



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Déardaoin, 14 Samhain 2019

Thursday, 14 November 2019

Chuaigh an Cathaoirleach Gníomhach (Deputy Declan Breathnach) i gceannas ar 10.30 a.m.

Paidir.

Prayer.

Ceisteanna - Questions

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Estimates Process

1. **Deputy Barry Cowen** asked the Minister for Public Expenditure and Reform when Supplementary Estimates will be brought forward for 2019; the estimated amount required for Supplementary Estimates in 2019; the Departments that will require extra funding; and if he will make a statement on the matter. [46823/19]

Acting Chairman (Deputy Declan Breathnach): Deputy Cowen's Priority Questions are being taken by Deputy Calleary.

Deputy Dara Calleary: Since 2012, €6.3 billion has been brought forward in Supplementary Estimates. This is the time of year when such provisions are normally introduced. What is the anticipated figure for Supplementary Estimates for this year and the timeline for introducing those Estimates? In particular, what is the forecasted Supplementary Estimate for the Department of Health?

Minister for Public Expenditure and Reform (Deputy Paschal Donohoe): Expenditure Report 2020 outlined the requirement for Supplementary Estimates for a number of Votes in 2019. These supplementary provisions arise as a result of policy decisions, including the provision of a 100% Christmas bonus, and expenditure pressures, particularly in the health sector. At that point, it was estimated that the aggregate amount required for Supplementary Estimates would be approximately €660 million.

At this week's Government meeting, 11 Supplementary Estimates were agreed. With the agreement of the Business Committee, it is proposed that these Supplementary Estimates will be presented to Dáil Éireann next week for referral to the relevant committees, before returning to the Dáil to be voted on in December. Eight of the 11 are substantive Supplementary Estimates, namely, those relating to the Chief State Solicitor's office, the Department of Finance, An Garda Síochána, the Department of Justice and Equality, the Department of Transport, Tourism and Sport, Army pensions, the Department of Employment Affairs and Social Protection, and the Department of Children and Youth Affairs. The remaining three are technical Supplementary Estimates relating to the Department of Foreign Affairs and Trade, the Department of Communications, Climate Action and Environment, and the Department of Business, Enterprise and Innovation. The total amount being sought in these Supplementary Estimates is €204 million.

The expenditure report outlined that there would be a requirement for Supplementary Estimates in health, education and to fund Brexit-related expenditure to ensure the relevant authorities are in a position to carry out necessary compliance checks at ports and at Dublin Airport. The aggregate amount outlined in the report across these three headings is €450 million. It is planned to seek Government agreement for presentation of these Supplementary Estimates next week when the amounts required are finalised. In addition, any further Supplementary Estimates, which would be of a minor or technical nature, will also be finalised for next week.

As set out in the expenditure report, the main driver of the increase in the projected outturn for this year is health expenditure. The budget challenges for that sector relate to demand-led pressures in key service areas, primarily in acute hospitals, in both pay and non-pay areas, in services for older persons and persons with disabilities, and in hi-tech drugs, State claims and pensions budget lines.

Deputy Dara Calleary: I thank the Minister for his reply. He indicated that he has approved 11 Estimates for discussion in committee, including one relating to An Garda Síochána. Can he give a figure for that particular Estimate and indicate whether it will have an operational impact between now and Christmas, with particular reference to Border area policing?

In regard to the Supplementary Estimate for the Department of Health, the figure we have heard is €335 million. Is that sum correct and, if so, does it include the additional €27 million that is being announced today for the so-called winter initiative? There is an effective moratorium on recruitment in the health service at this time. The Government says there is no such moratorium but it is clear from talking to anybody who works in the sector that there is. When only one person has sanction on appointments in the entire service, it is a moratorium by another name. What level of appointments will be made in January to address the serious pressures on waiting lists and services around the country?

Deputy Paschal Donohoe: To give further context to where we are with the Supplementary Estimates, while they continue to be at a level which I want to see reduced further, they are significantly lower than they were a year ago. I said last year that a number of things which happened from September onwards would not be repeated, and they have not been repeated. Furthermore, the Supplementary Estimates for this year have been brought into our budget-day package for next year, as opposed to on top of it. Those Supplementary Estimates, excluding one or two technical matters, are in line with what I indicated on budget day.

The Supplementary Estimate for An Garda Síochána is €17.5 million. It is a substantive Supplementary Estimate as opposed to a technical one, which is required to meet the Garda

overtime costs that accrued from the visits of the United States President and Vice President. It does not have any operational consequence and relates to the costs of an activity that has already happened.

In regard to health, the Supplementary Estimate is in line with what I indicated on budget day. No change beyond that is proposed. There is no moratorium on recruitment in the health service. Posts which must be filled or recruited for are ones that are budgeted for.

Deputy Dara Calleary: The Minister confirmed that the Supplementary Estimate for health will be €335 million. The parroting by the Government of claims of an increase in the health budget is not exactly true because that money will be taken out of next year's health budget.

The Minister says there is no moratorium on recruitment. In the case of an occupational therapist in early intervention services who is going on maternity leave, the Health Service Executive put in writing to me that it does not have the resources to cover that leave. That is a moratorium on recruitment. Maternity leave is something that is planned and envisaged but the health service does not have the resources to cover it. That then impacts on children who need intervention at the very earliest stages of their lives. That is a moratorium.

Deputy Paschal Donohoe: The Supplementary Estimate, on which the Deputy's final question touched, includes some funding for the winter initiative plan. I clarify that point because the Deputy put that question to me. We are simply ensuring that the health service is recruiting for posts for which there is a budget. The total funding available to the Department of Health is at the very high level of €17.4 billion. Additional recruitment will take place next year due to the additional funding the health service has received. The Deputy is saying that we are taking the cost of the Supplementary Estimate out of the additional funding we are making available for next year. I am seeking to do a better job next year in order to respond to the charge the Irish Fiscal Advisory Council levied against me. I want to ensure that if extra money is put into the health service for this year, the service will be properly funded for next year.

Capital Expenditure Programme

2. **Deputy Pearse Doherty** asked the Minister for Public Expenditure and Reform the capital projects that are to be delayed or deferred in the years of the National Development Plan as a result of cost overruns such as the national children's hospital and National Broadband Plan, which the Irish Fiscal Advisory Council calculates could reduce funding for capital projects by as much as €17 billion; and if he will make a statement on the matter. [47029/19]

4. **Deputy Bríd Smith** asked the Minister for Public Expenditure and Reform if the escalating costs of the national children's hospital will require changes to his budget projections or to promised capital expenditure; and if he will make a statement on the matter. [46799/19]

Deputy Pearse Doherty: The national development plan set out approximately €116 billion to be invested in capital projects in the ten years from 2018 to 2027. According to the Irish Fiscal Advisory Council, if the Government continues its trend of allowing major overruns on major Government flagship capital projects, the funding available to other capital projects will be reduced by as much as €2 billion per year. We can already see the impact of this issue with regard to the national broadband plan and the children's hospital. What capital projects, if any, has the Minister's Department identified for delay or deferral on the back of the enormous

overruns currently being seen, as the Irish Fiscal Advisory Council has indicated that capital projects will be squeezed by €2 billion per annum if this trend continues?

Deputy Paschal Donohoe: I propose to take Questions Nos. 2 and 4 together.

As I have previously indicated, I intend to provide the capital required to fund the additional cost of proceeding with the national broadband project from future revenues. This will be done, and has been done, in the context of updating the overall capital ceilings set out in Project Ireland 2040. This means that the decision to approve the appointment of the preferred bidder will have no repercussions for other planned projects within the national development plan, NDP. Additional costs in respect of the national children's hospital have been met this year by re-allocating savings made in other sectors, within the overall national capital envelope.

The Deputy went on to refer to the Irish Fiscal Advisory Council. The council has carried out some analysis of the impact of cost overruns in its latest fiscal assessment report, which draws on domestic and international experience. It is really important to note that we have not experienced cost overruns of €17 billion, nor is any such scale of overrun in prospect. What IFAC has prepared is a technical projection of the situation if the very high cost overruns we experienced with regard to the national children's hospital were to be experienced on all major projects.

As IFAC goes on to point out, Ireland is not alone in facing challenges in managing cost on major projects. This is why Project Ireland 2040 seeks to reform how public investment is planned and delivered. It sets out a strategic vision for public capital investment and signals a shift to a greater integration of regional investment plans with local planning. It also involves a number of different bodies including a construction sector group, a delivery board, and an investment projects and programmes officer, who will oversee the delivery of the plan.

Deputy Pearse Doherty: The Government's approach is extremely worrying. The Irish Fiscal Advisory Council has shown that, under the Minister's watch, major capital projects, of which I have mentioned two, are running at 100% to 300% over budget. In respect of the national broadband plan, we are looking at an overrun of 500% for infrastructure which the public will not even own at the end of the day. That is an overrun of €2.5 billion more than was initially budgeted for in respect of this project alone. The overrun on the national children's hospital is close to 100%, double the original cost. That overrun represents nearly €1 billion. We will not know the final cost of that project until later in the year. This funding could be used to resolve the housing crisis, to build primary care centres, or to develop schools or flood defences but the Government seems to be absolutely asleep at the wheel when it comes to managing the public finances when it comes to large projects like this. What plans does the Minister's Department have for controlling cost overruns on major-scale projects in the future?

Deputy Bríd Smith: On the same question, I will particularly focus on the implications of the overrun on the children's hospital on other capital projects within the health service. In May of this year, the then acting director general of the HSE said that she had growing concerns about the capital funding position of the organisation and the emerging impact of the children's hospital on its overall capital programme. I am particularly concerned about the delivery of the primary healthcare centre for the Drimnagh area that has been promised since 2014. This is an ageing population. We already have an Alzheimer's unit in temporary accommodation. The infrastructure for the service in this area is very poor and has been there for decades. We have been promised a primary healthcare centre since 2014. In the response to a recent parliamen-

tary question to the Minister, I was told that: “It is important to recognise that all capital development proposals must progress through a number of approval stages” and that an application to extend planning permission for the primary care centre in Drimnagh had been made. The building was supposed to start by the end of November but nothing has started. An application has been made to the council to extend the planning permission. This is not good enough. The delivery of services to local populations is crucial.

Deputy Paschal Donohoe: Deputy Doherty asked me what we are doing to learn from the situation in respect of the national children’s hospital, which I have said is unacceptable. We are in the final stages of revising our public spending code to ensure that the delivery of projects of huge scale is managed better than the delivery of the national children’s hospital. He made reference to school projects, primary care centres and housing units. Let me tell him where we are in those respects. In 2019, 90 new school buildings were delivered. Some 127 primary care centres have been delivered and a further 11 are due to be delivered, open and looking after local communities and citizens this year. Beyond that, we have plans for a further 70 primary care centres to be delivered in local communities to enrich the healthcare provided. The Deputy referred to where we are in respect of housing. By the end of this year, 6,500 more social homes will be delivered. Things went wrong with the national children’s hospital. These were unacceptable and we are addressing them but, as we are doing that, let us also recognise the progress that has been made in the very areas the Deputy called out. I will make the case for that progress in this House.

With regard to Deputy Smith’s comments, which related to Drimnagh primary care centre in particular, I am not aware of the status of this project but I know that primary care centres and the facilities they offer make a big difference to local communities. I will find out where the project stands and the Minister for Health or I will write to the Deputy.

Deputy Pearse Doherty: The Minister says that lessons have to be learned from past projects and talks about revising the public spending code, an issue to which I will return in a later question. I have outlined two projects, however, that are being funded by taxpayers’ money, by fathers and mothers who are out working every hour they can get and paying their taxes. These people expect the Government to ensure that the revenue collected is spent appropriately. In these two projects, the overruns equate to €3.5 billion. There is an overrun of €2.5 billion on broadband and an overrun of €1 billion on the national children’s hospital. There is no doubt that if these projects were managed properly that €3.5 billion could be used in areas which are starved of investment, the areas which I talked about. It could enhance the investment already being made in these areas.

The Minister talked about learning lessons. We know that the cost of the national children’s hospital increased from €790 million to the current price tag of €1.73 billion. Can the Minister commit to the House that this price tag will not reach the €2 billion mark, as many of us in the House fear and have suggested? Will the Minister categorically give that commitment to me and, more importantly, to those who pay their taxes and expect him as Minister for Public Expenditure and Reform to manage revenue appropriately?

Deputy Bríd Smith: I argue that no matter how many times or how I ask this question I do not receive an answer to it. I do not believe I will get one from the Minister either. The Government is attempting to use its ideological commitment to competition, competitive tendering and the free market, until the next general election, to disguise the fact that the way it does things, with its ideological commitment to free market mechanisms, has cost the State and the

taxpayer way more and delivered fewer results. I ask this question specifically about the situation in Drimnagh. Why has it taken six years to deliver a primary healthcare centre to take the pressure off local hospitals such as St. James's Hospital and Tallaght Hospital? It will not be delivered because of the cost overruns and overspend on the national children's hospital project, the national broadband plan and so on. The Minister claims to be a good housekeeper and prides himself on his fiscal prudence. I argue that, rather than delivering the services that are required, he is driving nurses out onto the streets to strike. He has a preference for withholding an increase in the national minimum wage and favouring other ideological commitments and has done so. In this case he is depriving an entire community in Dublin 12 of the services they were promised and which they deserve.

Acting Chairman (Deputy Declan Breathnach): The Deputy is running down the time available to her.

