services

**Deputy Donnchadh Ó Laoghaire:** Diabetes is a condition that affects a large proportion of the population, numbering some 190,000. It is a condition that involves a great deal of management and it can involve a great deal of hardship. It involves invasive finger-prick tests and so on. I attended a protest at Cork University Hospital, CUH, yesterday morning, led by the parents and families of children and teenagers who have type 1 diabetes. Their frustration has been building up over some time at the lack of services and the difficulty they have in seeing a consultant at CUH. They were full of praise for the support they got from nurses in the hospital and for the consultant, Dr. Stephen O’Riordan, who is alone responsible for some 400 children and teenagers with type 1 diabetes, as well as for all sorts of other endocrinology disciplines such as Addison’s disease, thyroid disease and coeliac conditions. More than 200 children are currently waiting to be seen in CUH, of whom almost 30 have been waiting for more than a year, with many more waiting between six and eight months. International best practice recommends that children and teenagers with type 1 diabetes be seen every three to four months but the HSE is falling far short of that in respect of these children in Cork and the surrounding areas.

One of the parents told *The Evening Echo* in Cork that her son, who suffers from type 1 diabetes, had not seen a consultant endocrinologist for almost two years, since one of the consultants retired. That is not good enough. These parents feel let down and they are worried. There is evidence that suggests the better care one receives when young, the less likely one’s condition will deteriorate or that there will be further complications later in life so it is vitally important that these children and teenagers get a quality service when they are young. They are not getting that at the moment and this is causing a great deal of anxiety and worry for their parents, as well as discomfort for the children and teenagers themselves.

The issue of psychological support was also raised. This condition can be traumatic and can cause stress for children but it has been difficult for them to get support in this area too. There is clearly a need to fill additional consultant positions in CUH. Children are not being seen often enough and not getting the support they deserve. What will Minister do to ensure the waiting lists are reduced and a better service is provided?

**Deputy Finian McGrath:** I thank the Deputy for raising this issue and for the opportunity to provide an update to the House on services for children and teenagers with type 1 diabetes in the Cork area. Regarding paediatric diabetic services generally, the Deputy may be aware that the HSE developed a model of care for paediatrics and neonatology in Ireland to underpin the delivery of healthcare for children, both in the present and into the future.

*6 o’clock* Key steps in its development were wide consultation with all healthcare professionals, involvement with parents and parent groups, a detailed analysis of the current clinical activity of all paediatric medical and surgical subspecialties, including paediatric endocrinology and diabetes, and a study of how paediatric clinical care is distributed with reference to international best standards. The HSE model of care for paediatrics includes the proposed model of care for paediatric diabetes services.

High-quality diabetes care is complex and requires intensive consultant-delivered care. It is recognised that diabetes care provided by a multidisciplinary team, including clinical nurse specialists, dietetics, social work and clinical psychology, results in fewer days in hospital, a higher level of participation in diabetes self-care practices, decreased readmission rates and delayed development of complications. Diabetes technology also provides an opportunity to im-

prove control and quality of life in selected patients and is expanding rapidly, with continuous subcutaneous insulin infusion, or pump therapy, increasingly used in the paediatric population.

The model for service provision proposes that all hospitals providing acute paediatric care will have staff trained in the acute care of newly diagnosed diabetes. Children whose diabetes is diagnosed in level 1 hospitals that do not have access to a paediatrician with endocrinology training will be referred to their nearest diabetes multidisciplinary team once they have been stabilised in accordance with local agreed guidelines. In addition, the HSE has advised that seven clinical guidelines have been published and disseminated to the delivery system to guide and support service delivery to this patient cohort.

Regarding services in the Cork area specifically, CUH is a centre for paediatric diabetes and provides care for patients in the south west. More than 400 paediatric patients attend the diabetes service in CUH, with one to two new cases of insulin-dependent diabetes mellitus, IDDM, diagnoses per week. The paediatric diabetes service in the hospital has provision for two consultants, 2.8 diabetes nurse specialists and one dietician. The second consultant post is currently being recruited for and the candidate is expected to take up the position in January 2020. CUH is working actively to expedite this start date and, in the interim, is seeking to secure a locum consultant endocrinologist. In addition, it has recruited a locum consultant paediatrician to support the paediatric endocrinology service commencing in June.

Approval for recruiting additional posts for paediatric services in Cork was given in this year's national service plan. The posts include a psychologist, social worker and dietician. These posts will support the delivery of the model of care for paediatrics in CUH.

**Deputy Donnchadh Ó Laoghaire:** I thank the Minister of State for his response, but more is needed. From speaking to the parents at the protests, they were concerned, frustrated and angry at a situation that had been developing for some time. Many of them pointed to the fact that the number of children and teens presenting with diabetes was increasing rapidly. Is the Minister of State confident that what has been agreed to, but still has not been delivered, will be adequate to clear what is a substantial backlog of 400 children and young adults? They are not just from Cork, but the wider south west. Will the appointment of an additional consultant on a locum basis and the appointment of a consultant on a permanent basis at the start of next year, which is still a ways off, be enough? This issue needs to be examined carefully to ensure that the children in the substantial backlog are seen every four months as required.

I will take this opportunity to draw the Minister of State's attention to another matter that has occurred to me during our discussion on diabetes. He will be aware that Sinn Féin has published legislation on reforming the long-term illness scheme so that it is reviewed more frequently than is currently the case. Some products and medicines would benefit people, including children, with diabetes. FreeStyle Libre has been made available to children under the scheme but, as far as I am aware, it is not available to all patients with diabetes. Our legislation would allow the long-term illness scheme to be reviewed regularly and to be of benefit to many of the patients in question.

There is a substantial backlog of patients. I appreciate that an appointment next January has been approved and that a locum will be in place. I hope that the latter will be dedicated to this service full time. To put it bluntly, if the additional consultant is provided, is the Minister of State confident that children will be seen every four months?

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**Deputy Finian McGrath:** Regarding the Deputy's question on whether it is enough, it will never be enough where some services are concerned. I have just come from the Rehab talks, which are moving along nicely.

The Government is committed to developing and strengthening all paediatric services, including diabetic services. I accept the Deputy's points, particularly those concerning teens and children. No one is arguing otherwise. The national paediatric model of care aims to deliver services that are timely, effective, safe, child and family-centred, efficient and equitable. No one disagrees that all children should be able to access high-quality services in an appropriate location within the appropriate timeframe irrespective of their geographical locations and social backgrounds. That is the plan under Sláintecare, which sets out a vision of high-quality, integrated and accessible healthcare services for children from birth to adulthood. The model is based on the principle of good quality care with an emphasis on early detection and prompt treatment.

Regarding the services in Cork, a second permanent post is being recruited for and is due to commence. We are trying to move that process forward and get that person in place. In the interim, CUH is hoping to secure a locum in addition to the locum general paediatrician. The HSE's national service plan also makes provision for the recruitment of additional posts for paediatric services in the Cork area. These include a psychologist, social worker and dietician and are intended to support the delivery of the model of care for paediatrics in CUH. The issues that the Deputy raised are important and I will highlight them to the Minister, Deputy Harris.

### **Hospital Facilities**

**Deputy Michael McGrath:** This issue concerns the second gynaecology surgical theatre at Cork University Maternity Hospital, CUMH. It is a fact that, since the CUMH opened in 2007, that theatre has remained closed. Last January, Deputy Ó Laoghaire, others and I attended a briefing from Professor John Higgins, the clinical director of the maternity directorate in the South/South West hospital group. He provided an update on the positive and significant progress that had been made in dealing with what had been a lengthy gynaecology outpatient waiting list at CUMH. It was as long as 4,700 women in April 2017, but the latest parliamentary reply that I received from the Minister, which issued just last week, puts the outpatient waiting list at 1,854. That is a reduction of almost 3,000. I acknowledge the work of everyone involved in the maternity directorate in achieving that. The directorate at CUMH also covers University Hospital Kerry, University Hospital Waterford and South Tipperary General Hospital. The initiatives that it has taken to eat into the backlog have proven successful. Many of the consultant gynaecologists at the hospital commenced additional gynaecology outpatient clinics out of hours; a weekly outreach outpatients' clinic was held in the Mallow primary healthcare centre; the number of new patients seen at all clinics was increased; additional daily gynaecology clinics were set up from July 2018; and, in January of this year, a comprehensive drive to see an additional 500 outpatients at out-of-hours clinics was planned. To my knowledge, the consultants achieved that, which contributed to the reduction. While I welcome all of these initiatives, I do not want women simply being transferred from the outpatient list to the inpatient and surgery waiting lists. This concern is shared by the clinicians.

The second operating theatre has lain idle since 2007. In recent times, however, CUMH has rented theatre space in the Mater Private Hospital in Cork. While I do not have any ideological

hang-up about the use of spare capacity in the private system, I believe the operating theatre that is lying idle in the CUMH building should be put into use in the first instance. I understand that the Minister, Deputy Harris, signed off on the gynaecology business case, which involved initiatives for dealing with the outpatient waiting lists, in 2017. We need the funding and the staffing to be provided in order that the second theatre can be opened without any further delay. I am not a medic and nor is the Minister of State, but both of us are well aware of the impact of this delay on the quality of life of many women who are on the waiting list for inpatient and day case surgery procedures. Some of them are continuing to wait long periods. The overall number of women on the waiting list is 421, some 12 of whom have been waiting for over two years, a further 23 of whom have been waiting for between 18 and 24 months and a further 31 of whom have been waiting for between 12 and 18 months. This needs to be dealt with. I hope the Minister of State has some positive news for the women of the region.

**Deputy Finian McGrath:** I thank Deputy Michael McGrath for raising this important issue. I welcome the opportunity to address the House on it. The HSE advises that while it has not been possible to provide funding this year for the opening of the second gynaecology theatre, a new commissioning process has been established by the HSE through which all proposals for funding will be considered within the framework of the annual Estimates process. I am advised that the HSE is reviewing all possible ways to achieve a sustainable solution to the challenges being experienced in CUMH in the short and medium terms. It has advised that the possibility of NTPF support is an option that will be considered. It has further advised that a funded and targeted waiting list initiative is under way in Cork specifically to address the gynaecology outpatient waiting list in the region. This has resulted in a decrease in the number of patients on the outpatient waiting list from 5,000 in early 2017 to just over 1,500 patients on 2 May last. The South/South West hospital group is aiming to reduce this number to 1,000 by June 2019. The initiatives being pursued to meet this target include the commencement of additional out-of-hours gynaecology outpatient clinics, the commencement in November 2018 of a weekly outreach outpatient clinic at Mallow primary health centre in conjunction with the GPs in the clinic, an increase in the number of new patients being seen at all clinics and the establishment of additional daily gynaecology clinics from July 2018.

Last year, the support of the South/South West hospital group and funding from the NTPF to the CUMH enabled the treatment of 87 long waiters from the waiting list. This year, funding has been agreed through the NTPF for the treatment of almost 850 patients who are waiting for inpatient day case or outpatient appointments. The total that is due to be received from NTPF in 2019 is over €630,000. The Department of Health recently convened a working group to develop a scheduled care improvement plan. The objective of this working group, which comprises representatives of the HSE and the NTPF as well as departmental officials, is to examine medium to long-term initiatives to improve access to outpatient services, in particular. Gynaecology will be among the specialties examined by the working group. The group is examining the current models of care, the current and projected demand and capacity of services, the short-term, medium-term and long-term initiatives to improve access for patients at community and acute hospital level, the best way to move care to more appropriate settings and the best way to provide care at the lowest level of complexity.