Deputy Paschal Donohoe: Deputy Pearse Doherty referred to hardworking families, hardworking mothers and fathers, the young children who were depending on schools being completed and hospitals being available to them, if needed. They are the very same people for whom we are seeking to deliver projects such as the national children's hospital and the national broadband plan. It is in order that young children can have access to the best surgery and if the sickest children need specialised care, they will have the opportunity to receive it in Ireland. We are looking to deliver the national broadband plan in order that children growing up in towns and villages will have the same opportunities as children living in parts of Dublin. That is why we are undertaking these projects.

The Deputy referred to where things had gone wrong. I want to name the projects we are delivering on time and within budget. They include the new road projects in Longford and the primary care centre projects on which I have touched, as well as the investment in water infrastructure, the kind of investment Deputies say they want to see, but, of course, they were against the way it was proposed to pay for it.

On the Deputy's question about the cost of the national children's hospital, I will not give any further indication of what the final cost will be until I have clear information available to me, but I have always said there is potential for the cost to change, given all what we have been through on the project. I will provide the information for the Deputy and the House when it is available to me, but the Deputy can be confident that we will do all we can to ensure good value for the taxpayer will be delivered, given the importance of the project and all of the lessons we have learned in relation to it.

I said I would try to give Deputy Bríd Smith an answer, but if she does not believe what I am offering, I will leave it to her to pursue the matter in other ways. She referred to ideology and the free market. We are having a debate about a public capital plan of more than €110 billion, under which we are investing the people's money to try to deliver better public projects for it.

Land Development Agency

3. **Deputy Barry Cowen** asked the Minister for Public Expenditure and Reform the acreage of State land managed by the OPW that has been transferred to the Land Development Agency for the development of residential units; the number of units that have been delivered; the number of acres that will be transferred to the agency in the near future; and if he will make

a statement on the matter. [46825/19]

Acting Chairman (Deputy Declan Breathnach): Tá an t-am le haghaidh Uimh. 2 agus 4 istigh. Rachaimid ar aghaidh go hUimh. 3 in ainm Teachta Cowen, atá á tógáil ag Teachta Calleary.

Deputy Dara Calleary: On 1 October Deputy Cowen asked a parliamentary question about the transfer of land from the OPW, one of the biggest holders of land in the State, to the Land Development Agency. This is a follow-on question to see what progress has been made since. Has the Minister met the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, to discuss the legislation or the Land Development Agency? Given that the supply of housing is so critical and important and in such a mess, I hope there has been some urgency in moving on the issue of actually transferring land from the OPW to the Land Development Agency.

Minister of State at the Department of Public Expenditure and Reform (Deputy Kevin Boxer Moran): The Commissioners of Public Works are the title holders of the Central Mental Hospital site in Dundrum which is expected to be transferred to the Land Development Agency for residential development. The site covers around 13.35 ha and is currently leased to the HSE for use by the Central Mental Hospital. In August 2019 the OPW facilitated the Land Development Agency by giving formal consent to it to prepare its planning application for the site to be developed for housing purposes. However, the transfer of the site is subject to the legislation underpinning the powers and functions of the Land Development Agency being put in place by my colleague, the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy. In addition, the Land Development Agency is aware that any development on the site will depend on the relocation of the Central Mental Hospital to a new site in Portrane. I understand the HSE is working towards a target date of 2020 for the National Forensic Mental Health Service Hospital which will replace the Central Mental Hospital to become operational in Portrane. The site in Dundrum will have to be vacated by the HSE and the hospital before the Land Development Agency can begin substantial works.

Deputy Calleary said the supply of housing was in a “mess”, but, in fairness, in recent years the Government has dealt with a mess it inherited and had to do a lot of work in that regard. While there are people on waiting lists for houses in local authority areas throughout the country, I assure the Deputy that I have met the Minister, Deputy Eoghan Murphy, and the Minister of State, Deputy English, on more than one occasion and that any land available that is at our disposal will, in the first instance, be made available to the local authorities, the HSE and the Department of Education and Skills. In this case we have the site of the Central Mental Hospital which is to be transferred to the Land Development Agency.

Deputy Dara Calleary: I do not doubt the Minister of State’s personal drive in that regard, but, word for word, his reply is virtually the exact same as the response given on Tuesday, 1 October. Today is 14 November. We are six weeks on, but nothing has been transferred to the Land Development Agency. I asked if the Minister had met the Minister, Deputy Eoghan Murphy, to light a fire under him, something that needs to be done in moving to deal with the legislation related to the Land Development Agency. It is obviously a “No”. This shows the lack of urgency within the Department of Housing, Planning and Local Government, especially when it comes to the supply of housing. We are offering a solution. The OPW is one of the biggest controllers of landbanks in the State. The land is very well situated and there is an obvious demand for affordable and social housing, as well as market-led housing, yet nobody within the

Department of Housing, Planning and Local Government seems to think the matter is urgent enough to put pressure on the Minister of State or the Minister to move on it. What other land is envisaged for transfer from the OPW for the provision of affordable and social housing? Is any progress being made in actually transferring land? As the OPW is one of the biggest landlords in the State, when does the Minister of State envisage that he will be in a position to see housing developed on State land?

Deputy Kevin Boxer Moran: The OPW is a huge property owner, but a lot of the land it holds incorporates heritage sites, monuments and castles. The Deputy has asked if we have further land to transfer. As I said, in the first instance, we make land available. It is then up to the local authorities and the HSE to decide whether they wish to acquire it. Some of our land has been transferred to local authorities and we have seen different projects taking place. In the case of other land, there have been no other requests received from any agency or Department because of where the land is located. In the past we have seen sprawling developments outside towns where there was no proper infrastructure or services provided to maintain them. We do not want to go down that road again in the supply of local authority housing. The Deputy will be aware that most of the OPW's land is in the wilds of Ireland and incorporates heritage sites which, in some cases, are not suitable for the housing developments proposed by him. As I said to him, the Minister, Deputy Eoghan Murphy, and I have met on a number of occasions. We have made available to him any land that he has requested us to transfer. I reiterate that some of the OPW's land does not meet the requirements for the supply of housing.

Deputy Dara Calleary: The Minister of State might provide me with a list of the lands that have been transferred from the OPW for housing development. I make the point again, as raised by Deputy Cowen on 1 October, that there is a housing crisis and that the Minister has had no interaction or contact with the Minister, Deputy Eoghan Murphy, in six weeks to discuss a solution that would provide a lot of hope and answers for those who seek housing. It really sums up the Minister, Deputy Eoghan Murphy's attitude to the problem.

Deputy Kevin Boxer Moran: I totally disagree with the Deputy. It is not just about transferring a piece of land in Dundrum. It is also about the transfer of a service to another site. There is ongoing dialogue between the Minister, Deputy Eogha Murphy, and my Department and with the Land Development Agency and it is not fair to say there is not. I have given the Deputy the dates and nothing has changed in that regard, but work has been taking place and it will happen.

Question No. 4 answered with Question No. 2.

11 o'clock

Climate Change Policy

5. **Deputy Thomas Pringle** asked the Minister for Public Expenditure and Reform the role of his Department in 2019 and 2020 in the implementation of the Climate Action Plan 2019 for his Department and throughout Departments generally; if estimates of the net cost of the plan are available; and if he will make a statement on the matter. [46785/19]

Deputy Thomas Pringle: This question relates to the cost of implementation of the climate action plan. What is the Minister's view on it?

Deputy Paschal Donohoe: My Department has been assigned direct responsibility for the implementation of 18 steps across 12 separate actions under the Government's climate action plan. These actions are due for completion in 2019 and 2020.

To give the Deputy a flavour of the actions already completed, my Department is looking at reforms to the public spending code that will require a more realistic cost of carbon to be used in all Government investment appraisals. A circular has been issued requiring all public bodies to consider the use of green criteria in how they purchase goods and services. I had a meeting about this yesterday afternoon. Additional carbon tax revenues have been ring-fenced for climate expenditure in 2020.

Before the end of the year, my Department will introduce a carbon offsetting regime for all Government air travel, issue guidance for Departments on the correct application of the public spending code and undertake an examination of the scope for funding climate initiatives through EU Structural Funds. My Department is also listed as a key stakeholder in the delivery of a further 20 steps across 11 actions in the climate action plan.

Regarding the net cost of the plan, the Government has agreed that the cumulative Exchequer costs of the commitments included in the climate action plan will be delivered through multi-annual ceilings and the funding commitments made in the national development plan. It includes more than €30 billion in investment to fund the transition to a low carbon and climate resilient society and initiatives in sustainable mobility. To complement this funding, the revenue raised from the €6 increase in the carbon tax in 2020 will be ring-fenced to fund climate measures next year. It will deliver an additional €90 million.

Deputy Thomas Pringle: The Minister's response is interesting. I take it from what he has said that he wants to introduce a more realistic view of the carbon tax and that he does not believe the actual carbon tax is realistic, which is a very interesting Government statement. The reality is that €400 million of carbon tax revenue is not used for climate actions. Only €90 million of carbon tax revenue is actually used for carbon reduction projects, which is very worrying. It shows a lack of commitment on the part of the Government to ensure we will meet climate action targets and be climate resilient. During the week I heard that the Government had recently approved an increase in the PSO levy on gas to offset the cost of refurbishment of Bord na Móna's bogs. This has been approved by the Department and is very worrying because the carbon tax was supposed to do that, but here we have an additional tax on top of it, which is wrong.

Deputy Paschal Donohoe: I am not sure how the Deputy can make the claim from my answer that I am changing my thinking on the carbon tax. I did not say that in the answer I gave him. What I did say was that we were looking at the role of pricing in the context of the public spending code to ensure, for example, that we would better evaluate road projects against what might be a public transport alternative. In terms of carbon pricing, the approach I outlined on budget day still stands. It is absolutely my approach. The Deputy is making a point about how we will collect the €400 million in the context of carbon pricing and taxation. The Government has spent well in excess of €400 million on many schemes in recent years to respond to climate change and fund public transport and other changes in our society.

To respond to the point made by the Deputy about a recent Government decision to increase the PSO levy, I will have to check the position. I met the workers in Loughrea on Monday afternoon and they are clear - I understand why - that there is a need for funding and investment. We have committed through carbon pricing to help them in the very difficult transition that lies ahead for them.

Deputy Thomas Pringle: There is no doubt that the transition will be very difficult for them, but it will also be difficult for citizens throughout the country. By increasing the PSO levy the Minister is targeting the most vulnerable citizens who must pay the levy. We have a carbon tax that is supposed to meet those requirements. There is no doubt that there is a need to fund the cost of the changeover for Bord na Móna staff. We have the mechanism for this with reference to the €490 million paid in carbon tax but now the Minister is introducing an additional PSO levy, although it may not be a new such levy. It may be a reconfiguration of the existing levy, but the fact that we are getting out of a PSO levy on turf burning should help to ease the burden on people and it should not be continued.

Deputy Paschal Donohoe: I believe - I will confirm it with the Minister, Deputy Bruton - that what we are talking about is making different use of the existing PSO levy. The Deputy sounds very like somebody who believes we need to make a transition to a low carbon economy and that we need to respond to climate change but is denying that there will be costs involved.

Deputy Thomas Pringle: No.

Deputy Paschal Donohoe: There will be costs involved. I do not know whether the format allows me to hear the Deputy's views on an increase in carbon tax, but if he is saying we can make the change to a low carbon economy without it involving changes for many citizens, respectfully, he is wrong. Even through what we have done on carbon pricing, we have put in place additional measures to try to support and protect vulnerable citizens on low incomes.

Acting Chairman (Deputy Declan Breathnach): The rules of engagement are evident in what has happened. I thank the Deputies for their co-operation.

Ceisteanna Eile - Other Questions

Public Spending Code

6. **Deputy Pearse Doherty** asked the Minister for Public Expenditure and Reform when the reviewed and revised public spending code will be published, in view of repeated overruns in large-scale capital projects; the way in which it will address the deficiencies; and if he will make a statement on the matter. [46895/19]

Deputy Pearse Doherty: The Secretary General of the Department of Public Expenditure and Reform, Mr. Robert Watt, recently acknowledged that the State had a problem in delivering large capital projects at a cost of more than €100 million. He said a new public spending code was needed to address cost overruns on projects costing more than €100 million and that it was to be published in the following weeks. He said this two months ago and we still do not have it.

What is the status of the code? When will it be published? How will it address the deficiencies we see in the runaway costs of Government projects?

Deputy Paschal Donohoe: The majority of recent projects have been delivered on time and within budget. There is a high level of professionalism in public investment across the various sectors. Ireland's public investment management systems are not static. They are regularly reviewed. In that context, my Department has been engaged in intensive work to update the public spending code. We have had a consultation process involving more than 150 public officials, a review of international best practice and consultation with the OECD and the European Investment Bank. We have also incorporated lessons learned in Ireland, including on the national children's hospital project. The Secretary General of the Department of Public Expenditure and Reform was merely reiterating what I had said on many occasions about truly mega projects such as the national children's hospital.

The key changes will look at greater clarity on governance, roles and responsibilities, better decision points for projects above a certain level, a requirement to update the business case for a proposed project after tender and increased transparency through the publication of business cases and evaluation reports. The technical guidance on these central elements will be made available next year. With regard to the timing, I anticipate that I will be able to conclude this work once the Finance Bill is passed in the Dáil next week. This has been my main area of focus for the past month.

The public spending code highlights the need for more structured scrutiny of major public investment projects. My Department is developing a new assurance process for major projects with a cost of more than €100 million, with the aim of having it in place next year.

Deputy Pearse Doherty: It is clear that a new public spending code is required. It has been required for a long time, but I am still no clearer on when it will be published. The Minister has said he will give it his attention after the Finance Bill is passed. Two months ago, its publication was promised in the next number of weeks. I am sure that Mr. Robert Watt knew there would be a budget and a finance Bill.

The Minister told me that I should have confidence in what the Government was doing with large-scale projects, but I have no confidence in what it or, indeed, he is doing. Standing in Dáil Éireann, he cannot give assurances to Deputies and the people that a runaway project, one that has gone from €650 million in 2015 to €1 billion in 2017, €1.5 billion this time last year and €1.7 billion now, will not reach the €2 billion mark. He is out of his depth when it comes to reining in major capital projects, and this is just one example. It is the same with the national broadband plan.

Acting Chairman (Deputy Declan Breathnach): I thank the Deputy. The Minister to respond.

Deputy Pearse Doherty: Will the Minister indicate when the public spending code will be published and whether it will in any way, shape or form apply when trying to ensure that the projects under way are not allowed to absorb more taxpayers' money?

Acting Chairman (Deputy Declan Breathnach): The Deputy is eating into the time for his next question.

Deputy Paschal Donohoe: Let me tell the Deputy about the kinds of project that have been

delivered on time and on budget and are making a difference to communities the length and breadth of our country, but about which we will never hear any acknowledgement from him or Sinn Féin more widely - the N11; the Tralee bypass; the Gort-Tuam road; the Belturbet bypass; the infrastructure upgrade of our Luas; the north Dublin sewerage scheme; the Carrigtwohill wastewater treatment plant; and the water investment in Lismore, County Waterford. Such projects all over our country are delivering good value for the taxpayer and making a difference to our citizens' standard of living.

I have acknowledged many times what went wrong with the national children's hospital, but I am not going to give the Deputy an assurance that I am not absolutely confident I can stand over and defend before the House. When I have those figures, I will do that.

Acting Chairman (Deputy Declan Breathnach): I thank the Minister, but we are over time.

Deputy Paschal Donohoe: Equally, we are resolute in ensuring in the decisions that are still available to us that value is achieved and improvements are made in how the children's hospital is delivered.

Acting Chairman (Deputy Declan Breathnach): I have given the Minister latitude because I gave Deputy Doherty latitude. The Deputy has 30 seconds for his final question.

Deputy Pearse Doherty: When will the Minister be able to give us an assurance? When will he have the figures? This has been going on on his watch for four years. The project has increased by more than €1 billion, yet he somehow takes offence at my questioning him about an overrun that is continuing to escalate on his watch. I am entitled and right to ask these questions on behalf of taxpayers. I would not be doing my job if I did not. When will he be able to stand in this Chamber and tell us that the project will not exceed the current estimate of €1.73 billion? When will the public spending code be published and will it apply in any way, shape or form to the major runaway projects that he has overseen, namely the national broadband plan and the national children's hospital?

Deputy Paschal Donohoe: I assure the Deputy that I do not take any offence at what he says. While finding him professional and on top of all the detail every time I deal with him, that is always mixed with continual rage towards me. I do not take any offence at that because I am focused on trying to ensure that we can learn from what went wrong and make improvements where possible while also laying out in a composed manner the projects that are delivered by the taxpayer, through this Government, that make a difference to the lives of citizens. Given the time the Deputy has put into the Finance Bill, as he can see me doing, he will understand that I want to see it concluded. I anticipate that we will publish the public spending code by the end of this year, which will take effect for all decisions that are yet to be made.

Deputy Pearse Doherty: When can the Minister give a commitment that it will not exceed €2 billion?

Acting Chairman (Deputy Declan Breathnach): Níl tú ábalta an cheist sin a chur. Tá an t-ám críochnaithe.

Deputy Pearse Doherty: In fairness, I asked the question three times. The Minister will not give us a timeframe for when he can give a commitment that the project will not escalate further.

Acting Chairman (Deputy Declan Breathnach): I am sure the Deputy can submit a further question on another day.

Budget 2020

7. **Deputy Barry Cowen** asked the Minister for Public Expenditure and Reform his views on whether there has been an under-provision for demographics in 2020 in view of the fact the new demographics provision in the, Irish Government Economic and Evaluation Service, IGEES, analysis is €511 million; and if he will make a statement on the matter. [46824/19]

Deputy John Lahart: Is the Minister concerned that there has been an underprovision for demographic changes in 2020, given the new demographics provision in the IGEES analysis? The IGEES estimates that €511 million will be needed to cover demographic changes in 2020.

Deputy Paschal Donohoe: Each year, there are certain categories of expenditure that are treated as pre-committed for the purposes of the Estimates process. In shaping the allocation of resources in budget 2020, these included demographics, public service pay agreements, the carryover of certain budgetary measures and the capital expenditure increases under the national development plan. For 2020, that figure was €451 million, which was allocated in the pre-budget process.

During the Estimates process, a detailed discussion on all expenditure drivers, including demographics, takes place. The figure for 2021 will be €455 million, as it will be for 2022. These are outlined in an IGEES paper, which the Deputy touched on, that examined what these figures would be up to 2027. That paper was updated as part of the budget 2020 process.

We need to keep this matter under review. One of the issues that I am increasingly aware of is that we traditionally view demographics through the lens of the effect that ageing will have on society, both in terms of the number of births and longer lifespans. Now, however, the consequences of both factors are arising across more areas of Government expenditure than just, for example, social protection and education. That people are living for longer has consequences for health expenditure and the end-of-life supports that are required. When examining these matters, I want the next Dáil to assess those demographic figures in light of my experience in budget 2020.

Deputy John Lahart: I thank the Minister for his response. The IGEES report is interesting. I am conscious of the students in the Public Gallery who might be wondering why we are talking about demographics and what is important about them, but the Minister touched on the reason in his response. It is a question of how his Department and the Government are trying to consider the various age groups' impact on how the Government plans to spend its money in the years to come. There are some interesting facts. In 2016, the largest population age cohort was between 35 and 39 years. Pretty much all of them would have been working, fit and well. However, estimates for the 2031 population pyramid set the largest cohort at between 50 and 54 years.

Just six weeks ago when the Minister was preparing for the budget, he did not anticipate that there would be any significant change in his plans as they related to demographics. That change has turned out to be an underestimate of €60 million. He did not anticipate that change.

Deputy Paschal Donohoe: Did the Deputy say it was €60 million?

Deputy John Lahart: It was €75 million, actually. Will the Minister explain how that came about and how he was surprised, given his previous answer a month ago?

Deputy Paschal Donohoe: Indeed. Turning to the Deputy's point on the impact of demographics, the life expectancy of women in Ireland was 83.3 years in 2015 while it was 79.3 years for men. That was a large and welcome change compared with where we were a number of decades ago, but it all has consequences for the pre-commitments we need to make.

As to how this affects the budgetary process, between early September and early October, I have countless meetings with colleagues in government and the many civil servants who work with them. They make the case that our ability to fund day-to-day services needs to be increased. In my experience, having done this over a number of years, when these figures are challenged or interrogated, there tends to be an increase in the provision that we need to make but it tends to be an awful lot lower than it is at the start of the budgetary process. It is fair to say that as I worked my way through budget 2020, I noted that the decrease was lower than had been the case in other budgets. We produced a forecast and update on what we believed the impact on demographics will be in the future on budget day and as we move through 2020 we must assess that paper and keep it in mind in the context of the preparation of next year's budget.

Deputy John Lahart: I thank the Minister for that response. The issue is that the cost of demographics in the budget was underestimated by €60 million. Where is the Minister going to get that money? How is he going to make it up? To those in the Public Gallery and watching at home, €60 million is not a small chunk of change. Given that it would employ 1,200 primary school teachers or build 240 social houses, it is quite an underestimate. Where is the Minister going to pluck that money from?

Deputy Paschal Donohoe: That €60 million is then used to hire teachers, to make sure that we have the right number of special needs assistants and so on. It is really important to make clear that money that is used for demographics is not dead money in any way. It is used to make sure, for example, that we have the right amount of money available to meet our commitments to those who are entitled to a State pension this year who did not have one previously. It is going to fund new services or entitlements for citizens who are moving into a different phase of their lives. To make the case that this is money that is not being used in a way that is productive in our economy or good for our society, which is not the case that Deputy Lahart is making, is wrong.

Deputy John Lahart: That is not the case I am making.

Deputy Paschal Donohoe: Of course it is not, which is why I said what I said. The money is being used in ways that are important. Where does the money come from? It comes from, for example, the €3.4 billion package that was announced on budget day, approximately €400 million of which was funded by additional taxation.

Shared Services

8. **Deputy Thomas P. Broughan** asked the Minister for Public Expenditure and Reform the estimated expenditure savings in 2019 and 2020 from the operation of the National Shared

Services Office, NSSO; his plans in this regard for financial shared services; and if he will make a statement on the matter. [46786/19]

Deputy Thomas P. Broughan: The National Shared Services Office, NSSO, has been up and running as an independent agency for the last couple of years. We were all very positively disposed to the legislation setting it up as it was piloted by the Minister through the House. I ask the Minister to provide an update on the kinds of savings and efficiencies gained from the establishment of the NSSO. The office is funded through Vote 18. Is its chief executive at Secretary General rank? How many staff are employed by the NSSO and where are they based? Are they mainly in Dublin or are they all over the country?

Deputy Paschal Donohoe: I will begin by answering the first question posed by Deputy Broughan on the savings achieved. As he said himself, the NSSO provides human resources, pension and payroll services to our Civil Service. I am advised by the office that the estimated savings for 2019 were €8.7 million, of which €7.6 million derives from the shared delivery of human resources services across all parts of our Civil Service and €1.1 million from the shared delivery of payroll services. The target figure for savings in 2020 is €9.7 million.

The Deputy asked about the number of people working in the NSSO. I will have to check if I have the exact figure here but I know that it is many hundreds of people. The NSSO has one office located here in Dublin and another significant office in Tullamore. I have visited both offices, where many hundreds of staff are located, with the greater number located in Dublin. I will have to revert to the Deputy on the rank of the chief executive of the NSSO but my recollection is that it is at least at the level of assistant secretary general.

Deputy Thomas P. Broughan: The last figure that I saw for staff numbers was either 750 or 755 across both offices. I believe it was the 2017 report of the Comptroller and Auditor General, as discussed at the Committee of Public Accounts, which detailed approximately €50 million of spending on the establishment of the NSSO. In the context of savings or efficiencies, would that be included as part of the overall budget or is it spread across the Civil Service? The office looks after shared services for approximately 127,000 civil servants. Is there good, up to date information available through the office on basic payroll issues, pension entitlements, sick leave, absenteeism, efficiencies and so on? Does the Minister receive a flow of information from the NSSO on all of that? How does the office perform when benchmarked against longer-established equivalents in the UK and Germany?

Deputy Paschal Donohoe: I will answer the Deputy's last question first, if I may. We will need to do a benchmarking exercise to compare where we are *vis-à-vis* other European countries. However, my sense is that we need to wait a little bit longer before doing so. The NSSO is still a relatively new organisation. While much of the work that needs to be done in terms of the movement of staff and so on is complete, the office is still young. That said, we will need to do a benchmarking exercise to compare it with peer organisations in the EU.

The Deputy asked about the data flows that are available to me from the office. The office updates me on where we are and the progress being made. In the area of overpayments, for example, on which we want to make more progress, I note that at the end of 2018 there were 2,458 pay-related overpayment cases. That figure now stands at 2,259 outstanding cases. I am informed that the expectation is that by the end of this year, there will be an 8% reduction in such incidents. I get a full set of figures from the office once a year in the context of the preparation of its annual report.

Deputy Thomas P. Broughan: The list of organisations covered by the NSSO is very impressive and includes all Government Departments, the Road Safety Authority, the Ordnance Survey Office, the Courts Service and so on. One big area where the office does not provide shared services is in health. I am not sure about teaching but it is certainly not involved in the health sector or the provision of shared services to that sector's 120,000 employees. The office is responsible for strategic workforce planning. In that context, would it have an input into the HSE's decisions on the number of workers being recruited this year or in 2020? In actual fact, very few staff were recruited this year because of the embargo in the HSE. Does the NSSO have a real role in strategic workforce planning? What is its role in terms of procurement? We have just heard a debate between the Minister and Deputy Pearse Doherty on procurement and I echo the latter's concerns about the national broadband plan, the national children's hospital and so on. Does the NSSO have any role to play in this area, given that it is handling common procurement for all of the Departments?

Deputy Paschal Donohoe: The office does not play any significant role in procurement beyond the procurement processes in which it is involved itself. In terms of expansion into the HSE, it will be some time before such a process begins, given the number of people that the HSE employs

Deputy Thomas P. Broughan: Does the Minister anticipate that it will happen?

Deputy Paschal Donohoe: We have yet to make a decision on it. My hope is that once we ensure that the work of the NSSO is successful and grows, there will be an opportunity to look at that question in the future. However, there are 90,000 to 100,000 people working in the HSE at the moment and it would be a very big decision to replicate what they do, given the huge number of payment systems that are already in place in the HSE. It is something that we will look at but I have not made a final decision on it. Indeed, I have not even seriously looked at the business case for it yet. To give the Deputy a sense of what is under way, we are now completing the work of replacing 31 different systems with a single finance system for Government. It is a huge project and the NSSO does not play any role in individual recruitment decisions.

Public Expenditure Policy

9. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform the extent to which he remains satisfied that good practice in terms of public expenditure and reform remains in place and capable of dealing with possible overruns throughout the public sector throughout the course of 2020; and if he will make a statement on the matter. [46864/19]

Deputy Bernard J. Durkan: This question seeks to ascertain the extent to which reform continues to play a major role in addressing issues of potential overruns or over expenditure.