**Deputy Michael McGrath:** I thank the Minister of State. The bottom line is that the women in Cork and surrounding counties who are on the waiting list for day case procedures and inpatient surgery want to know when the second operating theatre will open. The reality is that it has been lying idle for 12 years while the HSE has been paying for capacity in the private

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system through the NTPF. In my view, the NTPF should be used primarily where the capacity does not exist in the public system. The capacity exists in this instance. An operating theatre is lying idle. The business case was made by the maternity directorate to get the necessary funding in place to enable the theatre to open. I have acknowledged the significant progress that has been made with the outpatient waiting list. Very dramatic progress has been made. Other areas within the HSE could learn from the initiatives that have been undertaken by the maternity directorate. While the numbers outlined by the Minister of State when he spoke about the reduction from approximately 5,000 patients to approximately 1,500 patients are impressive, we do not want women who have been seen by a gynaecologist, and in respect of whom a referral for surgery has been made, merely to go onto another waiting list for that inpatient or day case surgery to take place. Although I welcome initiatives like the establishment of working groups and the new commissioning process, I did not hear anything in the Minister of State's reply that gives me confidence or, more important, gives the women concerned confidence that the second operating theatre at CUMH will open any time soon. I ask the Minister of State to take up this issue within the Department of Health, the HSE and the South/South West hospital group in order that this project can be accelerated. It should be a priority. The infrastructure is in place. It was paid for by taxpayers 12 years ago. It is a great shame to see it lying idle while women are on waiting lists, in some cases for over two years, for what could be life-changing surgery.

**Deputy Finian McGrath:** I take the Deputy's point on the capacity issue. I strongly accept the point that the reductions in waiting times are impressive. It is a key priority of the Government to reduce patients' waiting times for hospital operations and procedures. The Minister and I acknowledge that waiting times are often unacceptably long. We are conscious of the burden they place on patients and their families and on hospital staff. We take that point. I will bring the Deputy's message in respect of confidence back to the Minister. The overall outpatient waiting list, which includes those on gynaecology waiting lists, remains a significant challenge. Therefore, I welcome the great co-operation of the CUMH and its continued work to reduce outpatient waiting lists this year. The Minister welcomes the engagement of the South/South West hospital group and CUMH with Sláintecare and the NTPF. I share the Minister's position. I encourage all hospital groups and individual hospitals to engage with the NTPF to develop proposals for waiting list initiatives for inpatient day case procedures and for outpatients. Under the scheduled care access plan, the NTPF will provide funding for 40,000 new outpatient appointments this year. The HSE advises me that a new commissioning process has been established through which all proposals for funding will be considered within the framework of the annual Estimates process. I will bring the Deputy's concerns back to the Minister.

### **Landlord and Tenant (Ground Rents) (Amendment) Bill 2017 [Seanad]: Second Stage [Private Members]**

**Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys):** I move: "That the Bill be now read a Second Time".

The Government supports this Bill which was originally tabled as a Private Members' Bill in the Seanad. It contains proposals to amend the Landlord and Tenant (Ground Rents) (No. 2) Act 1978 to facilitate the acquisition of freehold title to their properties by ground rent tenants. The Government's strong support for the Bill is evident in the tabling of the Bill in Govern-

ment time this evening. I thank Senators Gallagher, Swanick and Ardagh for introducing this Bill in the Seanad. The Bill seeks to address the effects of a Supreme Court decision in a case in Carrickmacross, County Monaghan, which has repercussions throughout the country. I acknowledge the presence here this evening of a number of people from Carrickmacross. In particular I acknowledge the work of Mr. Pat Byrne, Mr. Tony Donagher and Mr. Michael Fisher in highlighting this important matter.

As indicated during Seanad discussions, it has been necessary to subject the Bill to detailed legal analysis and scrutiny to ensure, as far as possible, that its provisions are consistent with the property rights safeguards enshrined in the Constitution and to ensure coherence with other statutory provisions governing the purchase of ground rents by ground rent tenants. For that purpose, following the Seanad's approval of the Bill, I was pleased to work with the Minister for Justice and Equality to establish a small expert group comprising senior officials from his Department and the Office of the Attorney General together with a number of outside experts in the area of land law, including Professor John Wylie, who is a leading expert on Irish land law. I thank Professor Wylie for his interest and work on the expert group. The group's task was to examine the provisions of the Bill and determine what amendments would be necessary to address the issues raised by the Supreme Court ruling in the Shirley case, while remaining within constitutional limits. The group has reported and has made a number of detailed technical recommendations which, following extensive discussions with the Attorney General's office and the Office of the Parliamentary Counsel, the Minister for Justice and Equality intends to table as Committee Stage amendments to the Bill in due course. These amendments will seek to ensure, as far as possible, that the Bill's provisions will not be subject to successful constitutional challenge.

As Deputies here today are aware, the rights of tenants occupying property under long leases to acquire freehold title has been a contentious issue since at least the 19th century. Such tenants are normally required to pay a small yearly rent to the ground rent landlord, and the issue that arises is the nature and extent of the tenant's rights to acquire the freehold title in the property. Statutory reforms introduced by successive Governments since the 1960s have sought to strengthen the rights of such tenants to acquire the freehold in the property. The Landlord and Tenant (Ground Rents) Act 1967 gave statutory effect to the principal recommendation of the report of the Ground Rents Commission under the chairmanship of Judge Conroy. Under the Act, certain ground rent tenants, both business and residential, acquired the right to purchase the ground rent in their property. The Landlord and Tenant (Ground Rents) (No. 2) Act 1978 prohibited the creation of new ground rents in respect of dwellings, and leases after that date are only valid if they operate as a renewal of an existing lease. The Landlord and Tenant (Ground Rents) (No. 2) Act 1978 gave the then Land Registry, now the Property Registration Authority, responsibility for operating a low-cost scheme for tenants acquiring the freehold of dwelling houses. To date, tenants have bought out well in excess of 80,000 ground rents under this statutory scheme. These important statutes have sought to establish an appropriate balance between, on the one hand, the tenant's right to acquire the freehold title for reasons of public interest and, on the other, the property rights of ground rent landlords that are protected under Article 40.3 and Article 43 of the Constitution.

The Bill that we are discussing seeks to address what are seen as adverse consequences for ground rent tenants arising from a Supreme Court ruling in 2012. On 2 February 2012, the Supreme Court delivered judgment in protracted legal proceedings, the Shirley v. O'Gorman case, concerning the right of ground rent tenants to purchase ground rents in their properties. The

case in question arose from an application to acquire freehold title in Carrickmacross, County Monaghan. While the tenant's application in this case was ultimately successful, the manner in which the Supreme Court interpreted certain technical provisions of the Landlord and Tenant (Ground Rents) (No. 2) Act appears effectively to have narrowed the scope of ground rent acquisition rights under that Act. The ruling means that certain ground rent tenants who had been eligible to acquire the freehold title in their properties may no longer be able to do so. This narrowing of the grounds on which a ground rent tenant is permitted to acquire freehold title affects other ground rent tenants in Carrickmacross and elsewhere in the State.

As I mentioned, a ground rent tenant's right to acquire the freehold in property, that is, to purchase the ground rent, was first introduced in the Landlord and Tenant (Ground Rents) Act 1967. While this legislation remains relevant in the case of many commercial properties, the later Landlord and Tenant Ground Rents (No. 2) Act 1978 contains the statutory rules that generally apply to acquisition of the freehold title in the case of dwellings. Sections 9 and 10 of the 1978 Landlord and Tenant Ground Rents (No. 2) Act specify the criteria that determine a ground rent tenant's eligibility to acquire the freehold title in the case of dwellings. Section 9 provides, *inter alia*, that such tenants have a right to acquire freehold title where there are permanent buildings on the land, that these buildings are not an "improvement" within the meaning of the Act, and that one of the conditions set out in section 10 applies to the property. One of the most widely used conditions in section 10, condition No. 2, is where the lease in question is for a period of less than 50 years and the annual ground rent is less than the rateable valuation of the property. Moreover, while this condition recognises that there were buildings already on the land when such a lease was granted, there is a statutory presumption arising from the fact that the rent is at a low level that the buildings were not erected by the ground rent landlord or the landlord's predecessor in title. However, that presumption may be rebutted in any particular case.

In its ruling in the Shirley case, the Supreme Court appears to take the view that the ground rent tenant is ineligible to acquire the freehold unless all the buildings had been built by him or her and not by the landlord. Second, the court ruled that the definition of "predecessors in title" should be interpreted in a wide manner to include works by all previous owners, that is, not only the ground rent landlord but also any earlier tenants of the property in cases in which the landlord had taken repossession between tenancies. The overall effect of the ruling in the Shirley case appears to be a narrowing of the scope of the ground rent purchase arrangements.

The Private Member's Bill before the House today seeks to address the matters arising from the Supreme Court in its ruling in the Shirley case by means of amendments to sections 9 and 10 of the Landlord and Tenant Ground Rents (No. 2) Act 1978. The Bill proposes to repeal both subsection 1(b) and subsection (2) of section 9 of the Act which contain the "improvement" conditions and to insert a revised definition of "permanent buildings" in a new subsection (6). It would provide that the right to acquire the freehold would in future apply where additions, alterations or extensions to the original buildings had caused it to lose its original identity or had caused an extension in its useable area by not less than 50%. In addition, the Bill proposes an amendment to condition No. 2 in section 10 that would seek to make it clear that the reference to "predecessors in title" would exclude any building works carried out by any previous tenants of the property.

While there is considerable merit in the Bill's objective to broaden ground rents tenants' right to acquire the fee simple of property, the amendments to the Landlord and Tenant Ground Rents (No. 2) Act 1978 contained in the Bill could give rise to further legal challenges on con-

stitutional grounds and may also have unintended effects for other existing ground rents legislation. For these reasons, as I mentioned, the Minister for Justice and Equality will be tabling detailed technical amendments to the Bill on Committee Stage. These amendments flow from a detailed examination of the Bill by the expert group.

As I also stated, the Government supports the aim and policy objective of the Bill, as demonstrated by the fact that Government time has been dedicated for discussion of the Bill this evening. Moreover, the amendments on Committee Stage will seek to ensure that the Bill's provisions are, as far as possible, consistent with other ground rents legislation and with the Constitution. I commend the Bill to the House.

**Deputy Jim O'Callaghan:** The relatively bland title of this legislation disguises the fact that the origins of and reasons for this Bill can be found in the rich and complicated history of this island and, in particular, in the history of Carrickmacross. I am conscious that the Minister and many of the people in the Public Gallery this evening are from Monaghan and know much more about Carrickmacross than I do. I thank Senator Gallagher, who is also in the Public Gallery, who did a huge amount of work on this Bill, bringing it through the Seanad. I also acknowledge my Dáil colleagues, Deputies Brendan Smith and Niamh Smyth, who have been very supportive. They all know a lot more about Monaghan than I do.

It is important to understand the origins of the Bill and why we are here this evening. To do that, we have to go back to 1576 when Queen Elizabeth granted the Barony of Farney to the Earl of Essex, when she wanted that land to be planted. It stayed in the hands of the Earls of Essex until the 1640s or 1650s, at which point the third earl died intestate. His estate was subsequently divided among his co-heirs, one of whom was a man called Sir Robert Shirley. He met a bad fate. He backed the wrong side in the English Civil War, which is to say the royalist side, and was executed in the Tower of London. Obviously the royalists ultimately won out but he was unfortunate to be caught on the wrong side at the wrong time and lost his life. Ultimately, the Shirleys remained landlords of a very significant amount of land, which includes the town of Carrickmacross, for hundreds of years thereafter. They were absentee landlords for many years.

The reason we talk about the Shirley estate is that the Shirleys own the ground rent and the fee simple in respect of much of the property in Carrickmacross to this day. I first became aware of this issue shortly after I was elected to the Dáil in 2016. I got a call from Dr. Rory O'Hanlon, former Fianna Fáil Deputy for Cavan-Monaghan. He asked if he could bring a group of people from Carrickmacross to meet me. I could not understand why people from Carrickmacross wanted to meet me, but I soon became aware that the issue identified by the Minister in her speech here this evening was of great concern to this group.

The legislation from 1978 gave people an entitlement to buy out the ground rents. There is a significant advantage in doing so. The Landlord and Tenant (Ground Rents) (No. 2) Act 1978 gives a lessee a general right to acquire a fee simple interest. This is an important right for many reasons. Lending institutions, for instance, will not give loans on properties on which the leasehold has less than 70 years left to run. Houseowners eliminate this as a problem by buying out the freehold. There was a benefit and public interest to the 1978 legislation, which allowed people to buy out the freehold, and a reason it was introduced.