Deputy Paschal Donohoe: It continues to play a big role. As we look at the debate on where we are in expenditure and changes that are happening there, I continually hear calls, both inside this House and elsewhere, for additional capital investment and additional spending of money to deliver new homes and better public transport. I understand why those calls are made but we should also acknowledge that from 2016 and as we move to 2020, the level of capital spending in Ireland will move from €4.2 billion per year to just over €8 billion per year. For this year alone, the amount of capital investment in our country will have increased by 22%, which is playing a role in allowing our economy to continue to do well while we are

seeing change and the so-called headwinds - a dreadful phrase - of things changing elsewhere or getting more difficult. It is like the idea that risks are always tilted to the down side. Things are shifting elsewhere and we are beginning to see some economies slow down in Europe. So far, our economy continues to perform well. The additional capital investment we are making available for this year is playing a role in that. I have already had an exchange with Deputy Pearse Doherty where I have gone through the kind of reforms we are making. I make the case to Deputy Durkan, which he might be sympathetic towards, that we are doing well in making and delivering many projects across the country but of course things happened with the national children's hospital that should not have happened and that we do not want to repeat. This is why we have the work on the public spending code under way and this is why decisions have been made to put individual capital projects back out to tender to try to get better value for the Irish taxpayer.

Deputy Bernard J. Durkan: I thank the Minister and I acknowledge his response. Taking the children's hospital for instance, I am a member of the Committee on Health and we have gone over that in detail. In some cases are Departments working on old figures that have not been revised? That is how it would appear to me because some of these projects have been on the horizon for a long time. Is the update on costs done on an annual basis or is it forensically tested with a view to ascertaining if the figures being presented at any given time represent a new evaluation of a particular project or if some alternative method is being used?

Deputy Paschal Donohoe: That question cuts to the heart of a number of the challenges we have. On the question of whether they are using old figures, I would refer to the degree of cost inflation taking place in our economy with all the pressures that are there to deliver more homes while there is huge private sector investment under way. A business case can be put together with figures that are right at a point in time. Those figures can be done with best practice and done professionally but because of how quickly things change within our economy, for some big projects those figures can no longer be reflective of what is happening in the economy quite soon afterwards. That is the reason why we have work under way in the public spending code. In particular for projects above €100 million, we need to work to make sure the business case and the cost of these projects continue to be realistic and accurate.

Deputy Bernard J. Durkan: I again seek to ascertain the degree to which direct curtailment and supervision of costs on the one hand versus reform play a meaningful role in the context of containing expenditure within the projections. Some of the projects we are talking about have been 20 to 40 years old and they would have had to be updated on a regular basis, presumably on an annual basis but I have doubts about that. Is there a tendency in a project that has been in the offing for a long period for figures to be offered up as if they were already established and tested? I would like to be assured whether or not sufficient stringency tests are put in place to challenge this tendency, particularly in long-awaited projects.

Deputy Paschal Donohoe: The answer is "Yes" but clearly we have to continue to look at our public spending code to make sure it is in line with best practice. I emphasise again that for so many projects across the length and breadth of our country we are able to deliver them in a timely way in line with the costs we have for them. One of the issues I have been grappling with is the situation where we have a major project coming up, for example, and Deputy Durkan and the communities he represents want to see it delivered. An understandable question the Deputy would then ask the Government of the day or the agency charged with the project is how much the project will cost. The Deputy would want to know what the cost of that project would be. An agency or a Government Department would supply that figure to the Deputy in

good faith and they would supply it to him because as a Member of the Oireachtas he has a right to know what the figure is. However, the length of time between a project being agreed and then going to tender can be many years. It happens then that a project ends up being evaluated against a figure that was shared in good faith but the economy has changed, which means the tendering process delivers another price. That is the issue we have to grapple with in the public spending code.

Question No. 10 replied to with Written Answers.

Public Procurement Regulations

11. **Deputy Denis Naughten** asked the Minister for Public Expenditure and Reform if the public procurement threshold will be increased from €25,000 in view of the impact same is having on SMEs; and if he will make a statement on the matter. [46498/19]

Deputy Denis Naughten: We need to facilitate SMEs in participating in public procurement in every way possible. Every minute, the Government spends €16,000 on buying in goods and services and we need to support innovation and greater access to public procurement contracts for SMEs, small business and micro-enterprise across this country.

Deputy Paschal Donohoe: The Government recognises the importance of the SME sector and continues to enhance the already substantial measures to support SMEs in accessing the public procurement market. Significant work has been undertaken by the Office of Government Procurement to ensure public procurement is accessible by all businesses. A group chaired by the Minister of State at the Departments of Finance and Public Expenditure and Reform, Deputy O'Donovan, chairs quarterly meetings of the SME advisory group. The membership of the group consists of officials from the Department of Business, Enterprise and Innovation, Enterprise Ireland, IBEC Ireland, the Small Firms Association, the Construction Industry Federation, the Irish Small and Medium Enterprises Association and Chambers Ireland. In May 2017, a proposal was put to the group to raise the current threshold of €25,000, exclusive of VAT, for advertising on the eTenders website. The proposal was discussed at meetings of the group from September to December and it was clear at that point the majority of members were against increasing the advertising threshold at that point. The outcome was that the current threshold of €25,000 was maintained. Through the work of this advisory group and through the work the Minister of State, Deputy O'Donovan, is doing, a suite of different changes have been made to try to support SMEs. Contracting authorities have been encouraged to divide public contracts into lots, work has been done to encourage SMEs to come together to put in bids for contracts that are of a scale that are bigger than they might be able to access on their own and public bodies are now required to advertise contracts for goods and services valued above €25,000 on the national eTenders portal. I know the Minister of State, Deputy O'Donovan, is doing a huge amount of work in engaging with SMEs to try to ensure they are aware of the opportunities that are available to them. The most recent figures we have indicate 94% of the €4.7 billion expenditure available for procurement is with firms that have an Irish base. The majority of the spend is with the SME sector.

Deputy Denis Naughten: The €25,000 threshold has been in place for approximately a decade. As the Minister will be aware, the thresholds are reviewed every two years at EU level and they have increased incrementally. The EU thresholds were last increased at the end of 2018, yet the thresholds here remain stagnant. We need to encourage as many local businesses

as possible to avail of public contracts. One way of getting them into the system is by addressing the threshold. Not enough subdividing of contracts is taking place because many public bodies seek the soft option and do not break up the lots.

Deputy Paschal Donohoe: The Deputy made a fair point that given the focus on SMEs being able to win more tenders and on ensuring they are part of our public procurement process, the threshold should be examined. It is interesting, however, that following an extensive discussion on the issue in the SME advisory group, the decision was made, due to the feedback of the majority of members, that the threshold should not be changed. Nevertheless, we need to keep the decision under review. The Office of Government Procurement, OGP, continues to monitor the issue and engage with the SME sector.

I met those involved in procurement yesterday. One interesting aspect of the discussion, a matter with which the Deputy will be familiar, is the degree to which green issues and climate change matter, and the degree to which procurement policy is now an important lever of Government policy for responding to that. As the team involved in the area get together their work plan and priorities for next year, such green and climate-related measures will be prominent in their work.

Deputy Denis Naughten: On the Minister's final point, we need to examine the whole-of-life impact rather than just ticking a green box. Unfortunately, that is what is happening, and we have previously had a discussion on the matter.

While the OGP is great from the perspective of centralising policy on the matter, it is not responsible for procurement but only for the setting down of the rules in that regard. It may be that turnover requirements have been unnecessarily put in place, that technology-specific solutions are sought that impede innovation, or that specifying the type of industry that can do the work is done in such narrow terms that it excludes businesses. In the interests of SMEs and the public purse, we need to encourage as many people who are capable of doing the work as possible to do it, and not consider purely the price, which may not necessarily in the long term be the best value for money for the Exchequer.

Deputy Paschal Donohoe: There is no way we can deliver efficiencies and effective procurement policies without price being central. Some have made the case that we need to examine broader factors than price alone. I am sure, therefore, that at a point in time the OGP is no longer able to point to savings, those who argue we need to move away from price will forget that and state the office is not doing a good job.

On the Deputy's point about ticking a green box, from talking yesterday to those involved in the OGP, when efforts intensify, such as in respect of single-use plastics, it will be anything but a box-ticking exercise. I expect that the area in which the tension between price and other priorities will become most evident will be when measures are under way to make more progress on green procurement.

It is not the case that the OGP is not directly involved in procurement. In fact, it is involved for certain kinds of procurement processes, while for others, it puts together a procurement framework within which local authorities are obliged to deliver their procurement.

Public Sector Pay

12. **Deputy Bríd Smith** asked the Minister for Public Expenditure and Reform his position on the pay of senior civil servants and the proposed review of same by the Public Service Pay Commission; and if he will make a statement on the matter. [46801/19]

Deputy Bríd Smith: The Public Service Pay Commission recently found it appropriate to conduct a review of the remuneration of senior civil servant posts. It indicated it has difficulty attracting candidates for certain high-level posts due to constraints of pay of up to €200,000 per year. Does the Minister support the review and raising the pay levels of the most senior civil servants?

Deputy Paschal Donohoe: The pay of senior civil and public servants continues to be framed by the financial emergency measures in the public interest, FEMPI, legislation. As the Deputy will be aware, the Public Service Pay and Pensions Act 2017 provides a statutory road-map for the continued controlled unwinding of the FEMPI legislation as it applies to all public servants, including those in senior positions. FEMPI reductions will be unwound for those on incomes up to €70,000 by October 2020. Sections 19 and 20 of the Act provide the statutory basis for unwinding remaining FEMPI reductions on a phased basis to July 2022.

The Deputy also asked about the recommendations of the Public Service Pay Commission. It was asked to examine the extent of our difficulties recruiting and retaining staff in the public service. In its final report, it included findings in respect of senior executive recruitment or retention issues. It noted as a matter of fact that the pay reductions introduced during the fiscal crisis were progressively structured, with greater reductions at more senior levels. The commission also noted that the process of unwinding pay reductions began with low-income workers.

On the question of future pay determination, the commission stated it would consider it appropriate, should it be decided to conduct a review of remuneration of senior level posts, that a body such as the review body on higher remuneration in the public sector be reconstituted, given the complexity and diversity of the posts. The Government has noted the commission's findings, which will be the subject of further consideration before a decision is made.

Deputy Bríd Smith: It is astonishing to say the FEMPI legislation had a significantly greater impact on senior civil servants. If 10% is taken from somebody earning €200,000, €20,000 will be taken, but if the same percentage is taken from somebody earning €40,000, that person will have much less in his or her pocket. It was an extraordinary statement. I did not ask the Minister about FEMPI but I acknowledge that some of the cuts have been reversed, slowly and painfully, but other elements have been kept intact, including poorer pensions, greater pension contributions for new workers and some continued pay apartheid. The same commission produced reports on nurses' pay and on the pay of the Defence Forces in the past 12 months and basically said, "There is not a problem here, there is nothing to see, move on", which is why there has been a major problem with Defence Forces pay and a major strike by the nursing unions. To what extent is the Minister in touch with reality, given what he has stated?

Deputy Paschal Donohoe: I can assure the Deputy that I am every bit as in touch with reality as she is. She stated the two previous reports from the Public Service Pay Commission found there was no issue-----

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Deputy Bríd Smith: I did not mention two reports.

Deputy Paschal Donohoe: The Deputy did say that. She referred to the two previous reports.

Deputy Bríd Smith: I said the commission had produced reports on nurses and the Defence Forces.

Acting Chairman (Deputy Declan Breathnach): The Minister and the Deputy are only wasting their own time.

Deputy Paschal Donohoe: The Deputy is discussing semantics. She referred to the reports on the Defence Forces and nursing, which were the two reports prior to the one we are discussing. That is a matter of fact.

It is also a matter of fact that the commission did not state there was no difficulty. Even a cursory reading of either of the reports, which the Deputy may not have taken the time to do, shows that the commission indicated there were some issues. It went on to make proposals to address issues it had acknowledged. To suggest it stated there was no issue is wrong because, otherwise, it would not have made the proposals it did.

There are some parts of our economy in which people are well paid. As employers, we must compete against the private sector, which progressively pays people at the top more.

Deputy Bríd Smith: I find it astonishing that the Minister can say with a straight face that retaining top civil servants because their skills are so precious and finite means they have to be rewarded for their greater intellectual and progressive powers. Is the evidence in the negotiation of the contract around the national children's hospital, the tender for broadband or the housing or trolley crises? Where is the evidence that our top civil servants are so bright that they need to be paid more than €200,000 a year?

The Minister seems to agree with that but on the other hand he refuses to give pensions to retired CE supervisors, a labour court recommendation he consistently denies. He sanctioned a pay rise for semi-State pensioners who have been outside the gates and have not had a pension rise for ten years, yet the pension levy continues to be deducted from their meagre pensions. How does the Minister square that circle? Many of our services which are administered by top civil servants in receipt of €200,000 a year are in a mess, but the Minister refuses to acknowledge a labour court recommendation for retired CE supervisors and continues to penalise public sector pensioners.

Deputy Paschal Donohoe: I am also the Minister for Public Expenditure and Reform who will ensure that by the time we get to next October all of those in receipt of an income at or below €70,000, many of whom have had their incomes restored to some extent, a fact which the Deputy has little interest in hearing or acknowledging, will see their incomes restored to what they were in the pre-crisis period. That is equally my track record in responding to the needs of low and middle income workers in our society who deserve the kind of wages that are necessary to reward and recognise the contribution they have made to our public services and country.

When the Deputy talks about the intelligence of people who are at the top, it is clear that she is in some way doubting their capacity. Along with the difficulties she touched on, I also want to acknowledge the contribution made by civil servants, including senior civil servants, to the

recovery in our economy, the efforts we have had to make to respond to the challenge of Brexit and in helping and supporting successive Governments to respond to complex and demanding challenges. More needs to be done and we still face many challenges. I am as aware of those as the Deputy is, but there are also areas in which we have made progress.

Question No. 13 replied to with Written Answers.

Office of Government Procurement

14. **Deputy Bríd Smith** asked the Minister for Public Expenditure and Reform his role in selecting the chief procurement officer; if the CEO of the Office of Government Procurement will have a future role in the management of costs at the proposed new national children's hospital; and if he will make a statement on the matter. [46802/19]

Deputy Bríd Smith: I want to ask the Minister about his role in selecting the chief procurement officer and if the CEO and the Office of Government Procurement will have a future role in the management of the costs at the proposed new national children's hospital. Can he make a statement on the matter?

Deputy Paschal Donohoe: In 2011, as part of its drive for greater value for money and increased efficiencies in public spending, the Department of Public Expenditure and Reform commissioned a review, entitled A Capacity and Capability Review of the Central Procurement Function, to identify the actions required to realise substantial savings in public procurement in the short and medium term. It was published in 2012.

The Office of Government Procurement commenced operations in July 2014 and it is led by the chief procurement officer. He was appointed to the national paediatric hospital development board by the Minister for Health in 2013. He resigned from the board on 19 July 2019. On whether he will have a future role in the management of costs in the proposed new national children's hospital, the answer is that he will not as he has resigned from the board.

Deputy Bríd Smith: He will have no role in the future, but he certainly had a role in the past for which we will pay very dearly, such as the lack of a primary healthcare centre in Drimnagh and other capital expenditure projects over the next period. Will the Minister have a role in selecting his replacement on the board of the national children's hospital?

Deputy Paschal Donohoe: That is a decision made by the Minister for Health. As we have debated on many occasions, any decisions made in respect of Drimnagh will, as we discussed earlier, be completely independent of what is happening with the national children's hospital. I have no doubt that if and when the primary care centre is delivered in Drimnagh, the Deputy will protest against it.

Deputy Bríd Smith: If the Government delivered it on time and soon, I would not protest against it. It is now November and we were promised that it would be built some time ago. An application has been submitted to extend planning permission. If that is granted, I would like an answer from the Minister and HSE as to when building will actually start. We need the primary healthcare centre, not the evasive non-answers I get in response to parliamentary questions and what I have heard today.

Deputy Paschal Donohoe: In response to an earlier question, Deputy Smith said she would

not believe any answer that I gave. That is her view of an answer I have not given. I acknowledge her interest in this matter. The Minister of State, Deputy Catherine Byrne, is working very hard on this. Whatever challenges or issues face the primary care centre which the people in Drimnagh want and on which I will get an update, 90 primary care centres have already been delivered and more are due. We must acknowledge the difference they are making. It is good to hear that the Deputy wants a project like this delivered in her community because when it is delivered it will make a significant difference to those who will use it.

Deputy Bríd Smith: I did not say I would not accept an answer from the Minister. Rather, I said I did not believe he would answer my question and I would instead get some obfuscation instead of a “Yes” or “No” answer on whether the centre would be built. That is what I believe. We will see what the answer is when the Minister receives it. If I get an answer telling me that it will or will not be built, I will be delighted and will acknowledge that. However, if I get an answer which is the same type of obfuscation I have received up to now I will be vindicated in what I have said here today.

Question No. 15 replied to with Written Answers.

Office of Public Works Projects

16. **Deputy Thomas Byrne** asked the Minister for Public Expenditure and Reform the status of improvement works at the Tara Hill complex, County Meath. [45282/19]

Deputy Kevin Boxer Moran: I assume that when the Deputy refers to improvement works he is referring to the ongoing repair works to the collapsed graveyard wall at St. Patrick’s Church, Tara. This work commenced in May 2015 and is scheduled to continue for at least another year. The work is being undertaken by the OPW’s direct labour force based in Trim, County Meath, in tandem with other maintenance works and tasks at the site. Though the continuing unfinished appearance of the site is not ideal, I can assure the Deputy that the serious structural problems that gave rise to its collapse have been stabilised. The site is subject to seasonal weather and demands, therefore the work will continue into next year.

Deputy Thomas Byrne: Other works at the site, which the Minister of State has visited, are badly needed, including car parking facilities to make sure this is one of our top tourism attractions that can handle the numbers of people who want to visit it.

Deputy Kevin Boxer Moran: I can assure the Deputy that my Department has met people in Tara and the local authority in recent days and we are finalising the plans. We hope to finalise the project in the very near future, ideally before Christmas. Other works to which the Deputy referred, such as car parking, footpaths and so on, are all being considered as part of the project.

Flood Relief Schemes Status

17. **Deputy Aindrias Moynihan** asked the Minister for Public Expenditure and Reform when the preferred options for the flood relief works on the Sullane River, Ballyvourney, County Cork will be finalised; the impediments delaying the decision; and if he will make a statement on the matter. [46899/19]

Deputy Aindrias Moynihan: The threat of flooding has been a very real concern for many people in Ballyvourney for far too long. Background work has been carried out to prepare flood defences, but it is taking a long time to complete them and we are now facing another winter about which residents have very real concerns. I want to try to establish what kind of progress will be made in the short term and whether the Minister of State can assure people that flood defences for Ballyvourney will be put in place as quickly as possible.

Deputy Kevin Boxer Moran: I admit that we are behind with the work.

12 o'clock

I can assure the Deputy that we will put this on public display in the first quarter of next year. There were environmental assessment problems and the Deputy is well aware of the situation.

Written answers are published on the Oireachtas website.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Dara Calleary: The Government is re-announcing funding for a winter package in the Department of Health today and across the health service. The reality is that this appointment will make very little difference against a background of chaos in our emergency departments, and hospitals and of a lack of GPs being available. Right across the health system, there is a sense of absolute chaos. Crisis management is the core to the Government's health strategy, not resolving the difficulties or understanding where patients are at, or the experiences of staff across the health service. Some 100,000 patients have been treated already this year in our emergency departments ahead of the really called cold part of this winter. Together with the announcement of the spin-fest that will be the winter plan today, one should look at this morning's edition of *The Irish Times*, in which Professor Fergal Malone, master of the Rotunda Hospital, who is not a political figure, wrote of lives of newborns being at risk because of overcrowding in the hospital. He wrote of a critically ill newborn child who was choppered into the Rotunda a number of weeks ago from a regional hospital and who then had to wait four hours - in the life of a newborn child - because no critical care bed was available. The condition was serious enough to merit a chopper being used but when the child reached the Rotunda, there was no bed and treatment was delayed for four hours.

We also read in this morning's edition of *The Irish Times* of an increased number of patients dying from sepsis, an infectious disease the incidence of which had been improving in this country but in 2018, the number of cases rose by 10% in hospitals nationwide.

There also was the incident in University Hospital Galway some weeks ago when an elderly 74 year old lady on a trolley was assaulted by an aggressive patient in the emergency room. She fell off it, broke her hip and unfortunately, following treatment, has passed away. Her family is absolutely devastated and the devastation of their loss is compounded enormously by the circumstances in which that happened. They are looking for answers as to why this sort of thing is happening in emergency rooms across the country. This announcement is not going to change anything.

The Minister, Deputy Donohoe, and I this morning have already discussed and differed on whether there is a moratorium on staff recruitment. One has only to read any of today's reports or submissions from Phil Ní Sheaghda of the Irish Nurses and Midwives Organisation, INMO, as to how that is impacting. There are 350 consultant vacancies and 350 consultant posts that currently being are held by non-consultants.

I ask the Tánaiste what today is about. Is this another spin-fest and attempt by the Government to pretend that everything is normal and we then have this carry-on - which I passionately believe it is - or is this something of substance? Will this make a difference in hospitals and GP surgeries across the country this winter?

The Tánaiste: I thank the Deputy for raising these issues again. I assure the House that the Government is more than aware of the pressure that hospitals and their staff are under, as well as the strain and stress that many patients experience, particularly in overcrowded conditions in hospital accident and emergency departments. That is why we are launching the detail today of a winter plan to ensure that the health services are ready for the extra pressures associated with the winter period, such as a prolonged holiday period, severe weather, seasonal influenza, and the spread of infections. Under the winter plan, nine winter action teams, each aligned to hospital groups have prepared integrated plans that will focus on demand management, staffing, timely access to the most appropriate care pathways for patients and appropriate, timely discharge from acute hospitals. The HSE winter plan is supported by an additional €26 million in winter funding, which will support access to the fair deal scheme and the availability of home and transitional care in order that patients can leave hospital sooner, as well as to reduce congestion in the emergency departments. Additional medical, nursing and therapy supports, pharmacy and laboratory staff to improve patient experience time, improved senior clinical decision-making, reduced length of stay and the facilitating of weekend discharges, are all part of the plan that is being published today. Additional aids and appliances to facilitate more timely discharges, additional home support hours to facilitate hospital-to-community transfers, communications to facilitate hospital avoidance and public health awareness are all also part of this plan. There also will be the implementation of frail intervention therapy teams for admission avoidance and reduced admissions of patients over the age of 75.

In other words, as the Deputy would expect, we understand only too well the pressures that winter will bring to our healthcare system, as everybody in this House does. We are trying to keep people out of hospitals and are trying to discharge people in a more timely manner and into an appropriate setting or at home, whether they be step-down facilities or with home supports. That is what we are looking to do with this winter plan. There is nothing dramatically new about that. It is about better management, more efficiency and resources, and ensuring we keep people out of hospital who do not need to be there.

Deputy Dara Calleary: The Tánaiste reminds me of the conductor on the *Titanic* orchestra who keeps playing music when the ship is going down. He has talked about extra home supports. Deputy Troy has just informed me what this means in the midlands, which is 22 extra hours for six counties. They were lucky because they were informed, whereas the rest of us have not been given that divide yet. There are beds closed right across the country because support and staff are not available to staff them. Peamount Healthcare hospital has 55 beds but cannot get the staff because of the moratorium that the Tánaiste says is not in place. Has the Tánaiste not read the inputs from Phil Ní Sheaghda from the INMO throughout this week? Deputy Rabbitte has raised the issue about public health nursing services which are about to be curtailed in Galway because public health nursing vacancies cannot be filled. There is a

moratorium and it is affecting service. What we are going to get today is the only place where is not a moratorium, which is in the spin department in the office of the Minister, Deputy Harris. There will be brochures and fancy videos. The Minister, Deputy Eoghan Murphy, wears high-viz jackets for his announcements and the Minister, Deputy Harris, will probably have a white jacket on during his. This is where there is no moratorium, namely, the area of spin. I challenge the Tánaiste to visit a hospital this weekend. Talk to a GP, a nurse, or consultant and get the real story.

The Tánaiste: The Deputy is better than his comment on spin just now. There are real issues here and are not about money that is being spent on public relations. It is about applying significantly increased resourcing to healthcare to provide better services for patients, to bring about better management of our hospitals, and to fund improved discharge in order that people can move out of hospital when they do not need to be there.

Every week we have this debate around a moratorium on recruitment in the HSE. People are being employed in the HSE but it has to be employment that has funding. The Deputy would be the first to criticise this Government if we commit to spending money that we have not budgeted for. For many years now, we have had huge overspending in health. The Government has been criticised for that. We are, however, employing extra people in a way that is consistent with the extra resources that have been made available. We cannot go beyond that. People in this House keep calling for more and more money to be spent that has not been budgeted for and at the same time are criticising the Government for potentially overspending. One cannot have both.

Deputy Pearse Doherty: Earlier the HSE published its winter plan in an attempt to tackle overcrowding and deal with faster patient discharges. We are at the point where every day is winter in our hospitals because of overcrowding, patients on trolleys and undervalued staff trying their best on the front line. That is the state of the health service every day of the year. Patients face another difficult winter in already difficult circumstances and I have serious doubts whether this winter plan will be able to tackle the issues at the heart of the system that blight the health service. As the general secretary of the Irish Nurses and Midwives Organisation, INMO, stated yesterday, it will be impossible to staff more in the middle of the recruitment freeze the Government introduced in May of this year. The Government cannot staff additional beds without additional staff. It is as simple as that. The recruitment freeze is crippling emergency departments and patients are suffering as a result. Nurses regularly report that inadequate staff levels are dangerous for patients in the hospitals. The front page of a newspaper today stating that the lives of newborns are at risk from overcrowding in the Rotunda Hospital. That is how bad the situation has got.

The stupidity of the recruitment freeze is laid bare in Portiuncula Hospital Ballinasloe. Where public health services once had six nurses, they now have four vacancies which cannot be filled because of the recruitment freeze. Staff have warned the Government that these services, which provide care to the community and inpatients in their homes, face closure this month unless these vacancies are filled. This closure would prevent hospital discharges and increase admissions to hospitals. This is while the Government's new winter plan seeks to reduce overcrowding and increase discharges. It does not make sense. That is only a snapshot of the Government's reckless mismanagement of the health services. According to the latest HSE figures, there are 308 fewer staff nurses and 37 fewer public health nurses now compared to this time last year. In August, 1,300 nursing and midwifery posts were vacant and unfilled. The UK's national statistics institute for health found that when staffing levels fall the risk of

death on wards increases.