An acute problem arose, as the Minister has said, because of the decision of the Supreme Court in 2012 concerning the current holders of the fee simple and recipients of the ground rent,

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John and Lucy Shirley. They brought an appeal to the Supreme Court which was dismissed on the grounds that they did not have standing to take the case. It should be noted that it was found in the Supreme Court that the Shirleys were not disadvantaged by the correct interpretation of the disputed provisions of the 1978 Act and that they therefore had no *locus standi* to challenge its constitutionally. However, in giving his judgment on behalf of the Supreme Court, Mr. Justice Fennelly gave a very wide interpretation of the disputed provision in section 10. We can all agree that this has had a significant influence and negative effect with regard to individuals' ability to purchase the fee simple as was intended under the 1978 legislation. If the interpretation presented by the Supreme Court continues to be followed, the owners of fee simple interest in properties will be allowed a greater opportunity to avoid the compulsory sale of such interest under the 1978 Act. It is recognised that there is a public interest in allowing people to buy out the freehold. That has now become much more difficult as a result of the decision of the Supreme Court in the Shirley case.

It is important to note the specific findings of the Supreme Court and how they have affected the rights of not only people in Carrickmacross, but many people throughout the country who may wish to avail of the 1978 legislation. The Supreme Court took the view that the tenant paying ground rent is ineligible to acquire the freehold unless all the buildings have been built by him or her and not by the landlord. That places a significant obstacle in the way of anyone who wishes to buy out the fee simple. The second thing the court determined was that the definition of predecessors in title should be interpreted widely to include works by all previous owners, that is to say, not only the landlord receiving ground rent but also any earlier tenants of the property in cases in which the landlord had taken possession of the property between tenancies.

As the Minister has stated, the overall effect of this ruling of the Supreme Court, which had two consequences, is to narrow the scope of individuals such as those in Carrickmacross to purchase out the ground rent. For that reason, efforts were made to put forward legislation. I played a small part in drafting a Bill and in bringing it into effect, but the real credit goes to the people in Carrickmacross and, in particular, to my colleague, Senator Gallagher, who brought this through the Seanad. Bringing it through the Seanad, with the support of many others, including Senators Ardagh and Swanick, was an important development.

I commend the Government on taking this legislation on board. It is appropriate that the Minister, Deputy Humphreys, moved it. The legislation has been catalysed by the experience of people in Carrickmacross but, as the Minister has rightly said, the issue goes beyond Carrickmacross. It applies not only to the persons of Carrickmacross but to anyone in the country who wishes to avail of the provisions of the 1978 Act.

It was a good decision of the Government to avail of the outstanding ability and services of Professor John Wylie. Anyone with even a fleeting understanding of Irish land law will know that he is a unique expert in this area. We can all gather a lot of confidence from the contribution Professor Wylie has made and will make to the drafting of this legislation. I note that the Minister has stated that it is the intention of Government to take on board the recommendations of the committee on which Professor Wylie sits and that it may be necessary to put forward amendments on Committee Stage. I will co-operate fully in respect of those amendments. We should try to get them through promptly and to get the Bill through Committee Stage and the Dáil so that it can be enacted as soon as possible.

The legislation reveals the complexity of Irish history and how lands were owned and granted as a result of conquests that took place hundreds of years ago. It also reveals how legisla-

tion was subsequently introduced for the public benefit to ensure that individuals who have long-term leasehold interests in property could buy out the freehold so that they could have the benefit and due desserts of being in that property for such a lengthy period of time. I commend this sign of new politics, although the reasons for it date from the 16th century. It is worthwhile to note that it has support from all sections of the House. We should try to get it enacted as soon as possible. I also welcome the introduction of this legislation on behalf of my colleagues, Deputies Niamh Smyth and Brendan Smith.

**Deputy Donnchadh Ó Laoghaire:** When I saw this item listed for business, my mind was cast back to doing a module on property law and land law. My mind was cast back to some of the more obscure ends of that area, including turbary rights, resulting trusts and so on. I was not expecting as interesting a contribution as Deputy O’Callaghan’s brief history lecture. It was quite fascinating in its way. This issue is grounded in the colonial history of Ireland and the ownership of property by some of the large British lords. As this legislation and various other pieces of legislation and court cases have shown, this still has very real consequences. The purpose of this Bill is to ensure that those who have a leasehold have the opportunity to purchase the freehold, which has very practical implications. It gives the people who enjoy the property and businesses certainty and full ownership rights over their properties.

A few years back it was revealed that the State was paying ground rents to landlords such as the Earl of Pembroke for buildings on Merrion Square, and the Duke of Leinster, who owns land on which the National Library of Ireland is located. These ground rents, which are a reminder of the legacy of our colonial past, are also known as leaseholds. The State’s ground rent bill for Iveagh House, over which the Minister for Foreign Affairs and Trade presides, is paid to an absentee landlord. The same applies to Dublin Castle I believe. The money involved here is relatively small: the ground rent for Iveagh House is a mere €257, the ground rent for the Four Courts is €200 and the bill for Dublin Castle is €7 - some people might say there are outstanding historical debts in that regard.

In 2015 Deputy Pearse Doherty submitted a parliamentary question requesting the ground rents payable by the State, by name of property, by name of landlord and by amount payable. He received a list outlining a bill of approximately €4,000 paid annually by the State to holders of land title through a form of rent that dates back for centuries. While the amount paid by the State is nominal, the principle is important. It also interferes with people’s ability to enjoy their property and their certainty in their property.

Approximately 250,000 ground rents exist in the State. Some of these will have a negative impact on homeowners who wish to sell their homes but are restricted in doing so due to provisions that mean the leaseholder is entitled to recoup a proportion of price for which they believe their house would sell. Many would fear that when their lease ends they will not be able to afford to buy out the lease or pay the substantial increase in ground rent which may be demanded.

I hope the Bill succeeds in highlighting the vulnerable nature of tenancy in general. Ground rent landlords essentially demand money for nothing. I believe they have no place in a just society. It is an archaic situation which has been allowed to persist for far too long. The Government has been promising to address this for some time. I know the Minister spoke about potential constitutional issues with what is being proposed, but I would like to see the detail of those. It has long been our belief that ground rents should, where possible, be abolished. Some of the arguments made about rent caps suggested there were constitutional issues there also, but ultimately rent-pressure zones were introduced. We would like to see the constitutional issues

explored.

The delay in bringing this forward is another illustration of the attitude of successive Governments to landlords and the reluctance to tackle landlords in the private rented sector. The demands of tenants in the private rented sector in recent years for a fair rent and security of tenure have not been met. In the past few hours, the Minister, Deputy Eoghan Murphy, was lauding the concept of co-living units - tenements in reality - which is another hat tip to those seeking profit from the housing of citizens of the State. It is not simply, as we are often told, a question of balancing the rights of the tenants and landlords, as the home of the former is very often just the business interest of the latter and there is clearly a structural inequality regarding the landlord's strong position in the Irish market.

I wish to highlight an example of how these issues interfere. A constituent of mine was selling his property in south County Cork in order to move elsewhere for employment. He had agreed to sell his house to Cork County Council to what he believed or was told was a family in need of social housing. He was very pleased with that. However, a number of weeks later a solicitor for Cork County Council was told that because there was a ground rent there was a lease to the house. As the ground rent had belonged to Viscount Middlesbrough since 1755 and lasted for 350 years, the county council could not buy the house. This constituent was amazed that something like this could exist: he owned the house but not the land upon which it was built. A British landlord had owned this property for 350 years - 1755 is before famine and rebellion - far off in the mists of time and yet this was having an implication for this house being transferred to social housing tenants. It is appalling and disgraceful. This could have been used to house a family in need of social housing. There are countless homes across Cork city and county. That constituent was very frustrated and I share his frustration.

This issue has been ongoing for some time. I am glad to see some progress but we need a great deal more. I look forward to seeing the Committee Stage amendments and we will engage with them. We will support the legislation, but a great deal more is needed.

**Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys):** On behalf of the Minister for Justice and Equality, I thank the Deputies for their constructive engagement and support for the Bill. The Government supports the aims of the Private Members' Bill. However, as indicated in the other House, it will have to be amended to ensure coherence with existing ground rent legislation and most importantly to ensure the Bills constitutionality.

As I stated earlier, an expert group has examined the provisions of the Bill and has made recommendations to the Minister for Justice and Equality. The Minister has engaged in intensive discussions with the Attorney General to finalise and draft amendments to the Bill, which will achieve the Bill's objectives while ensuring its constitutionality. The Minister will table extensive amendments to the Bill on Committee Stage, the overall objective of which will be to achieve what the Bill sets out to do while reducing the risk of further lengthy and costly legal challenges.

The matters raised by the Bill stem from a particular situation in Carrickmacross but reach all areas of the country. Sometimes new politics is much maligned, but this evening is a great example of what can be achieved with cross-party support on an important issue like this which impacts a great number of people in Carrickmacross. I am delighted we can all work together in a collaborative way to address this long-running matter. I look forward to the successful passage of the Bill which clarifies many issues for those wishing to purchase the fee simple of

their property.

Question put and agreed to.

**An Ceann Comhairle:** I thank all Deputies. It is not often that legislation passes Second Stage so quickly.

### **Land and Conveyancing Law Reform (Amendment) Bill 2019 [Seanad]: Second Stage**

**Minister of State at the Department of Public Expenditure and Reform (Deputy Kevin Boxer Moran):** I move: “That the Bill be now read a Second Time.”

On behalf of the Minister for Justice and Equality, I am pleased to introduce the Land and Conveyancing Law Reform (Amendment) Bill 2019 in this House following its passage through the Seanad and I look forward to our discussion of its provisions here. I was very pleased with the strong support for the Bill from all sides in the Seanad and I trust that this support will also be evident in this House during our discussion.

Put simply, the principal objective of this Bill is to provide further protections for homeowners in mortgage arrears who are facing the risk of repossession proceedings in respect of their homes. For this purpose, the Bill proposes to insert a new section in the Land and Conveyancing Law Reform Act 2013. The Bill broadens the range of matters that a court must take into account when deciding whether to grant a possession order to a lending institution in respect of the borrower’s principal private residence. This Bill, which has its genesis in a Private Members’ Bill that I introduced prior to my appointment as Minister of State, will I firmly believe prove to be an important addition to the suite of Government measures to protect those who find themselves in mortgage arrears and are facing the prospect of court proceedings for repossession of their homes.

I am sure that everyone here will agree that repossession of a borrower’s principal private residence should be a last resort when all other possible remedies have failed. The Government remains committed to helping borrowers in mortgage arrears to remain in their homes.

Moving to the main provisions of this Bill, I want to reiterate that the Government’s objective is to broaden the range of matters that a court must take into account when deciding whether to grant a possession order to a lending institution in respect of a borrower’s principal private residence. The court may also take this broader range of matters into account where, for whatever reason, efforts to secure a personal insolvency arrangement, PIA, have failed or where despite the borrower’s participation in a scheme designed to enable borrowers with mortgage arrears to remain in their home, the court repossession proceedings have continued. As required by Articles 127(4) and 282(5) of the Treaty on the Functioning of the European Union, the European Central Bank has been consulted on the Bill’s proposals. The ECB has published its opinion of 18 February on its website.

Section 1 contains a definition of the Act of 2013, which is required for technical reasons, while section 2 makes a number of technical, consequential amendments to section 2 of that Act.

Section 3 is the key section of the Bill and it inserts a new section 2A, containing nine subsections, into the 2013 Act. Subsection (1) defines the scope of this new section. It means that the Bill's provisions will apply not only to those cases in which the court has previously adjourned proceedings under section 2 of the 2013 Act in respect of the borrower's principal private residence, but also in cases where, prior to or following commencement of the proceedings, the borrower has engaged the services of a personal insolvency practitioner, PIP, to assist in the resolution of his or her mortgage arrears, or the borrower has participated in good faith in a scheme designed to enable indebted borrowers to remain in their homes.