Besides inadequate staffing levels, we now have a situation where this year alone more than 100,000 patients have been admitted to hospitals that did not have a bed available. What does all this mean for communities? In Limerick University Hospital, almost 12,000 patients have gone without a bed. As my colleague, Deputy Quinlivan, stated only two weeks ago, the crisis has been going on in Limerick for some years now and the Government has done nothing to address it. In Cork University Hospital, CUH 9,500 patients have gone without a bed so far this year.

The human impact is clear to see and it was laid bear last week after Mrs. Evelyn Crowley tragically died on the corridors of CUH. That hospital currently has 16 vacancies and the Tánaiste will stand and tell me that there is no recruitment freeze.

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

Deputy Pearse Doherty: In my constituency - I will finish on this - 4,500 patients so far this year have gone without a bed, despite the fact that ten beds in that hospital cannot be opened because of the recruitment.

An Ceann Comhairle: The time is up.

Deputy Pearse Doherty: When will the Government get to grips with the real issue here, make the proper investment, and lift the recruitment freeze that is crushing our hospitals and putting serious pressure on front-line staff and patients?

The Tánaiste: I outlined in response to Deputy Calleary what the winter plan aims to do. There are two different issues here. The first is the ongoing pressure on emergency departments that we have seen through the summer and into the autumn, particularly in hospitals such as the university hospitals in Limerick and Cork. I am more than familiar with that. The answer there is increased resources and capacity over time, and the capital resources to go in to deliver that increased capacity are being delivered. What we are trying to do in the winter plan, which is being published today, is to anticipate increased pressure on top of what is a difficult situation for many staff to manage, to alleviate pressure, to keep people out of hospital, and to ensure that we can move people on from hospital care into community care, step-down facilities or back into their homes with home care packages. That is what the €26 million is about. They are two separate issues.

We continue to have serious political debate about how broader health reform needs to happen and how we can spend what are limited, but at the same time significant, increases in, resources. This year, we will spend €17.1 billion on health, which is €1 billion more than we spent last year. When planning for additional beds, one cannot simply plan for the cost of building and delivering those beds in terms of capital expenditure without factoring in the cost of staffing them as well. At present, we have increased recruitment across different elements of the HSE and we must have a management system that plans for increased beds but also for the cost of staffing them so that we do not have requests coming back from the HSE to Government for dramatic increases in expenditure at the end of the year that have not been budgeted for, as one cannot run a health system like that.

As the Deputy will be aware, we are committed to significantly increasing the number of available beds. Unlike healthcare policy under previous Governments when there was lots of

money to spend, they were reducing bed capacity, we are now back to the bed capacity at the height of the last boom. We need to do much more. What we are focused on today is the additional interventions that we can make to alleviate pressure on hospitals with the extra pressure that comes through the winter months, which I detailed in response to Deputy Calleary earlier.

Deputy Pearse Doherty: The Tánaiste simply does not get it. He does not get the scale of the crisis. Professor Malone, the master of the Rotunda, summed it up well in speaking to *The Irish Times* today when he stated, “The dignity of patients doesn’t seem to resonate with decision-makers.”

The Tánaiste can give us the spin all he wants. Last year, Ministers announced the opening of 20 beds in Letterkenny University Hospital where we have on average 30 patients on trolleys every day. Ten of those beds are lying empty because there is a recruitment moratorium in place. That is the reality of it. The position is the same in Cork, Limerick and throughout the country. It is not rocket science. The Government needs to open beds that are available in the public health system. The Government needs to lift the recruitment embargo so that there are the proper staff in nursing, midwifery and consultants to staff those beds, and it needs to adequately resource home care packages. The package that the Government announced in the budget will not even clear the waiting list that have accumulated as a result of the moratorium that it introduced in home care at the beginning of the summer.

An Ceann Comhairle: The time is up.

Deputy Pearse Doherty: What we need is less spin and more action. We do not need more debate.

An Ceann Comhairle: We do not because the time is up.

Deputy Pearse Doherty: Patients who are lying on trolleys and their families want action from the Government and less spin.

The Tánaiste: On home care packages, we are providing for an additional 1 million hours next year.

Deputy Pearse Doherty: It would take 2 million hours to clear the waiting lists. The Government is planning to fail.

An Ceann Comhairle: Will the Deputy allow the Tánaiste to reply?

The Tánaiste: We are significantly increasing resources for home care packages. In terms of developing service plans, we are also asking the HSE to make sure that it anticipates the full cost of opening beds, including staff, as well as the required capital expenditure. That is how one manages a health system to ensure that one spends the funding available as efficiently as one can. One cannot at the end of the year say that we must get more resources to take on more staff. We are budgeting for significantly more staff throughout the health system but we must operate within budgets, otherwise the health budgets will be out of control.

Deputy Pearse Doherty: There are fewer nurses and fewer midwives.

The Tánaiste: Both Deputies mentioned the Rotunda Hospital. I assure people that following what Professor Malone stated in the media the Department immediately sought reassurance from the hospital that safe and appropriate care was being provided for infants cared for at the

neonatal intensive care unit, NICU.

Deputy Dara Calleary: The Tánaiste should not blame the messenger.

The Tánaiste: In addition, the Department sought information regarding the immediate and medium-term actions being taken by the hospital and hospital group to address any concerns. The Minister for Health will get a report on that shortly.

Deputy Pearse Doherty: Did the professor withdraw his assertion that the lives of newborns are at risk in the hospital as a result of the Government's policies?

An Ceann Comhairle: The Deputy is being disorderly.

The Tánaiste: That is what we are getting the report on.

Deputy Pearse Doherty: That is the reality.

Deputy Brendan Howlin: The Oireachtas Joint Committee on Housing, Planning and Local Government is publishing a report today that calls for a national homeless family strategy that focuses on the needs of children. The Labour Party has been calling for this for some time. My colleague, Deputy Jan O'Sullivan, introduced the Housing (Homeless Families) Bill 2017, which passed Second Stage in the House in March 2018. Some 20 months later it has not been enacted. In the Dublin region there are now 3,873 children in homelessness. This is an all-time high. The situation is significantly worse than 20 months ago when Deputy Jan O'Sullivan introduced her Bill. The housing committee will ask today that the best interests of children be taken into account by local authorities when they provide homeless accommodation and other supports. Despite the central importance of the family in the Constitution, when a person becomes homeless his or her situation is individualised and there is no statutory basis for consideration of what is best for a family or for the children in a family. The Labour Party Bill would oblige housing authorities to recognise families as units in homelessness and to have specific regard to the best interests of children.

There are also 936 young adults between the ages of 18 and 24 years who are currently homeless. This is due to the cliff edge that arises for young people as soon as they reach 18 years of age. A young person in care who might be doing very well has all the child supports withdrawn and must navigate the difficult labyrinth of adult services, often going onto a long waiting list. It is wrong to expect young people to be autonomous from the age of 18 years and to be able to house themselves. In addition to dealing with child homelessness, we would prevent a large proportion of the homelessness of young adults if we introduced strong supports for this cohort of young people.

I strongly welcome the report of the Oireachtas committee, which also calls for an independent evaluation of family hubs and more supports for schools with pupils who are homeless. However, on the core issue of recognising the family unit and the individual rights of children, and recall that we had a referendum on that matter, the Labour Party introduced a robust Bill that would make a real difference. We have been waiting 20 months for it to be enacted. Given the findings of the Oireachtas committee, a cross-party group that examined this issue in detail, will the Tánaiste give a commitment on behalf of the Government to a timetable for the speedy enactment into law of the Labour Party's Housing (Homeless Families) Bill 2017?

The Tánaiste: I thank the Deputy for raising this issue. Two reports are being launched

today concerning children and families experiencing homelessness. The Oireachtas Joint Committee on Children and Youth Affairs is reporting on the impact of homelessness on children and the Oireachtas Joint Committee on Housing, Planning and Local Government report is on family and child homelessness. The Government welcomes the publication of these reports. The Department of Housing, Planning and Local Government will examine in detail the content and recommendations of the reports, will liaise with the various Departments and State agencies responsible for the delivery of supports and services to families experiencing homelessness and will respond accordingly.

There are more than 1,700 families in emergency accommodation at present. This is an unacceptable level of family homelessness. However, it is important not to lose sight of the progress being made in dealing with this difficult problem. In the first six months of this year, 2,825 adults and their dependants exited homelessness into sustainable homes. In Dublin, one of every two families that presented to homelessness services in the first nine months of this year was found a home immediately, without a need to enter emergency accommodation. Family presentations to homelessness services have also fallen over the same period by almost 10% compared to last year. In the first nine months of this year, 786 families have exited emergency accommodation into a tenancy in Dublin, which is where the largest numbers are. This is a 48% increase on the 530 exits recorded over the same period last year. Since the start of the Rebuilding Ireland programme in 2016, the annual increase in the number of children in emergency accommodation has dramatically reduced, falling from an annual increase of 54% in the 12 months to September 2016 to an increase of just over 1% in the past 12 months.

This problem is not solved yet, and I do not pretend that it is. The way to solve it is through a dramatic increase in the supply of all types of housing and, in particular, social and affordable housing and affordable rental accommodation. In all those categories there are significant increases in planning permissions, commencements and completions. Next year, it is anticipated that an extra 26,000 to 27,000 new homes will come onto the market in a combination of all categories. That is a multiple of the position only a few years ago.

I share the Deputy's concern. I have visited many of the 29 family hubs, which have a capacity for just under 700 families. Housing families in emergency accommodation such as hotels and bed and breakfast accommodation is not suitable. I gave a commitment many times to move away from that and we have invested tens of millions of euro in tailor-made, emergency facilities for families in family hubs. I encourage Members to visit those family hubs, particularly if they are in their constituencies, to see how they work. They are not perfect or suitable for long-term family accommodation, but they provide emergency accommodation while we address the dramatic housing shortage this country has faced for a number of years.

Deputy Brendan Howlin: I thank the Tánaiste the response. It is a prepared response for a question on the progress being made on housing. I welcome progress being made, but my question is child focused. It picks up on the analysis carried out by the two committees referred to by the Tánaiste. The housing committee has done very good work over the last few years on a number of proposals. However, I ask the Tánaiste to deal with the focus of my question, which is the status of children. The lives of children who are homeless and in those centres are being blighted, and in a way that might take some time to recover from, if ever. The way to deal with that is through the enactment of legislation which gives a right to children. It is a right we held a referendum on and which the people of Ireland enshrined in the Constitution, which is to have a child-centred approach. With regard to the legislation that has passed Second Stage and is to go to Committee Stage, will the Government give a commitment to have it enacted so the focus

on the child will be domestic law?

The Tánaiste: There is already a child focus. When we were designing family hubs we did it with Barnardos and other child specialist NGOs and organisations. When I was Minister with responsibility for housing I worked with the Minister for Children and Youth Affairs, Deputy Zappone, to ensure that children's services and supports were part of the planning and investment, as well as with other Ministers who are supporting families.

Deputy Brendan Howlin: Has the Tánaiste read the reports?

The Tánaiste: I have not. They were not published before Leaders' Questions started. I will read them, as I am very interested in this area. There will be statements in the House next week on child homelessness. If this legislation makes sense, the Government will support it and if it does not, we will give reasons why we cannot.

Deputy Brendan Howlin: It is 20 months.

The Tánaiste: This is about a number of things, not just passing legislation. If we pass legislation providing for rights, that does not solve the problem overnight. It is about an allocation of resources and ensuring that we can follow through on our commitments to children. Simply passing legislation and expecting that to solve the problem does not necessarily make sense on the ground for families, but perhaps the legislation makes sense. I will have to look at it. However, we will have an opportunity to debate these issues in detail in the House next week.

Deputy Danny Healy-Rae: I wish to make the Tánaiste aware of the harm the Government and the Minister for Transport, Tourism and Sport, Deputy Ross, supported by Fianna Fáil, Sinn Féin and many others in the Dáil, have done to the social fabric of rural Ireland and especially rural Kerry. He has closed down most of County Kerry and made smithereens of the social fabric people traditionally enjoyed. I advise the Tánaiste to get into a car with the Minister, Deputy Ross, and his Minister of State, Deputy Griffin, any night and drive around the county to see the damage and mayhem the Government has caused with its Road Traffic (Amendment) Act. The Irish pub was known all around the world as a tourism attraction, a place of culture, traditional music, song and dance, story telling, a place where farmers and workers met to have a conversation, rich with characters who provided original entertainment. People such as Tom Cruise visited Loo Bridge. Sadly he would be unable to visit it again as it is closed. Many cities around the world have tried to replicate the Irish country pub but now people all around Kerry are afraid to go out and are like rabbits trapped in a burrow. Too far east is west. Does the Government have anyone measuring depression rates and how much extra is being spent on anti-depressant medication and mental health?

Pubs have closed down in every town and village already: Rathmore, Kilgarvan, Currow, Faranfore, Curran Scartaglen where Tom Flemming's pub was the nucleus of Slieve Luachra and Irish music, Kenmare, Sneem, Castleisland, Brosna, Knocknagoshel, Caherdaniel in Waterville, Cahersiveen, Killorglin and Glencar where even someone like Schumacher could not do more than 30 km/h. What has the Government done? It has stopped many people going out to socialise. It does not want people to have a car. One Deputy suggests that 30 or 40 people should get into one car. What kind of a batmobile does he propose? Will there be baby seats in it? The Government wants to stop people farming. Ye do not want them eating meat or cutting turf or timber to keep themselves warm. The Government might wake up and analyse the lunacy of its actions if oil became scarce for two or three months. The health service is in a

shambles. Kenmare and Dingle hospitals are only half open. The Government gave €900 million for two treatment plants in Dublin. It is all about Dublin. There was €145 million in total expenditure for Kerry County Council for the year but there was €900 million for one project in Dublin.