This means that section 2A will apply in the following cases: proceedings where the court had adjourned the proceedings of its own motion under section 2(2)(a) of the 2013 Act but, notwithstanding such adjournment, there is no resulting PIA; proceedings where the court refused to adjourn proceedings in response to a request of one of the parties under section 2(2)(b) of the 2013 Act, or adjourned them and notwithstanding such adjournment, there is no resulting PIA; proceedings that have not been adjourned under section 2 of the 2013 Act but where the borrower has, prior to the court hearing, participated in good faith in a scheme to assist borrowers in mortgage distress to remain in their homes, or engaged the services of a PIP to assist him or her to resolve his or her mortgage arrears difficulties and, despite such engagement, there is no resulting PIA.

Subsection (2) provides that when considering whether to make, or refuse to make, an order for possession in repossession proceedings in respect of a borrower's principal private residence, a court must take account of the matters referred to in subsection (3). The court may also do so when considering whether to grant any other order it considers appropriate in the circumstances of the case, for example, an adjournment, or further adjournment, of the proceedings.

Subsection (3) specifies the matters that the court must take account of in considering whether to make or refuse to make a possession order. Paragraph (a) provides that the court must consider whether the making of the possession order would be proportionate in all the circumstances of the case. This is a significant development. In providing for this matter, the Bill recognises the essential role of the court in balancing the interests of both the borrower and the lender when considering whether to make, or refuse to make, an order for possession. Paragraph (b) provides that the court must always take into account the circumstances of the borrower and any dependants who are resident in the home. Paragraph (c) provides that the court must take into account whether the lending institution has made a statement to the borrower of the terms on which it would be prepared to settle the arrears problem in such a way that the borrower and his or her dependants could remain in their home. This means that there will be an onus on lenders to clarify their positions. Paragraph (d) makes it clear that the court must also consider the details of any proposal put forward by or on behalf of the borrower, whether prior to or following commencement of the proceedings, which would enable him or her, and any dependants, to remain in their home or, alternatively, to secure other accommodation. The Minister has asked me to stress that consideration of proposals which would allow the borrower to remain in their home will include examination of any proposal for participation by the borrower in a scheme to assist persons in mortgage distress to remain in their principal private residence. Paragraph (e) provides that the court must take into account the response, if any, of the lender to the borrower's proposal to remain in their home. This will place an additional onus on lenders to engage in a constructive manner with any proposals put forward by, or on behalf of, the borrower. Paragraph (f) makes specific reference to the conduct of the parties in any attempt to find a resolution to the borrower's mortgage arrears difficulties. The provision makes it clear

that the court must take account of a lending institution's refusal or reluctance to engage in attempts to find a resolution of the mortgage arrears problem, and also of any borrower's refusal to engage in a meaningful manner with the lending institution.

Subsection (4) specifies certain additional information that the court may take into account when considering whether the making of an order for possession would be proportionate in all the circumstances of the case. These include the overall amount of debt outstanding on the mortgage concerned, the level of arrears due on foot of the mortgage concerned, and the advised market value of the principal private residence at the date on which the legal proceedings commenced. The Minister has provided a definition of "advised market value", AMV, in subsection (9). This definition, based on the corresponding definition in section 2 of the Property Services (Regulation) Act 2011, will ensure that the market value of the property is valued in a professional, objective manner. This AMV must be provided by the holder of a current licence issued by the Property Services Regulatory Authority, PSRA, under that Act.

Subsection (5) has a technical purpose. It clarifies that the fact that there is no PIA in a specific case may arise because a proposal for a PIA has not been made or, alternatively, such a proposal has been made but the procedure has ended without a successful outcome.

Subsection (6) identifies the circumstances in which, under the Insolvency Act 2012, the PIA procedure is considered to have ended. This applies in the following cases: where a PIP has prepared a proposal for a PIA and the debtor has consented to that proposal and the calling of a creditors' meeting, but that meeting does not take place before the expiry of the protective certificate as set out in section 106(3) of the 2012 Act; where, under section 108(8)(b), at the taking of a vote at a creditors' meeting in regard to a PIA proposal, the proposal is not approved by a majority of creditors in accordance with section 110 or deemed to be approved, and the PIA procedure has terminated; where, in a case under section 111A, there is only one creditor and the creditor does not approve the proposal under section 111A(8), or the personal insolvency practitioner fails to give the creditor a written notice of the proposal before the expiry of the protective certificate under section 111A(9); where the court upholds an objection to the PIA under section 120 and the procedure is deemed to come to an end in accordance with section 114(3); where, under section 115A(9), the court refuses to make an order confirming the coming into effect of the proposed PIA following a court review under that subsection; where the debtor is in arrears with his or her payments for a period of six months of the PIA and it is deemed to have failed under section 123.

Subsection (7) permits the Minister for Justice and Equality to designate a scheme for the purpose of subsection (1)(c)(i) and subsection (3)(d)(i). Any such scheme would have to comply with the following conditions: the objective of the designated scheme must be to provide those borrowers with mortgage arrears difficulties in respect of their homes with assistance that is reasonably likely to enable them to address these difficulties and facilitate, as far as possible, their remaining in their homes, and it is reasonably likely that such assistance will in fact be provided under the scheme.

Subsection (8) provides that an advised market value must be set out in a statement provided by a licensee under the Property Services (Regulation) Act 2011.

Subsection (9) is a standard provision containing a number of relevant definitions for the purposes of this new section.

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Section 4 contains standard provisions relating to the Short Title, collective citation and commencement provisions.

On behalf of the Minister for Justice and Equality, I underline again the urgency attaching to this short Bill. Its key objective is to provide further protections for homeowners in mortgage arrears who are facing the possibility of repossession of their homes. When enacted, the Bill will provide a clear checklist of factors that a court must take into account when deciding whether to grant a possession order to a lending institution in respect of a borrower's principal private residence. The measures provided for in this Bill are worthy of support and will prove to be an important addition to the suite of Government measures to protect those who find themselves in mortgage arrears and are facing the risk of court proceedings for repossession of their homes. I commend the Bill to the House.

**Deputy Jim O'Callaghan:** The Minister of State was correct when he concluded by stating the provisions of the Bill are worthy of support. For that reason, Fianna Fáil will support this legislation. As the Minister of State has indicated, the purpose of the Bill is to broaden the range of matters that a court must take into consideration before it grants a possession order on a person's dwelling. However, I do not necessarily agree with him that this will have a significant impact on the way possession applications are dealt with at present. It is the case that any time an application for repossession comes before the courts, the courts are very sympathetic to the house owner - the person who is living in the house and who has received a mortgage from a financial institution which is now seeking possession of the property. In fact, I would say the courts will give the individual concerned as much leeway as possible. Anyone with experience of how the courts deal with possession cases will know that if the borrower is making any reasonable effort to repay the loan on an ongoing basis, the court will take that into account and, in general, will not grant the order for repossession sought by the financial institution. Obviously, it is difficult to be prescriptive in every case but, in general, the Judiciary is sympathetic to the position of persons who find themselves in mortgage arrears and who are brought before the courts by financial institutions.

*7 o'clock*

Everyone agrees with the Minister of State that possession orders should be the last resort. Fortunately, those possession orders are not particularly high in percentage terms in Ireland. However, that does not take away from the fact there are very many people who find themselves in mortgage arrears and, through a lack of advice or inability to deal with their financial problems, find themselves before the courts. Therefore, any measure which puts further obligations on the court to take such matters into consideration at the time of a possession application is to be welcomed.

Although we are supporting this legislation, that support should not disguise the fact we still have a significant problem with mortgage arrears in this country and it is a problem that, regrettably, the Government has failed to deal with. This Bill will broaden the measures available to a court but, in reality, it is not really going to improve the difficult situation in which many Irish people find themselves in respect of mortgage arrears. It is important to put on record the statistics in respect of mortgage arrears that exist in Ireland at present. We know there are 19,300 mortgage accounts in arrears up to 90 days, amounting to some €32 million; 5,000 mortgage accounts in arrears between 90 and 180 days, amounting to €27.5 million; 5,300 mortgage accounts in arrears between 181 and 360 days, amounting to €58.8 million; 6,700 mortgage accounts in arrears between 361 and 720 days, amounting to €130 million; and 28,000 mortgage accounts in arrears over two years, amounting to €2.4 billion. There is a significant problem that persists in respect of significant mortgage arrears.

At present, the options available to those people are very limited. They may seek protection under the personal insolvency legislation but we know that legislation needs to be reformed. It was novel legislation when it was introduced but there are many practical problems with it that need to be resolved by the Oireachtas to make it more effective, particularly for people in mortgage arrears. Many years ago, Deputy Michael McGrath introduced legislation seeking to establish a mortgage resolution office. It was commendable legislation that sought to take away the veto from the banks so an independent statutory body could determine applications in respect of people's mortgages. That was rejected by the Government and, to this day, the banks and financial institutions retain a veto when it comes to the issues concerning people in mortgage arrears. In fact, the only real protection those people have is the courts. Sometimes this is not recognised. Sometimes it is believed the courts are there simply to rubber-stamp the applications of the financial institutions but that is not correct. The courts are the protector of the citizen and of the individual. If there are rights available to those individuals, then the courts will vindicate them. However, the Government needs to ensure that the protections available to those individuals are increased and improved.

We also need to recognise, and I am sure the Minister of State will agree with me, that vulture funds went unregulated for too long. However, as a result of legislation that Fianna Fáil introduced, the loan owners, which were previously unregulated, have been regulated for the first time. That was signed into law late last year and some 18,000 mortgage holders will have their loan owners regulated by the Central Bank, with that figure likely to rise.

Obviously, there was a significant financial crisis in this country. Very many people got into mortgage difficulties because they bought properties between 2005 and 2008 and they have mortgages which, for many, remain unsustainable. Many of these people have made valiant efforts to continue to pay off their mortgages and they deserve to be commended for that. We need to recognise there is a public interest in trying to ensure we do not have a significant number of people who are drowning in mortgages that they cannot meet and which are dominating their lives. There is a public interest in trying to resolve that issue.

Unfortunately, the Government, since it came to power in 2011, has done little to address the issue. I know the Minister of State is bringing forward this legislation because he is trying to improve the position of those individuals. As I said at the outset, I believe the provisions within it are worthy of support but it is not the answer to the ongoing problem of mortgage arrears in this country. That is a problem that can only really be resolved through greater statutory intervention proposed by the Government and enacted by this House. Unfortunately, it is something we are going to keep talking about until such time as there are proper measures in place to deal with it.

**Deputy Donnchadh Ó Laoghaire:** Sinn Féin will not be opposing the passage of this Bill on Second Stage. However, there are several points which I wish to put to the Minister of State and which it is important to put on the record of the House. I note that no amendments were brought to the Bill in the Seanad and we hope to see it progress swiftly.

The Bill provides for matters relating to mortgage repossession proceedings and related court matters. My understanding is that it requires judges to have regard to the overall proportionality of repossession and the family circumstances of someone who may be facing repossession and the loss of a home. I will focus on section 3, given it is the substantive section of the Bill. Subsection (1) broadens protections for the borrower, if the borrower has previously engaged the services of a personal insolvency practitioner to assist in the resolution of his or her

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mortgage arrears problem, or the borrower has participated in good faith in a scheme designed to enable indebted borrowers to remain in their principal private residences. This is welcome, given good faith is generally a ground on which banks contest. I know anecdotally of cases where the banks have said they have engaged with the borrower but where they have outlined completely unrealistic deals to ensure payment and then stated that the borrower had failed to engage as he or she could not meet the demands of the institution. That is somewhat disingenuous in the first instance and ignores the principle of what is really meant by good faith.

Subsection (2) provides that when considering whether to make or refuse to make an order for possession in repossession proceedings, a court must take account of the matters referred to in subsection (3), some of which are of particular note, namely, whether the order is proportionate, if the borrower has children, and the conduct of the parties in any attempt to find a resolution to the borrower's mortgage arrears difficulties. These are all welcome measures and it is also welcome that the State seems to be, albeit late in the day, giving weight to cases where minors, in particular, are involved. I am sure all of us hope this will go some small way to preventing a further increase in the record number of 4,000 children who are homeless in the State. We must bear in mind that while this Bill represents progress, the other policies of this Government are still causing misery and adding to the housing crisis and the mortgage arrears crisis. The vulture funds, which the Government seems very happy to facilitate, are causing huge stress and concern. I hope the No Consent, No Sale Bill 2019, which Fine Gael voted against and which would have empowered borrowers, comes to pass in some way, shape or form in the not too distant future. We also express frustration at the Central Bank's decision to amend the code of conduct on mortgage arrears and the Government's acquiescence thereto. This key commitment of the programme for Government has been broken.

In expressing some reservations about the Bill, I draw attention to section 2A(3)(f). According to the explanatory memorandum, this provision means the court may take account of a lender's refusal or reluctance to engage in attempts to find a resolution of the arrears issue and of a borrower's refusal to engage meaningfully with the lender to find such a resolution. There may be a danger here that we will introduce a double edge whereby, for the first time, the behaviour of a borrower can be held against him or her. There may be many reasons a borrower will not engage, including pure fear or a lack of capacity to face a bank on an equal footing, which is seldom the case in any event. This subsection needs scrutiny and possible amendment. Who is to be the arbiter of "meaningful engagement"?

Section 2A(6) deals with personal insolvency agreements. Section 2A(7) deals with the ability of the Minister to establish a scheme to assist borrowers who are at risk of losing their homes. The objective of such a scheme, as stated in the explanatory memorandum, must be to provide those borrowers with arrears difficulties in respect of their principal private residences with assistance that is reasonably likely to enable them to address these difficulties and facilitate them in remaining in their principal private residences, that is, their homes. This is potentially an interesting proposal which may be of benefit to the borrower. I will reserve judgment on this until details are provided, but perhaps the Minister could address that in his concluding remarks.

More broadly, I echo some of the sentiments expressed previously by me and my party colleagues. I am very concerned by the changes to the legal aid rules introduced at the end of January. There is already plenty of inequality between the bank and the homeowner. These changes create a further inequality in representation between the banks and vulture funds, on one hand, and persons applying for insolvency, on the other. Until now, if someone was apply-

ing for personal insolvency or appealing the refusal of the banks to grant one, he or she could avail of the advice of a solicitor and barrister. On 31 January, the Government removed the right to a barrister for the debtor in court other than in exceptional circumstances. It also halved the fees for solicitors and personal insolvency practitioners, making it much less likely that people will take cases. This will make it much easier for banks and vulture funds to repossess homes. Members should bear in mind that borrowers are taking on banks which will have the very best legal representation available and will be dealing with very complex legislation. To all intents and purposes, this is an attempt to disarm the debtor who may be fighting possession. It is a serious inequality of arms.

A very significant proportion of appeals against a refusal by a bank to engage in the insolvency process are successful. If the banks are facing strong legal opposition, they may be more likely to agree to engage in the first instance. However, if a bank is facing much more limited resources, with the bank potentially having senior and junior counsel and the debtor not having any barrister, what is the incentive for the bank to engage? The Government appears to be driven to undermine the protections which the mortgage holders have and to assist the banks and vulture funds, which is shameful. The Bill is being framed as an attempt to rectify the very serious imbalance that exists. While this legislation is welcome, it does not do enough when contrasted with the various policy decisions I have outlined. The Government is essentially giving crumbs to the homeowner, on the one hand, and giving banks and vultures a feast, on the other.

I once again express my support for the Bill despite those criticisms of Government policy generally. It is welcome although it is very modest. We will support it and I hope it can progress through the remaining Stages relatively swiftly.

**Minister of State at the Department of Public Expenditure and Reform (Deputy Kevin Boxer Moran):** I thank the Deputies for their support. I recognise the points they have made. It is said that the Government is not doing anything. Deputy O'Callaghan spoke about the legislation introduced by Deputy Michael McGrath before Christmas. The Government supported that Bill. I was in this job for less than two years when I introduced this legislation. Many a person in this House has brought in legislation that did not get as far as the Office of the Attorney General. The Government is proactive.

I have worked with Ms Julie Sadlier, a solicitor, and Dr. Padraic Kenna on this Bill. Everybody in the House is out canvassing at the moment. We meet people who find themselves in mortgage arrears. There are 28,000 such households. If we assume there are four members in each of those families, more than 100,000 people are affected by this. The Government is moving in the right direction with this legislation, which will go a long way to supporting those families and helping the people I have spoken to throughout the country, particularly judges who are looking for help. People who have contacted me in recent months are waiting on this piece of legislation. I ask Deputies to trust me; plenty of those people email me daily to check the Bill's progress. I am delighted it has come to this. I am also pleased to have the support of colleagues across the House and thrilled that this is the second Bill I have introduced in the House in less than two years.

Question put and agreed to.

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**Land and Conveyancing Law Reform (Amendment) Bill 2019 [Seanad]: Referral to Select Committee**

**Minister of State at the Department of Public Expenditure and Reform (Deputy Kevin Boxer Moran):** I move:

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

Question put and agreed to.

**Teachtairacht ón Seanad - Message from Seanad**

**An Ceann Comhairle:** Seanad Éireann has passed the Residential Tenancies (Amendment) (No. 2) Bill 2018, without amendment.

*Sitting suspended at 7.15 p.m. and resumed at 8 p.m.*

**Domestic Violence (Amendment) Bill 2019: Second Stage [Private Members]**

**Deputy Jim O’Callaghan:** I move: “That the Bill be now read a Second Time.”

I do not think that, 20 years ago, many people in Ireland would have heard the word “familicide”. Unfortunately, that is not the case today. Familicide applies to circumstances where a member of a family kills other members of that family and, in many circumstances, then proceeds to commit suicide, although it is not always the case that familicide is accompanied by the suicide of the perpetrator.

Although it is a rare, tragic and complex crime, unfortunately, it has occurred all too frequently in Ireland in the past 12 years. The Dunne family of Monageer were the victims of familicide in April 2007. Kathleen Chada’s sons, Eoghan and Ruairí, were killed by their father in July 2013 in an act of familicide. There was also the tragic case of Ms Clodagh Hawe and her three sons, Liam, Niall and Ryan, who were murdered in August 2016 by their father and her husband who went on to commit suicide.

This issue was catapulted into the public eye by the powerful interview given to RTÉ’s Claire Byrne in February of this year by Clodagh Hawe’s sister, Ms Jacqueline Connolly, and her mother, Ms Mary Coll. That interview had a significant impact not only on the Irish public but on all of us as policy makers and Members of the Oireachtas.

Familicide is not a crime that is unique to Ireland. Unfortunately, it is a crime that is known about in the western world in particular. Much research has been done in respect of it in the United States and Australia. It is also the case that familicide has happened all too frequently in the United Kingdom and, as a result of the occurrence of that crime there, the UK law changed a number of years ago to provide for a domestic homicide review on a statutory basis.

I had an opportunity to look at some of the research that has been conducted on familicide in the United States and there is a significant amount of it. Unfortunately, it indicates that the most common type of killer who is involved in committing the crime of familicide is a possessively jealous type of man. It is also noted that one of the best indicators of whether or not a man - it is predominantly men who commit this crime - is likely to commit this crime is previous engagement in domestic violence with his wife or partner.

We also know from the research that there are some social and demographic factors that are related to all forms of family violence except sexual abuse. Those are issues such as poverty, unemployment and family stresses, which include disagreements over money, sex and children.

In Ireland, we need to recognise that we have traditionally dealt with these tragic events by calling them a great tragedy for the family and suggesting there is nothing more we can do about it. That was an understandable response which sought to protect the privacy of the remaining, surviving family members. It also sought to avoid embarrassing any family member by giving too much detail and coverage of the crime. We need to recognise that is not the correct approach to this serious crime.

What usually happens in cases in which the perpetrator has killed himself is that An Garda Síochána take statements from those people who came upon the scene of the crime. The only reason for the Garda statements is for the purpose of going to the Coroner's Court where the function of the coroner is to determine how, where and when the individuals died. That does not give us much useful information and we, as a society and a State, need to recognise that we need to do more to ensure we can learn from these tragic murders and events. If we do not, we will find ourselves going from one rare, tragic event to another without learning any lessons in the interim.

We need to look at the situation in the United Kingdom because we can learn from how they have dealt with the situation. Since 2004, the UK has dealt with domestic homicides through legislation that it has on its Statute Book. Obviously if the person who perpetrates the acts of familicide is alive, as was the case in the circumstances of Kathleen Chada, the perpetrator will face the rigours of the law, will be prosecuted, brought to justice and punished. However, if the perpetrator also took his own life, we are left in a vacuum at present with the exception of the work and inquiry conducted by the coroner. The UK introduced legislation in 2004 to provide for the establishment and conduct of domestic homicide reviews. This legislation, although enacted in 2004, only commenced in 2011. In the aftermath of a tragic murder, such as those to which I have referred, the UK authorities take a multidisciplinary approach to identifying any lessons that can be learned. The UK legislation specifically states that its objective is to identify any lessons that can be learned. The police, social services and local authorities, the latter of which have much broader powers in the UK than they have in Ireland, get involved in trying to produce a report on how these events occurred. It is important to point out that the function of these reports is not to attribute blame. The place for the attribution of blame is before our criminal courts but, if the person who is responsible for these heinous crimes is not alive, the attribution of blame does not rest with the courts and it certainly does not rest with the persons carrying out the domestic homicide reviews. In the aftermath of the interview conducted by Claire Byrne with the family of Clodagh Hawe, other members of Fianna Fáil such as Deputy O'Loughlin and I decided it was necessary for us to try to put in place legislation mirroring that in the UK such that we could have domestic homicide reviews in Ireland. We decided to bring forward a Bill to amend the very successful Domestic Violence Act 2018 which was enacted by the Government and the Oireachtas more than a year ago. The purpose of the Bill is to em-

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power the Minister for Justice and Equality, the Garda Commissioner or the High Court, in the case of it having determined a criminal prosecution for murder or manslaughter, in cases where they are of the opinion that the death of the person resulted from violence, abuse or neglect perpetrated by a person to whom the deceased was related, with whom the deceased was in an intimate personal relationship or who was a member of the same household, to appoint a person with appropriate qualifications to conduct a review that would assist in identifying and learning lessons from the death.

I note the clock has stopped which is slightly confusing for me because I am sharing time.

**An Leas-Cheann Comhairle:** The Deputy has been speaking for ten minutes.

**Deputy Jim O'Callaghan:** I did not realise I had been speaking for so long. Deputy O'Loughlin will address other aspects of the legislation.

I welcome the announcement on 14 May by the Minister, Deputy Flanagan, that he would set up an independent specialist in-depth research study on homicides within families and domestic homicide reviews which will be chaired by Ms Norah Gibbons who is very well qualified in this area. It is important that research is carried out in respect of this matter. Obviously, the Bill was introduced on First Stage before the Minister made the announcement. I recognise that it would be illogical for the Oireachtas Joint Committee on Justice and Equality to deal with legislation such as this at pre-legislative scrutiny stage in parallel with Ms Gibbons carrying out the study. My concern is that the Minister indicated that the report must be produced within a year, although I am conscious that it may take longer. I wish to ensure the Bill does not drift into the great morass of issues which are under review. For that reason, I am concerned about the Minister's amendment which seeks to adjourn the Bill for 12 months. I am not proprietorial about this issue - we need to ensure we get it right - but I would like greater urgency given to be given the legislation. Perhaps the review could be completed by the end of the year. It is important that we work in harmony on this. It is above party politics. We must ensure that we do what is right for the people and, in particular, the very brave families who have suffered from these terrible crimes. I would like legislation to be considered and possibly recommended by Ms Gibbons' review group.

I note there are concerns about the legislation in the UK, but it is very important that we do not just get reports but rather get legislation in place such that in future families will not have to go through the trauma suffered by Clodagh Hawe's family in being obliged to go to the national broadcaster and give a very powerful interview in order to catalyse Members of this House into action.

**Deputy Fiona O'Loughlin:** I have been pleased to have worked on the Bill with Deputy O'Callaghan. We are here to discuss legislation that I wish we did not need. I wish that names such as Clodagh Hawe and Celine Cawley, or the dreadfully violent circumstances of their deaths, were not known to us. They are but two of the 225 women killed in Ireland by a partner, ex-partner or husband in recent years.