What is the Government going to do about the people who are trapped and isolated in rural Ireland? I am asking the Government to provide a permit for people who are travelling only on local rural class three roads so that they can have their two pints and drive home on those roads. If they stray beyond those roads, then nail them, but the Government should give them a chance to live because all work and no play makes Jack a very dull boy.

The Tánaiste: The Deputy claims to know Kerry very well but he is not describing a place that I recognise when I go there. It is a very vibrant county with fantastic towns. It still attracts huge numbers of tourists that increase each year who come for the experience of the music, the culture and fun. The Deputy might be in the business of talking Kerry down but I am not.

Deputy Danny Healy-Rae: The Government is putting it down.

The Tánaiste: That is also why this Government wants to invest to ensure that more people can continue to visit the great county of Kerry. That is why we are going to invest €281 million building the Macroom Ballyvourney bypass to improve access from Cork to Kerry. That is why we continue to invest in the Wild Atlantic Way tourism initiative, on which Kerry has been a fantastic leader, and why we are investing in the Adare bypass which improves access from Limerick into Kerry. The Deputy has come into the House and painted a picture of a county which is vibrant - I know it well - as something it is not is not helpful in making the case for Kerry. He seems to be making the case that the way to keep pubs open is to allow people to drink and drive. That is not only irresponsible but an insult to so many families who continue to mourn the deaths of people who have been killed by people who were drinking and driving. We were reminded last week when we mourned the passing of Gay Byrne who was such a champion in this area and such a successful chair of the Road Safety Authority, that the attitudes that the Deputy brings to the House around trying to return to some sort of old Ireland that was better because people could get into their cars regardless or whether they had been drinking or represented a danger on the road is just blatant irresponsible nonsense.

Deputy Danny Healy-Rae: The people having the two or three drinks in rural Ireland did not cause the fatalities. The statistics for this year prove that in spite of the new law accidents and fatalities have increased. It is not the people in rural Ireland who have caused that. I ask again that the Government to probe the idea that the Garda would give permits to people who are rurally isolated for class three and cul-de-sac roads and if they stray outside those roads to nail them then. It would be for these roads only, not the regional roads or national primary roads. Despite what the Tánaiste says, people do have their heads down. They are socially deprived as the only outlet they had was the local pub. More pubs closed down in the past eight years than under the previous 30 Governments since the foundation of the State. It has closed down Bord na Móna and told its workers it would give them green jobs. The only green they will see is if the door on the dole office is painted green. The Government is only trying to cod them and fool them, but they will not fool the people. The election is coming and the Tánaiste will have to face the doors of the people the Government has trapped in their homes.

The Tánaiste: I agree with the Deputy on one thing. There is rural isolation which is something that the Government is responding to and will continue to do so. That is why we

will spend billions of euro on the national broadband scheme, to ensure that everyone in Kerry, regardless of where they live will be able to access high-speed broadband and all the services that will bring directly into their homes. Rural Ireland is changing. The idea that we will somehow keep hope alive by allowing people to drink and drive on their own local roads as a way of reducing isolation in rural Ireland is just irresponsible and frankly will not work.

Deputy Danny Healy-Rae: It will not work because the Government will not try it.

The Tánaiste: The first thing we need to do with people on our roads is to ensure they are capable of driving and are not impacted by alcohol or drugs or anything else that can endanger others who use those roads. Surely any responsible public representative would advocate for that as the first priority. After that we need to try to ensure that we support people in terms of socialising and getting to their local pub. That is why we are looking at providing and supporting networks for bus services that can help people do that. Please let us not start proposing solutions which we know, because the facts bear it out, put other people in danger on our roads.

Deputy Danny Healy-Rae: Where are all the buses that the Government is putting on the road? Where are they?

Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation

An Ceann Comhairle: As 26 Deputies have indicated, will Members please adhere to the one minute provided?

Deputy Dara Calleary: I return to the so-called winter plan. As we have been speaking, the HSE national director of acute operations has said that no extra acute beds will be opened as part of this plan and that no extra staff will be appointed as part of the acute capacity element of the plan. That summary illustrates that it really is a sham plan that will not make a difference. Will the Minister for Health make himself available next week to answer specific questions on this plan and on the Tánaiste's comments on the report that is being asked of the Rotunda on care levels there?

The Tánaiste: I do not order the business for next week but I am sure that the Minister will be available to answer any of those questions. I outlined earlier what the winter plan is about, namely keeping people out of hospital and moving people through the hospital system as quickly as possible.

An Ceann Comhairle: There is no need to go into it again.

Deputy Pearse Doherty: Speaking at the Banking and Payments Federation, the deputy governor of the Central Bank, Mr. Ed Sibley, said that Irish bankers were displaying echoes of pre-crisis arrogance. My view is that it never left them and I am glad that the penny is dropping in the Central Bank. He went on to say the banks were hitting mortgage holders with double the interest rates needed for them to make a profit, that they were charging new customers between 2% and 3%, while in some cases existing and loyal customers were being charged almost double these rates, at 4.5%. It is complete discrimination. He spoke about how the Central Bank must push the banks to be customer-centred in the process of solving problems with mortgage arrears and selling to vulture funds, etc. I note that a former Minister of State and the

Tánaiste's old colleague, former Deputy Brian Hayes, completely disputes this, but his new job is to defend the interests of the banks as opposed to those of consumers.

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

Deputy Pearse Doherty: As the Government is a major shareholder in three banks, what will it do to ensure the arrogance mentioned by the deputy governor can be knocked on the head and that banks will treat customers fairly when it comes to mortgage interest rates?

The Tánaiste: That is the role of the Central Bank and if there is an issue, it must act to deal with it.

Deputy Pearse Doherty: That is not an answer. The Government is the major shareholder.

An Ceann Comhairle: Deputy Howlin is next.

The Tánaiste: As Deputy Pearse Doherty knows, the Government does not run the banks.

Deputy Richard Boyd Barrett: It should do so. Nationalise the lot of them.

An Ceann Comhairle: Please, Deputies.

Deputy Brendan Howlin: The upcoming report of the Committee of Public Accounts will highlight again the Government's mismanagement of precious State financial resources. The report is set to highlight overspending in areas such as An Garda Síochána, the Health Service Executive, the direct provision system and a range of other public agencies across the board. For example, in the case of the HSE alone, it will note an alarming level of non-compliance in the procurement of goods and services, often from private agencies. The estimated cost is €506 million or 23% of total expenditure. As I do not have time to instance all of the examples, my question is general. Does the Government take the issue of financial management seriously and what will it do about these matters?

The Tánaiste: We take the issue of financial management very seriously, but we have not yet had sight of the report. We are effectively relying on briefings and leaks. When the Government receives the detail of the report, it will act on it, as appropriate.

Deputy Richard Boyd Barrett: In the bitter November cold 50 workers at the Delfin English language school have been on strike all of this week. They were forced out on strike because of the refusal of their employer to recognise their right to be in a trade union and represented by it. This is the third or fourth week of industrial action. Where is the employment regulation order the Minister of State, Deputy Mitchell O'Connor, recommended in order to establish proper minimum pay rates, conditions and rights for workers in the sector? More generally, what will the Government do about the completely precarious number of working hours given and the lack of trade union recognition in the very important English language sector?

An Ceann Comhairle: We cannot have a debate on the matter. The Deputy may only ask one question.

Minister for Education and Skills (Deputy Joe McHugh): The Minister of State, Deputy Mitchell O'Connor, has been working hard and made a commitment in the area. I will be happy to speak to her and get her to revert directly to the Deputy on the issue.

Deputy Joan Collins: The matter of Scoil Colm on Armagh Road in Dublin 12 has been

raised with the Minister for Education and Skills a number of times. The Dublin 12 Campaign for ASD Inclusion has asked for it to be considered as an autism-specific school. Where are we in that regard? The issue has been raised a number of times in the past month. Will the Minister meet the parents and the public representatives to discuss it?

Deputy Joe McHugh: I thank the Deputy for raising the matter. Officials of my Department and I met the chief executive and staff of the National Council for Special Education this week. I will ask them to look specifically at this matter in Dublin 12. I will be happy to revert to the Deputy when we receive an update.

Deputy Michael Collins: On page 92 of the programme for Government a commitment is indicated to deliver a school capital investment programme for extensions and refurbishments to cater for the provision of additional school places with significant funding secured as part of the capital plan. Shortly after it was included in the programme for Government, in 2017 Fine Gael politicians in west Cork announced that the Department of Education and Skills had approved the provision of permanent accommodation for St. Brogan's College in Bandon. They indicated that it was to include four mainstream classrooms and two resource teaching rooms. Even the Minister for Health, Deputy Harris, in answering at the time in place of the Taoiseach stated the provision of the extension had been given the green light for the allocation of funding by the Department of Education and Skills and the Government. We are close to 2020 and not one shovel of earth has been turned at St. Brogan's College in Bandon. This is leaving the school and parents in Bandon and surrounding areas in another nightmare scenario as there will be no room at the school for many pupils who will have to go elsewhere. Were the people of Bandon misled and why have the four mainstream classrooms and two resource teaching rooms not been built as promised three years ago?

Deputy Joe McHugh: I am happy to obtain the detail on the project and revert to the Deputy directly. I reassure him that there is a capital plan for 2020 and that capital funding increased from €740 million in 2018 by €200 million in 2019. Activity will continue apace, with €620 million to be spent on schools next year.

Deputy Michael Moynihan: I refer to the need for a consultant psychiatrist to be appointed for the deaf community in the southern region. There has been a vacancy for a consultant psychiatrist for quite some time. This information has come to us from people within the deaf community who are awaiting referral and their families. There is also an issue with the code of practice as social workers are not able to refer people to psychiatrists. In the first instance, we must have a consultant psychiatrist appointed for the deaf community within the southern region.

Minister for Health (Deputy Simon Harris): I thank the Deputy for raising the matter. I will liaise with the HSE on the filling of the specific post and revert to the Deputy.

Deputy Danny Healy-Rae: What does the Tánaiste have to say about the comments of a Minister of State, Deputy D'Arcy, who said gardaí had let down the people living in Border counties? Does the Tánaiste realise the Government let down gardaí there by not giving them resources such as Garda cars and cutting overtime? Rank and file gardaí throughout the country were hurt by the comments made by a Minister of State that they had let down the people in question. It is not right.

The Tánaiste: As the Deputy should know, the Government has provided significant extra

resources for the Border region.

Deputy Gerry Adams: The Government's commitment to provide respite care services is addressed in the programme for Government. It claims to be guided by the two principles of equality of opportunity and improving the quality of life for people with a disability. That commitment is not working for ten year old Jonathan Kilcommins, a child with Down's syndrome who is very sensitive to noise and faces other challenges. His parents were told that he would have to wait for two years to access the HSE Maria Goretti centre at Lordship in my constituency. I have written to the Minister for Health about this and his reply confirms the waiting time of more than two years. Will the Government provide additional resources for the Maria Goretti centre which provides respite care for 85 children in order that the other 39 children denied this equality of opportunity and a better quality of life can receive respite care?

Deputy Simon Harris: I thank the Deputy for his question. I will have to check the details of Jonathan's specific case, although I know that the Deputy has written to me about it. I can say to Jonathan and his family that we are increasing the number of respite care places. We have opened a number of new respite care homes across the country this year and will have similar levels of funding for new respite care homes in 2020. The HSE and my Department are finalising the HSE service plan which I expect to publish in the coming weeks.

Deputy Seán Crowe: Budget 2020 states the HSE will review arrangements for the provision of discretionary medical cards for those with a terminal illness and look at extending medical cards to them. Many of the people concerned and their families do not have time to wait for a review and are being stretched to their physical and mental limits. Worrying about paying medical bills should be the last thing on their minds. As they already have received devastating news about a terminal illness, will the Government provide them with a medical card? We are talking about a very small number of people, but this issue is important. The Minister would receive support across the House in making an announcement on the matter. Will he issue the medical cards as a matter of urgency?

Deputy Simon Harris: I thank the Deputy for his intervention on this important point. As he knows, the number of discretionary medical cards issued is increasing month on month. The holders are persons whose incomes exceed the financial threshold who but qualify on medical grounds. I agree with the Deputy that we need to alter the rules for persons with a terminal illness. We provided for this in the budget, following the excellent advocacy on the issue by Mr. John Wall. The relevant review is under way by a clinical advisory group and due to conclude before the end of the year. I expect to be in a position at that stage to bring forward good news on the matter.

Deputy Bernard J. Durkan: Is the maritime jurisdiction Bill likely to be brought before the House at an early date? There may be implications for it arising from Brexit.

The Tánaiste: The Bill is due to be dealt with in this session and not before time. It is a matter that needs to be resolved.

Deputy Declan Breathnach: A Programme for a Partnership Government contains an explicit provision guaranteeing the Good Friday Agreement in all its parts. The decision of the Upper Tribunal in the United Kingdom in the DeSouza case in October highlighted that the foundational birthright guarantee, that is, the right of citizens of Northern Ireland to identify and be accepted as British or Irish or both, was not reflected in British domestic law, policy or prac-

tice. The British Government's rationale, which was accepted by the tribunal, is divisive and worrying because it interprets the Good Friday Agreement as concerning only one's identity, not an entitlement to choose one's citizenship. What progress has the Tánaiste made in urging the British Government to give domestic legal effect immediately to the birthright provisions contained in the Good Friday Agreement?

The Tánaiste: I am aware that the Deputy has been concerned about this issue for some time. I am meeting later today the Secretary of State, with whom I have raised the DeSouza case on several occasions. I expect us to discuss it again this afternoon.