The Bill originates from the tragic murders of Ms Clodagh Hawe and her three sons - Liam, Niall and Ryan - in August 2016, and the very powerful interview given by Clodagh's sister, Ms Jacqueline Connolly, and her mother, Mrs. Mary Coll, to the RTÉ broadcaster Claire Byrne on 25 February 2019. The eloquence of Jacqueline and Mary in spite of their grief and anger is one of the reasons we know that we absolutely need this legislation. One of the most shock-

ing things for those watching the interview was the lack of information available to Clodagh's family. Having so many questions about the murders is clearly one of the hardest parts for the family as it leaves them with no peace. A legal request by Mary and Jacqueline for copies of the Garda files from the investigation into the murders was refused, which is profoundly unjust.

Families living with the trauma of family murders have repeatedly called for reviews of domestic homicides. These families need support, advice, counselling and, above all, answers. It was with that in mind that Fianna Fáil proposed the Bill to amend the Domestic Violence Act. A systematic multi-agency review of domestic homicides will not bring a loved one back to his or her family, but it may give the family some answers and allow the State to learn lessons on how to better protect vulnerable women. Domestic homicide reviews are a rich source of information on the nature of domestic homicide, the context in which it occurs and, most important, the lessons that can be learned from these tragic events. Common themes and trends emerge which help in risk assessment for Government agencies and police forces. They help in drawing up better training programmes for gardaí and to encourage and facilitate inter-agency co-operation. Every person has the right to live a life free of fear and violence. For one in five women in Ireland, that human right is denied every day.

I wish to mention Women's Aid and the incredible work it does. I attended the launch of its annual report this year, at which its representatives spoke of 16,994 disclosures of violence against women and almost 200,000 visits to its website. Behind these stark statistics are women we meet every day - our sisters, neighbours, friends and work colleagues who put on a brave face in front of their children, families and work colleagues. When we have the opportunity to speak to them through an agency such as Teach Tearmainn in my county of Kildare, Women's Aid or, increasingly, in Members' advice and constituency clinics, we hear how they are trapped in abusive relationships. We hear that they are in relationships they are unable to see a way out of and where they are at the mercy of controlling and abusive partners and isolated from families and friends. The figures increase every year. Increased safety and protection for these women and their children affected by domestic violence must be at the heart of any progress we want to see. Of course, there are men who are impacted. However, the figures show that 95% of those who come forward are women.

There is much we need to do, such as improved access to refuges and longer term support, a new family law court in Dublin and increased services to refuges. I thank, in particular, the women whom I met in the Dolphin House family law court for their bravery and courage in talking to me about their lives. I am often full of fear that I will someday hear their names mentioned by the media and know they were victims of the worst possible crime, namely, murder.

The purpose of the legislation is to introduce a new section providing for the establishment and conduct of what are referred to as domestic homicide reviews. The Bill will allow the Minister to order a domestic homicide review following the death of a person which appears to have resulted from violence, abuse or neglect by a relative, a partner or a person with whom the deceased was in an intimate personal relationship. As Deputy O'Callaghan stated, such reviews have been required in Britain since 2011.

It is a sad reality that one in four violent crimes reported internationally involves a man assaulting his wife or partner. All international research consistently shows that a woman is more likely to be assaulted, injured, raped or killed by a current or former partner than by any other person. It also shows that where there is control, violence, even if it a low level of violence, and separation there is a 900% increase in the potential for homicide. The red flags exist, but too

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often action is not taken on them. With regard to the murder of women in Ireland, since 1996 almost two thirds of women who have died violently were killed in their homes. We also know from the experience in the UK that the introduction of these reviews has been instrumental in identifying shortfalls and addressing them.

Domestic homicide expert, Dr. Jane Monckton Smith, says we must change the way we talk about abuse and fatal violence. The term “crime of passion” that is often used is totally inaccurate as none of these murders is about love or passion. They are about control and a feeling of entitlement. If we do not examine trends, patterns and histories we will remain in denial. More importantly, we will be letting down both past victims and the future victims whose names we do not yet know. The case for this legislation has been made. We need to know, if we are to stand any chance of learning how to protect women from the most dreadful of fates.

**Minister for Justice and Equality (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 twelve months, to allow for the report of the independent research study on familicide and domestic homicide reviews commissioned by the Department of Justice and Equality to be prepared, and to allow for that report to be then taken into account in the consideration of the Bill.”

I wish to accommodate Deputy O’Callaghan and the House insofar as I can. With the agreement of the House, I propose changing the word “twelve” in the amendment to “nine” to accommodate Deputy O’Callaghan in view of what he said. Can I propose that amendment?

**An Leas-Cheann Comhairle:** The Minister can amend amendment No. 1 if the House agrees. Is the amendment to amendment No. 1 agreed to? Agreed.

**Deputy Charles Flanagan:** I thank the Members. I thank Deputy O’Callaghan for introducing this Bill and acknowledge the contribution of his colleague, Deputy O’Loughlin, and the public utterances of Senator Clifford Lee, as well as those of many other Members of the Houses.

On 8 March last, International Women’s Day, Ireland ratified the Istanbul Convention on preventing and combatting violence against women and domestic violence. That marked the culmination of a four-year action plan across the Government, but it did not mark an end to the work of eliminating the horror and scourge of domestic violence in our society. The reality is that among women who are victims of homicide, three in five are killed by a current or former partner. Domestic homicides are rarely isolated acts; they are the ultimate expression of a pattern of violence within the home. It is hard to conceive of more shocking and distressing crimes than those we are discussing this evening. I warmly welcome the commitment expressed across this House to make every effort to prevent them and to ensure those who have suffered these horrors are properly and compassionately supported. It is a commitment I unequivocally share.

Protecting and supporting victims is and has been a priority for the Government. I have listened carefully to the views expressed both inside and outside these Houses on how best to achieve this. I do not believe there are quick or easy answers, but there are things that the State can do, and can do better. With that in mind I have commissioned the independent research

study into familicide and domestic homicide reviews that I announced last Tuesday and which I wish to outline to the House. This Bill will be an important feature of that study and at an early date I will forward a copy of the Bill together with Deputy O'Callaghan's opening contribution to the chairman of the study.

I acknowledge the role of non-governmental organisations, NGOs, in both the provision of supports to victims and advocating on their behalf. I also acknowledge the powerful testimony of the families of those who experienced horrific loss when their loved ones were murdered by the person with whom they should feel safest. The nature of the expert study I have commissioned was very much informed by consultation with bereaved victims, NGOs and people considered to be experts in this area. In particular, I acknowledge the submissions made to me Mrs. Mary Coll and her daughter, Jacqueline, whom I have met twice in the past few months to discuss their concerns about a variety of issues in the aftermath of the killing of the late Clodagh Hawe and her three sons, Liam, Niall and Ryan, by Clodagh's husband, Alan Hawe, who subsequently look his own life.

It was clear to me that familicide, a rare and appalling crime in this country, requires a special, tailored response. For some time I had been contemplating the best approach to domestic homicide reviews in this jurisdiction. I have combined these two related issues into a two pillar expert study that will involve wide consultations, including with NGOs and bereaved families, and recommendations for best practice. I thank all those who helped to shape the terms of reference, including Mary and Jacqueline, Women's Aid, Safe Ireland, AdVic and Support after Homicide. I also thank them for their support for this approach, which is a sincere attempt to ensure the State does not let people down in these horrendous cases.

The expert study will be led by Norah Gibbons, with support from a specialist team. Ms Gibbons will work with families of victims and other stakeholders, as well as the relevant State bodies. The study will operate independently. Ms Gibbons will be free to recommend any course of action which she considers appropriate. I have asked her to provide a report within 12 months. I took great care in choosing the right person to lead this study. Ms Gibbons has vast experience of leading the examination of sensitive issues in both the voluntary and State sector, as well as of cross-agency work. Of particular note, she was a member of the Commission to Inquire into Child Abuse, chaired the Roscommon child abuse inquiry and was the first chairperson of Tusla, the Child and Family Agency. As I said when I announced the study, she brings not only experience and expertise but also great humanity and compassion to this work. I have every confidence she will engage sensitively with those affected by this unimaginable loss and will provide meaningful and constructive policy recommendations that will guide the Government and the Oireachtas.

The study will examine two separate but related areas. The first, dealing with familicide, will look at the supports provided to those affected by these crimes, identification of potential warning signs and provisions for information sharing. While it is the case that the family victims receive a range of different supports across different agencies and services in trying to cope with the ordeal which is inflicted upon them in such circumstances, we must examine how these supports can be strengthened. It is very important to examine how these supports can be provided across relevant State and other services in a more systematic and integrated way. This study will seek to set out how we can better ensure that family victims of familicide are supported to the fullest extent and in as compassionate and timely a manner as possible by the State. To ensure this, it is necessary to examine existing arrangements and establish appropriate protocols and guidelines to govern such cases. I am asking the study team to have a particular

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focus on this area. I am also asking the study to examine how local communities can be best supported in dealing with the impacts of familicide cases that take place in their area and to examine the role of both the traditional media and social media in reporting cases of this nature.

The second area the study will examine is the operation of domestic homicide reviews. As Deputy O'Callaghan mentioned, these have taken place for a number of years in England, Wales and elsewhere and have been important in determining the effectiveness of interventions. I can understand the desire to adopt the English model in Ireland, but it is not as simple as it seems. The approach we are taking is the correct one. We are asking Ms Gibbons and her team, in consultation with stakeholders, to look at the experience of domestic homicide reviews in the UK and elsewhere and to define international best practice.

I wish to refer briefly to a number of other legal measures, and I acknowledge the support of Deputies O'Callaghan, O'Loughlin, Ó Laoghaire and others in ensuring the Government was in a position to ratify the Istanbul Convention earlier this year. I refer specifically to the Domestic Violence Act 2018, the Criminal Justice (Victims of Crime) Act 2017, which explicitly recognises for the first time in Irish law the rights of victims of crime, and the Criminal Law (Sexual Offences) Act 2017, which introduced a statutory definition of consent to a sexual act. It also addressed a number of evidential issues to protect child and adult victims of sexual assault from any additional trauma or upset arising from the criminal process.

Legislation is, of course, only part of the answer. My Department is providing a sum of €1.7 million this year to fund services for victims of crime. Tusla, the primary State funding agency, is providing €23.8 million to support services for victims of domestic and sexual violence. An Garda Síochána continues to develop policies, procedures and practices to inform its approach to domestic homicides. This includes a domestic homicide review team in the Garda National Protective Services Bureau examining a small number of domestic homicides for review. The purpose of these reviews is to improve the response of An Garda Síochána in the handling of domestic violence and abuse and includes examining potential changes to relevant policing practices and procedures.

Tackling domestic violence is central to my work as Minister. It is an area that receives ongoing priority attention in my office and this will continue. In this House we have worked together constructively legislating in this area in the past and I am hopeful we can continue to work together on shared priorities across the House.

I am sure Ms Gibbons would be happy to meet the justice spokespersons and I appeal to colleagues to encourage anyone known to them who can make a contribution to the study to come forward once Ms Gibbons issues a call for submissions. I expect such a call to be advertised in the national media within the next couple of weeks. I believe it is sensible and reasonable to allow this expert study to take place before we embark on legislation and initiate a parallel process.

I acknowledge the importance of this debate. I again thank Deputies O'Callaghan and O'Loughlin for the work that went into the preparation of this legislation. I acknowledge the contributions of all Members. I assure the House that, as Minister, I will continue to engage on these issues, and tonight is a welcome opportunity to do so. I am sure we will return to this matter at a later stage.

**Deputy Donnchadh Ó Laoghaire:** Gabhaim buíochas leis na Teachtaí O'Callaghan agus

O'Loughlin as an reachtaíocht seo a thabhairt os ár gcomhair. Beidh Sinn Féin ag tacú leis. Tá sé tábhachtach. Is ábhar é atá sa nuacht faoi láthair de bharr cásanna áirithe tragóideacha uafásacha. Tá gá le cur chuige cosúil leis an gceann atá molta ag an Teachta O'Callaghan, b'fhéidir le roinnt bheag leasuithe.

We will be supporting this legislation. In February this year my colleague, the Sinn Féin president, Deputy McDonald, asked the Minister if he would consider introducing legislation to provide for domestic homicide reviews similar to those in place in England and Wales under section 9 of the Domestic Violence, Crimes and Victims Act. At that time, the Minister stated he had no plans to amend the law but that the matter would be kept under review. Following a meeting with the family of Clodagh Hawe later that month, the Minister announced his intention to commission a study into the supports available to families affected by familial homicide and the experience of domestic homicide reviews in other jurisdictions. That was clearly welcome. Clodagh's sister, Jacqueline Connolly, and her mother, Mary Coll, should not have had to take to the national airwaves to make their voices heard but often that is the way things work. It is a fundamental human rights principle that those affected by policies implemented by Government must be given a voice in the development of those policies.

The right of women and children to be protected against domestic violence and death is underpinned by various instruments of international law, including the Istanbul Convention. If the Government is truly committed to the provisions of the convention, then it must create a space for victims and their families to inform and shape policies, legislation and adequate budgets. Before we consider our own views of the appropriate framework for the introduction of multi-agency domestic homicide reviews, we should first listen to the families affected by this horrific crime.

I had the opportunity recently to meet Kathleen Chada and some other people who have been bereaved in the most appalling way. It is so difficult for a person who has never been affected by this to even begin to imagine the horror that must be involved and how it must follow those affected every day. Lives are changed forever.

One of the groups I met was Sentencing And Victims Equality, SAVE, an advocacy group established by families affected by domestic homicide.

We are particularly focused on the 27 cases of familial homicide in recent times. While they are closely or inextricably linked, there is a wider context of domestic homicide generally. There have been 225 such cases since 1996. Nine in ten murdered women are murdered by someone who knows them. Half are killed by a current or former partner. Some 61% are killed in their own homes. We have a serious problem in this regard, although the problem is not only in Ireland. It is something that we must attempt to understand to properly deal with in a policy way. That is clearly what this policy proposal is about.

SAVE has been calling for the introduction of domestic homicide reviews similar to those in place in Britain. The following is their demand of us:

We all have many questions around the circumstances of the murder of our loved ones. Many of these questions may never be answered but knowing that someone may have some of these answers but chose not to tell us just adds to what is already an incredibly difficult time. To think that there is information relevant to our loved ones being kept from us is difficult to comprehend. It adds to our pain. We believe the introduction of domestic homi-

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cide reviews would show that at a government level the needs of victims and their families are on a par with the needs of the perpetrators. Such reviews must be under the guise of a completely independent body that can work on a multi-agency basis, independent of present state bodies.

As the families of victims of domestic violence, we are often not looking to blame. We trust the judicial process will take care of that. But we will often be left with questions that cannot be answered by the Garda or the coroner. The answers we seek may not seem relevant to a potential court case or inquest, but would bring a level of comfort to us. Domestic homicide reviews place the victim at the centre of the process, at a time when it can often feel that they have been shunted to the side lines. Trust in the judicial system can often be shaken for us, so knowing there is a state body whose sole agenda is to simply get answers would be welcomed by us.

Like SAVE, Safe Ireland, Women's Aid, the National Observatory on Violence Against Women, the National Women's Council of Ireland and other front-line service providers have all called for the introduction of multi-agency reviews. This statutory model of review has been operational in England and Wales since 2011 and is due to be introduced in the North shortly. The family violence death review committee was established in New Zealand in 2008. Again, this body is underpinned in legislation. A number of Canadian provinces also have statutory and non-statutory systems of domestic review in place.

Earlier this month Deputy McDonald and I produced a policy paper committing Sinn Féin to the introduction of an independent multi-agency domestic homicide review model. I believe I sent a copy of that document to the Department. If I did not, I will do so shortly. As with the British model, reviews would be automatically established on a regional basis following a domestic or familial homicide. Currently, reviews must be initiated by the Garda Commissioner and are limited to the examination of the adequacy of Garda policies, their interactions with other external agencies and with the individuals and family concerned. Our model of review includes all relevant State agencies, for example Tusla and the HSE, domestic violence service providers, families of the victims and their friends and work colleagues.

There is another element and I hope the Minister's process takes this into account. Often in these processes, data sharing can be used as a form of obstruction or a reason not to proceed with sharing of information and experience and knowledge. Obviously there is legislation governing all of this. We believe there is a need for a specific element of the review to examine whether there is need for change in legislation or policy to ensure that domestic homicide reviews can be as effective as possible and that all the information that it is possible to share can be shared. This could allow families to benefit from the information being shared by the review.

The system of review we are advocating, and that this Bill advocates, is not a replacement for a criminal investigation or an inquest and would not seek to apportion blame. Independent multi-agency domestic or familial homicide reviews provide invaluable data and information on the circumstances leading up to the crime and how agencies can improve responses to better protect women from future attacks. The Office of the Chief Coroner in Ontario, Canada, has had a multidisciplinary death review committee in place since 2003. The motto of the office is "we speak for the dead to protect the living". This process advances policy development, operational practice and inter-agency co-operation. It also provides a neutral independent process for victims' families to participate in which can provide them with the answers they need. This will require legislation and a budget line to shape the review process, provide for inter-agency

data sharing, and deliver the regional framework and accompanying staff. This legislation must first be informed by the families impacted by domestic homicide, victims of domestic abuse and violence and the organisations that advocate on their behalf. We will support this legislation and we welcome its introduction. As the Deputy has acknowledged, he will ultimately need the Government's imprimatur if the legislation is to fully come to life and to reflect the British domestic homicide review model. If the purpose of this legislation is, as the Deputy has stated, to replicate what is permissible in Britain, there will need to be an organisational framework and staffing required to deliver properly on this commitment. In effect, this will mean the legislation would be a money Bill. I hope the Minister will row in behind this Bill to ensure it is everything it can be.

Under the British legislation reviews are commissioned by community safety partnerships following the domestic homicide of a person aged 16 years or over. These multi-agency structures are established in each local government area. A fundamental pillar of the British model is that it is independent. Local review panels include an independent chair and representatives from statutory and voluntary agencies. Family, friends and work colleagues are also encouraged to participate in the review. Reviews are not automatically established after a domestic homicide in the Fianna Fáil Bill, as we would like them to be. The legislation keeps the process of review tightly within the gift of the Garda Commissioner or the Minister for Justice and Equality. It provides that the Minister may direct the Garda Commissioner and other agencies, such as the HSE or Probation Service, to co-operate with or participate in the review. Under this proposal the Minister is again directing the review process. Families can make a submission or provide information to the review but cannot engage in the review process itself. A reviewer appointed by the Minister or the Garda Commissioner may seek information or documentation from a person or legal entity. Non-statutory organisations such as Women's Aid or Safe Ireland can only contribute to the process if the reviewer seeks information from them. As Deputy O'Callaghan stated in the Dáil last month, his legislation will require the resources and involvement of the Department of Justice and Equality if it is to progress. As there is an arrangement between Fianna Fáil and Fine Gael, I hope the Deputy has secured some form of agreement with the Minister and that we will see some progress. I appreciate the amendment. I would personally rather proceed to Committee Stage as soon as possible, but that is within the gift of the sponsor of the Bill.

The Minister's establishment of independent study on familicide and domestic homicide reviews in respect of supports for families and to examine practices in other jurisdictions is welcome, although its completion date of June 2020 is a while off. I appreciate the need to get it right, but there is an appetite and an interest in this area, so I would rather that was progressed quicker. Families of domestic homicide victims want the issue of additional funding supports to be placed front and centre. Support services are woefully inadequate and the lack of multi-annual funding streams negatively impacts on non-statutory services' ability to develop appropriate supports for them.

I take the opportunity to pay tribute to those families I have met who have lived with the pain of losing their loved ones, whether it be a daughter, a sister, a son, a husband or a wife, including Jacqueline Connolly, Mary Coll, Kathleen Chada and so many others. We owe them a debt because despite their enormous grief, deep hurt and pain, they are active in this area, seeking legislative change and lobbying both Opposition politicians and the Government to force the political system to step up to its responsibilities and to legislate. There is an epidemic of domestic violence in Ireland and many other countries, yet the Government has not adequately

prioritised the protection of women and children in that regard. Women and children are being murdered in their homes by men known to them. Thousands more are living with abuse, sexual assault and violence every day. Our actions in this House can and must reflect this grim reality. There has been progress such as the Domestic Violence Act 2018, but in some respects we are still catching up with what has been in place in other jurisdictions for a decade or more. There is a broad consensus on the need for and value of independent multi-agency domestic homicide reviews. I hope can progress to becoming policy and that that consensus will give comfort to the families affected and be of value to women living with a violent partner today. If we can advance this model of review with ambition and determination, it can be used to apply lessons, change policies and ensure this violence and murders are minimised.

**Deputy Catherine Connolly:** I thank Fianna Fáil and Deputy O’Callaghan, in particular, for bringing this Bill before the House. It is very important and I am not sure why it has to be postponed. I thought the report and the Bill could have progressed in parallel to each other. We would have allowed various people to come in, make submissions and the report would have then been completed. However, it is welcome that the delay is now nine months instead of 12.

In welcoming the Bill I pay tribute to Women’s Aid. I am not going to list out women’s names because Women’s Aid has done that for us and if we pick one woman, we ignore somebody else. I am going to deal with some of the figures instead. Domestic violence kills and Women’s Aid has set out for us what that means completely. Domestic violence kills both women and children and the people who work for and volunteer with Women’s Aid hear from women about the types of abuse and behaviour that precede it every day. When women call Women’s Aid and tell us they are afraid for their lives, we believe them. Women’s Aid, among other organisations on the ground, has been telling us and successive Governments for a very long time that domestic violence is prevalent, very serious violence that leads to murders year after year. Every step of progress was forced by pressure and, unfortunately, another death.

It is difficult as a woman to read out the total figures to date. We have learned from the femicide watch project, something I cannot believe we need in 2019, that seven women died violently in 2018 and that was only by November. It goes on to tell us that ten women on average die violently every single year in Ireland, which is almost one a month. I will not exaggerate. Some 225 women have died violently between 1996 and 2008, with 16 children, leaving 125 children without mothers, although I do not have the up-to-date figure.

I said I would not read out the names, but it is worth reading out the ages. We are discussing this against the backdrop of an ongoing case that I am not going to comment on except in relation to the age of the victim, who was 14 years old. The women who have been murdered in the last while range in age from 13 up to women in their 60s. The women who died in 2018 were a 43 year old, a 49 year old, a 22 year old, an 18 year old, a 31 year old, a 39 year old and a 29 year old. They were all victims.

I am uncomfortable with using the word “welcome”, but I am welcoming this legislation against the backdrop of inadequate funding for domestic and gender-based violence, in the context of inadequate provision of refuges for women where they can go for safety and a narrative that focuses on the woman as someone anonymous in all of this. The reporting talks about what an unusual act it was for the perpetrator at a given time. It spoke of what an unusual act it had been and said he was a pillar of society, among other things. There were details of the murder of the woman and nothing about her life or how she lived but a complete apology for the man who did it. They are my views but also those of Women’s Aid which, in its Femicide Watch

2018, made specific recommendations for the Government. The first was exactly what Deputy O’Callaghan has asked for, namely, a domestic homicide review to be set up on a statutory basis with the appropriate specialists. Domestic homicide reviews are in place in the UK, New Zealand and many other jurisdictions, including Canada, Australia and the United States; therefore, there was nothing to stop this or previous Governments from introducing this mechanism and doing the research before this Bill if they had taken domestic violence and murder seriously. Clearly, that has never been the case but I welcome the fact that the research has taken place at last. I have always had a difficulty with the reporting of “domestic incidents”. They are not domestic incidents, but the most serious assaults, some of them culminating in murder. It is time we changed the narrative because if we do not, we will never learn, even if we set up homicide review mechanisms.

Women’s Aid has also made 13 recommendations on media reporting and I ask journalists and the Government to look at them and consider the narrative of these cases. Women’s Aid asked for positive and responsible reporting on domestic abuse and homicide to improve the public’s understanding and support those affected. If we do not do that we will simply not learn or make homes safer places for women and children. There has been talk about the press council working in partnership and I recommend that the Minister and his speech writers read what they have to say and learn. We cannot be political in any way about this and we cannot have any more murders without learning from them. I pay tribute to Women’s Aid on this point.

There is a lack of funding, a lack of refuges and a lack of evidence-based figures, because we cannot rely on the Garda figures. The Central Statistics Office was before the Committee of Public Accounts recently and its representatives said the statistics were published under reservation so we need accurate statistics. It has taken us three years for this Dáil to force the Government to review the SAVI report, which was conducted in 2002. It worries me that we set up a scoping report first to delay the process. That was produced on 18 April 2018 and it will be a long time until the review is completed as it will not begin before summer 2021 and will take a few years to complete. If we were seriously interested in dealing with domestic violence, abuse and murder we would have started this much sooner and done it more quickly. I understand the Central Statistics Office has 75 vacancies and the impact that might have on carrying out this very important research concerns me.

I do not like to talk about the costs to the economy of domestic violence, abuse and murder, but it is €2.2 billion per year. The Minister told us that €23.8 million was given for victims of domestic and sexual violence and the Government might be congratulating itself on this but Safe Ireland and NUI Galway research estimate that the cost is much higher. The research is ongoing and looks at the economic and social costs of domestic violence across three phases of a survivor’s journey. I am not here to lecture but because I know intimately the effects of domestic violence on children, women and on the wider society. We need to look at this and to allocate sufficient funding because €23.8 million is not a figure about which the Government can boast when the cost to the economy is in billions of euro. As the programme manager with Safe Ireland said, if we allocate adequate and targeted resources to prevention and support for survivors of domestic violence, we save lives, we restore futures and we save billions. I ask the Minister to read that piece.

I support the Bill. I am not sure why it has to be delayed, but I understand that it is in agreement with Fianna Fáil. I welcome the initiative from Deputy O’Callaghan.

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

21 May 2019

I join the Minister in thanking Deputies O'Callaghan and O'Loughlin for their work and other Members for their contributions. I express sincere condolences to those who have suffered the unimaginable tragedies about which we have spoken this evening and I commend the extraordinary courage and selflessness which people have shown in seeking to ensure their experiences are not endured by others. Domestic homicides must be taken in the broader context of our response to domestic violence, which must take into account concrete State actions and deep-rooted social and cultural change. The State's ratification of the Istanbul Convention was a milestone but significant reforms are continuing.

The Minister has gone through some of the legislation that has been enacted recently, such as the Criminal Law (Sexual Offences) Act 2017 and the Criminal Justice (Victims of Crime) Act 2017 and the Domestic Violence Act 2018, in which the new criminal offence of coercive control was introduced. I was very much involved in that legislation in the Seanad and in my role as Chair of the committee in the last Oireachtas, when we produced a major report on the whole area. We are the third country in the world to introduce the new criminal offence of coercive control, which is very important. Another significant piece of that Act was the fact that the relationship between the defendant and victim can be taken into account as an aggravating factor in sentencing for certain offences. That was new, was called for and is very important.

Legislation is only one element and implementing the second national strategy on domestic and gender-based violence is ongoing. The Department of Justice and Equality is providing €1.712 million in funding for services for victims of crime and Tusla will provide a further €25.3 million in 2019 for support services for victims of domestic and sexual violence. The budget increased by €200,000 in 2016, with a further increase in 2017 to €22.1 million, rising to €23.8 million in 2018. There has been an increase of €3.4 million, or 17%, in funding since 2015.

Housing is vital for victims of domestic violence and according to a report of the Council of Europe Ireland is one of only nine member states where the ratio of shelter beds relative to population is higher than 1:10,000, which is the recommended rate. Ireland has 1.29 shelter beds per 10,000 of population. While refuge places are very important, however, we should also question if they are the best answer. The Domestic Violence Bill will increase access to court protection for victims of domestic violence. Making orders easier to obtain should increase the number of women who can stay in their own home. Why should the woman have to be the person to leave the home? The Department of Housing, Planning and Local Government has issued guidance to local authorities on how to assess victims of domestic violence in need of housing.

This guidance has been brought to the attention of local authorities in order that they are familiar with it. It draws attention to improvements in housing legislation to assist the victims of domestic violence. Ultimately, the funding of places in refuges is a matter for the Department of Children and Youth Affairs and Tusla.

As the Minister for Justice and Equality outlined, the Department has commissioned a research study, led by Ms Norah Gibbons, to examine the provision of supports for families that are victims of familicide and the introduction of domestic homicide reviews. We need to have a stronger collective State response in supporting families that experience such traumatic ordeals. This study will examine in an in-depth and independent way how such supports can be provided across relevant State and other services in a more systematic and integrated way.

I note the views expressed by Deputies regarding the introduction of domestic homicide reviews in the UK. I have no disagreement in principle, but as the Minister outlined, a direct transposition of the UK model would not be workable without appropriate tailoring to the structures that are in place in Ireland. This is also the view of the NGOs and officials on the ground. It is necessary to define best practice in an Irish context in order that reviews here can be effective. The study will examine in a comprehensive and independent way the experience of reviews operating elsewhere. Based on its findings, it will be able to make recommendations on how we can effectively introduce such measures in Ireland.

Prior to the Minister's announcement of an expert study, he and his officials had been laying the groundwork for several months. This underlines the seriousness and care with which the Government is approaching this sensitive issue. It is just a week since the Minister announced the appointment of Ms Gibbons and published the terms of reference, and already offices have been secured on St. Stephen's Green and the fitting out with ICT and so on is almost complete. Arrangements to appoint a small expert support team to assist Ms Gibbons in her work are at an advanced stage. The Minister and I look forward to the support and engagement of Oireachtas Members. At the launch, the Minister and Ms Gibbons expressed the hope that affected families would engage with the study. We see their experiences and views as being central. I echo that call.

I draw attention to the fact that the first pillar of the study seeks recommendations on arranging enhanced information and supports for those affected by these crimes and the identification of potential warning signs and possible responses and actions, including the development of protocols to allow relevant information to be shared. I hope the study will also focus on the important issue of prevention. Is there information on warning signs that could be shared earlier? I know of a few instances where, if that had happened, a tragic event might have been avoided. Another consideration is the development of clear protocols by State agencies and other agencies and individuals for the sharing of information with immediate family members. These are sensitive but very important issues. The development of an emergency team protocol would bring together key officials as soon as possible after an incident to review information known at the time, identify agencies that might hold relevant files and, crucially, identify what supports were needed by families and communities and who was best placed to provide same.

It is important to ensure the perpetrators of homicide cannot benefit financially. This is an area where there is ongoing discussion between the Department and the Office of the Attorney General in the context of Deputy O'Callaghan's Civil Liability (Amendment) (Prevention of Benefits from Homicide) Bill 2017. The pre-legislative scrutiny process in March highlighted just how complex the relevant issues were and how easily unintended consequences could be introduced.

The fundamental goal of the Bill before us which is to improve our responses to domestic homicide is one that the Government supports and the amendment is proposed to facilitate the completion of the study. When it has been completed, we will inform the Government and the Oireachtas on our future approach to the Bill. I understand colleagues have already agreed to it.

This is an important and a sensitive area, one on which the Government has been working and for which it has been legislating, but much more needs to be done. Tonight's debate has been important, effective and timely, but the study is ongoing and we have agreed to postpone further work on the Bill for nine months until the study has been completed. The study team will take into account this legislation and give a view on it. The Minister and I are anxious for

this legislation to proceed after getting the advice of the study group following its work.

I congratulate Deputy O’Callaghan on the Bill and look forward to the rest of the legislative process in time.

**Deputy Jim O’Callaghan:** I thank those Deputies who have contributed. Their contributions have been useful and informative. It is worth pointing out that there appears to be universal agreement in the House that this country needs operations such as domestic homicide reviews. We do not have them at present and every Deputy who has contributed recognises that we should. Sinn Féin produced a paper on this matter recently. That is indicative that there is support throughout the House for the establishment of domestic homicide reviews. They need to be put on a statutory basis. If they are not, then they will just be *ad hoc* and lack the necessary legal power to be conducted in the way we want them to be.

I will start by addressing two legitimate points raised by Deputies Ó Laoghaire and Connolly, who stated that they would prefer if this legislation was pushed through. They were concerned about why I was agreeing to adjourn it for nine months. I will let them know my thinking. Obviously, if I pushed the legislation this evening, we would have a vote next week and I believe I would get the legislation through. It would then go to Committee Stage. As Deputy Ó Laoghaire knows, the Select Committee on Justice and Equality is busy at present and we would not be able to undertake pre-legislative scrutiny of the Bill until October. At that stage, the committee would have to decide what witnesses to call for the purpose of apprising ourselves of what type of statutory scheme we should have in place. Necessarily, we would want to include people such as Ms Gibbons and others working on the review, which would have been up and running by that stage for five months. It would be confusing to have these two processes running in parallel. It may have been more politically astute of me to push the Bill on and say that Fianna Fáil had got it to Committee Stage, but it would not be tenable to have pre-legislative hearings in the justice committee in October where we would call witnesses who had presumably also contributed to Ms Gibbons’s review. It would not be conducive to achieving an harmonious outcome to this important issue.

There is another worthwhile reason to delay this Bill. The reality is that, unless there is Government and, in particular, Department of Justice and Equality support, this will not get on the Statute Book. My hope is that, once we get the report from Ms Gibbons, we will be able to proceed with legislation and that the legislation I have drafted will be of assistance in trying to identify a pathway forward. I am sure the same applies to every Deputy, but I am not proprietorial about being identified as the drafter of the new legislative mechanism. It is about us getting this right.

Everyone recognises that this is a complicated area. As identified by other Deputies, this country has serious problems which can be summed up as “violence against women”. People have highlighted the relevant statistics, including the ages of the victims. On many levels, we need to ensure that steps are put in place to reduce this violence as much as we can. I am concerned by the extent to which young men, not just in Ireland but also around the world, are developing their initial views on women and sexuality from pornography to which they are exposed on the Internet. No previous generation has ever been exposed to pornography to this extent thanks to its prevalence on the Internet. The Internet has had a major impact on commerce, education and knowledge. Similarly, I regret to say it must be having a major impact on the development of young people’s sexuality. I do not know whether that will have a significant impact in terms of increasing violence against women, but it appears to be the case that pornog-

raphy that proliferates on the Internet presents women in a submissive and malleable way. It seems to highlight the control that some men seek to exert over women. Deputy O'Loughlin put it very well when she said control was at the heart of violence against women. She was correct when she said this was something that needed to be tackled.

The research that has been conducted as part of domestic homicide reviews in other countries seems to indicate that many of these vicious murders are prompted by events in a man's life which he finds humiliating. In the past, a man's financial or personal humiliation, or some identification of wrongdoing being carried out by him, has been an explanation - not a justification - for why someone who never previously got involved in violence got involved in violence. We need to be conscious that we live in a world where people can be exposed to humiliation. We need to transmit the message that regardless of how difficult or negative the news about a man is, he should be able to cope with it. It is probable that in the vast majority of cases, the perpetrators of these crimes are violent bullies who wish to exert control over women. We need to find out the information in such cases in order to have knowledge available to us that can act as a deterrent, teach us how to ensure we protect women in this country as much as possible and enable us to learn about the indicators of these types of crimes.

I thank everyone who has contributed to this debate. I am prepared to agree to the amendment for the reasons I have outlined. Ultimately, this House should aim to have legislation in place within a short period of time. I know that it is complicated and that it has to be distinct from the English legislation. The draft I am proposing today is distinct. Obviously, there are domestic homicide reviews in the UK. This legislation is not based exclusively on the English legislation. It is designed for the Irish legal system. It is important that Ms Norah Gibbons and the Members of this House be aware of the need to drive forward to get legislation enacted as soon as possible to ensure these types of heinous crime are deterred in the future.

**An Leas-Cheann Comhairle:** The House has already agreed to an amendment to amendment No. 1. Therefore, we must decide whether the amendment, as amended, is agreed to.

Amendment, as amended, agreed to.

Motion, as amended, agreed to.

The Dáil adjourned at 9.15 p.m. until 10.30 a.m. on Wednesday, 22 May 2019.