Deputy Niamh Smyth: The local improvement scheme, LIS, which is funded by the Department of Rural and Community Development is attempting to play catch-up after a ten-year spell in which there was absolutely no investment under the programme. Rural communities like my own in Cavan-Monaghan, particularly farming communities, are hugely dependent on the scheme. Cavan County Council has more than 220 application forms sitting on shelves since as far back as 2008. In Monaghan County Council there is an eight-year backlog. The Minister, Deputy Ring, has done a terrific job in reintroducing the scheme, but he needs the support of the Department of Transport, Tourism and Sport in implementing it. The Minister in that Department, Deputy Ross, should be playing a more active role, together with the Department of Rural and Community Development, in investing in local authorities by way of the scheme. Otherwise, they will never catch up in dealing with a backlog that stretches back ten years in some cases.

Minister for Rural and Community Development (Deputy Michael Ring): The local improvement scheme should really be within the remit of another Department. However, I reintroduced it because I knew that there was a need for it. To date, I have put €48 million into it. Everybody has to play a part in ensuring the success of the programme, as I have been telling local authorities and their elected representatives as they draw up their budgets. Instead of charging my Department for administering the scheme, I am calling on the local authorities to use their discretionary funding and any other Department that has money to help to fund the LIS. I agree with the Deputy that it is a very important scheme, for which more funding is required. I have another €10 million in my budget for it next year. However, as of last month, a number of counties had not drawn down one penny of the money I allocated last February. I made the allocations in February because local authorities had previously complained that they were getting the moneys too late, yet we are now finding that the funding has not been drawn down. I hope the various roads projects will be completed by the end of the year. More funding is required for the scheme. Everybody has a role to play in that regard.

Deputy Willie O'Dea: Will the Tánaiste indicate when the Government will amend the unfair, inequitable, discriminatory and, possibly, illegal tenant purchase scheme? A commitment was given in that regard in the programme for Government and this is the 11th time I have asked about it. I would finally like an answer as to when the scheme will be reformed.

Deputy Eamon Scanlon: I join Deputy O'Dea in seeking clarity on this matter. It is a national issue, with a significant number of people experiencing discrimination. I am dealing with a case which involves a widow who has lived in her house for 50 years. She has the money to buy out the house, but she cannot do so because she does not have €15,000 a year in earned income. That is very wrong and it is causing serious problems, particularly for rural people. As the houses are not going back on the housing list, those living in them should be given the opportunity to purchase them.

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): This issue will be dealt with as part of the social housing package the Minister, Deputy Eoghan Murphy, intends to bring forward in the coming weeks. We have discussed the issue often in the House and, as Members know, the scheme is very generous. The €15,000 income requirement is in place for scientific reasons, but I agree that it is causing a difficulty. The matter is under review and will be dealt with in the weeks and months ahead.

Deputy Peter Fitzpatrick: The Government has committed to having 1 million electric vehicles on the roads by 2030, which is welcome. The problem, however, is that the cost of purchasing such vehicles, compared to a petrol or diesel car, is far too high. Moreover, the batteries must be replaced after eight years at a crazy cost of more than €10,000. On Claire Byrne's television programme last Monday a family spoke about all of the good things they were doing to combat climate change. They had test driven an electric car and were very impressed with it. The reality, however, is that electric vehicles are too expensive for most families. After eight years electric vehicle owners must either replace the battery at a cost of more than €10,000 or scrap the car. How does scrapping cars help in dealing with climate change? The Minister, Deputy Bruton, initially provided funding for batteries, but down the road can some grant be given to help families and individuals who would like to purchase an electric car?

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): We are in a transition process from diesel and petrol cars to electric cars and that transition will continue for many years. We have set the target that, by 2030, electric cars will make up one third of the vehicles on the roads. To support the achievement of that target, we have in place a €5,000 grant, a €5,000 concession on vehicle registration tax, VRT, a €600 grant for installing a home charger, a lower rate of motor tax and a half-rate charge on tolls. It is a significant package and there has been good progress made. This year we will see close to 4% of drivers opting for electric or plug-in hybrid cars, which is double the number last year. In addition, we will double the number of public chargers this year, at a significant cost to the Exchequer. These measures will support people in making the switch. The cost of batteries is coming down and new technologies will help to make electric vehicles the self-evident choice.

Deputy Robert Troy: In recent weeks the House debated the failure of Irish Water to provide a service for the 600,000 people affected by the boil water notice. I wish to highlight, not for the first time, another failure of Irish Water. In Athlone town the water supply has been turned off more often at night than it has been on in the last quarter. This is having a devastating effect on people who are trying to run businesses and parents who are trying to rear their families. The council has been advised that there is no plan to upgrade the treatment plant in the next three years. I have raised this matter twice on the Order of Business and been assured that the relevant Minister will get back to me directly, but that has not happened.

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

Deputy Robert Troy: What will the Government do to ensure the people of Athlone and the wider area will be guaranteed a continuous water supply, not in three years' time but now?

An Ceann Comhairle: The Deputy has made his point.

The Tánaiste: The Deputy has asked me about this issue before. I told him that I would get the Minister responsible to respond to him directly. If that has not happened, I will make sure it is done today. I understand we will have statements in the House on water services the week

after next, which will give the Deputy an opportunity to express his concerns. In the meantime, I will get the Minister to contact him today, if I can.

Deputy Martin Kenny: My question concerns the absence of a psychologist for school-age children in the north west, including counties Sligo and Leitrim. I have received an email from a parent in north Leitrim whose eight year old daughter has displayed various disorders and emotional dysfunction. She is on the list awaiting an autism spectrum disorder, ASD, assessment, but there is no psychologist for school-age children in the area. The parent to whom I refer has received a communication from the service informing her that the child is at No. 67 on a list of 68 children. In recent weeks 50 children in the region have been transferred to access this service in Northern Ireland by way of a special fund put in place for them.

1 o'clock

That fund is now exhausted. This child's mother has been told that she will have to wait up to eight months for an assessment. This child cannot attend school full time; she only goes part time. She lashes out at other children and at teachers, she damages property, she runs out on the road, and she climbs out of windows. Her situation needs to be resolved, and quickly.

Deputy Joe McHugh: I will be happy to get the detail on that individual case from the Deputy. At a wider level, I assure the House that we are looking at a new school inclusion model. This will enhance communication between the Department of Education and Skills, the HSE, and the Department of Health. A pilot scheme is up and running whereby speech and language therapists, occupational therapists, behavioural therapists, and teachers operate in the same setting. The Minister for Health and I are working closely on this. With regard to this specific urgent case, I ask the Deputy to give me the detail.

Deputy Kevin O'Keeffe: The Forestry Act 2014 was meant to ensure forestry operations and activities were in compliance with the principles of sustainable forest management. I assure the Tánaiste it is having that effect. The waiting period for companies and individuals applying for tree-felling licences is beyond all. This is having an impact on timber processors who are trying to budget for the future and on people who availed of forestry grants 20 years ago and who are now seeking to fell trees as a means of generating income for themselves. When people apply for tree-felling licences, it is taking ages for them to be processed. Is there anything the Department of Agriculture, Food and the Marine can do? Is this a delaying tactic or is there a shortage of staff? I ask that the matter be investigated.

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Andrew Doyle): I have publicly acknowledged the difficulties being encountered. There is a delay but we have put a number of measures in place. New procedures are being developed. We are well aware of the issues. This has arisen, in the main, on foot of appropriate assessments and judgments of the European Court of Justice against Ireland, to which we have to adhere. We are, however, working hard on putting a new procedure in place. With that in mind, earlier this year I commissioned a study on processing procedures within the Department. That will be published on 28 November. On foot of that, we will develop new procedures and we will channel additional resources both for felling and for approval of licence applications.

Deputy Aengus Ó Snodaigh: An nglacfaidh an Rialtas seasamh ar mhaithe leis an nGaeilge sa chóras oideachais? An ndéanfaidh sé impí ar Choimisiún na Scrúduithe Stáit tarraingt siar ón bpáipéar scrúduithe a d'fhoilsigh sé an tseachtain seo don tsraith shóisearach? Tá múinteoirí

Gaeilge ag rá go soiléir go bhfuil ísliú céime i gceist leis an bpáipéar sin, go bhfuil sé scannalach, agus cur ceap magaidh é. Iompóidh sé daltaí i gcoinne an teanga náisiúnta. Tá sé tubaisteach go bhfuil an cúrsa sóisearach fós dírithe ar an litríocht seachas ar an teanga labhartha.

Deputy Joe McHugh: Gabhaim buíochas as an cheist. Chonaic mé an ráiteas san Irish Times inné faoin inní atá ar na múinteoirí scoile uilig. Bhí mé i dteagmháil le mo chuid oifigí agus leis an State Examinations Commission, SEC. Dá mbeinn in ann solúbthacht ná cuidiú a chur ar fáil maidir leis an scéal sin faoin teastas sóisearach, bheinn sásta é sin a dhéanamh. Maidir le cúrsaí an lá inné, tá am ann fosta. B'fhéidir go mbeadh breis ama de dhíth. Ba shin an fadhb a bhí ann inné. Tíocfaidh mé ar ais nuair atá níos mo eolais agam.

Deputy Michael Harty: My question relates to agriculture. There has been a delay in payments to farmers whose farms have been subject to satellite mapping review. The single farm payment should have been paid in September and the area aid payment in October but those who have been subject to a mapping process have had their payments delayed. They need this money to pay the bills of their farming enterprises throughout the year. Will the Tánaiste ensure that the Minister for Agriculture, Food and the Marine makes sure these payments are made urgently?

The Tánaiste: As a former Minister in that Department and as someone who has applied for many payments at different times, I understand the mapping issue but until the Department gets clarity on the size of the individual parcels of land in a holding, it is difficult for it to pay out under the rules of the Common Agricultural Policy, to which it must adhere. I will, however, get the Minister to reply to Deputy Harty directly. If there are significant delays, that is an issue which needs to be resolved.

Deputy Kate O'Connell: Tá ceist agam don Aire Oideachais agus Scileanna. I raise the issue of the incredibly challenging situation regarding school places for children with autism spectrum disorder, ASD, in Dublin 2, Dublin 4, Dublin 8 and especially in Dublin 6 and Dublin 6W. In an area of 80 sq. km, there are more than 80 primary schools, but only three have an ASD unit. No unit in south Dublin will have a place available for the next three years at least. Ultimately, there is no service in south Dublin. We need to support principals in what is a challenging role. They continue to do a great job. We need to be facilitated in giving these assets to schools. Will the Minister advise me of the actions the Department is taking in this regard?

Deputy Joe McHugh: This issue with regard to south Dublin has been raised by a number of Deputies on all sides of the House. I assure the Deputy that we are conscious of the demand for places. The National Council for Special Education, NCSE, has been in touch with many individual schools. I have decided to invoke my powers under the legislation for a second time. I invoked it in respect of Dublin 15 last April. This unilateral invocation of powers under legislation is not good enough in itself. This issue has to be resolved on the basis of persuasion and partnership. I implore the schools to stay in touch with the NCSE and my officials. If they have concerns and fears - and I know there are concerns about support systems for schools - we will alleviate them if we can. At the end of the day, the demand comes from mothers and fathers whose children do not have a place. That is the immediate priority. It is with reluctance that I invoke the legislation again and direct schools to add classes. This will not work without partnership. There is a very good example in Dublin 15. People, including Archbishop Diarmuid Martin, showed leadership in this regard and we now have the places we sought back in April. Invoking legislation is not in itself good enough. We also have to persuade people.

Deputy Mary Butler: Ba mhaith liom ceist a chur ar an Aire Sláinte. Today is World Diabetes Day. This year's theme is diabetes and the family. Today we celebrate the birthday of Dr. Frederick Banting who developed insulin in 1921. There are 225,000 people in Ireland living with diabetes, 20,000 of whom have type 1 diabetes. The Minister introduced FreeStyle Libre for children and young adults aged between four and 21. This has been a game-changer. It has been positively received by all those who are able to access the device. The next step is to roll out the FreeStyle Libre device for adults older than 21 who have type 1 diabetes. Does the Minister have an update on this? Is it something at which he is looking?

Deputy Simon Harris: I thank Deputy Butler for raising this important matter on World Diabetes Day. She is correct; as she has generously said, the FreeStyle Libre device has made a significant difference to the many people who have tried it. I know, however, that there is a cohort of adults who would like access to it. This is a decision for the HSE to make using its various assessment processes. Instinctively I would like to see it happen. I will seek an update from the HSE on its progress in this regard. My understanding was that the executive intended to evaluate this measure after the device had been made available to the younger cohort. I will revert to the Deputy directly.

An Ceann Comhairle: Given that it is Thursday and that there are only two Deputies remaining, we will take their questions.

Deputy Denis Naughten: The winter initiative is being launched today but there is a specific problem in Portiuncula Hospital, Ballinasloe. Two thirds of the public health nurse posts in the community are vacant. Oncology and chemotherapy patients in the hospital cannot be discharged because of the embargo and the shortage of public health nurses. Will the Minister intervene directly to address this issue? There is no point in investing in a hospital if patients cannot be discharged back into the community because of the lack of community nurses.

Deputy Simon Harris: I thank Deputy Naughten for inviting me to visit Portiuncula Hospital recently. It is really excellent and I enjoyed my visit to it. Yes, I will follow up on the matter with the HSE. At the core of the winter plan is the idea of having patients discharged from hospital back into the community. I will raise the Deputy's concerns directly with the CEO of the HSE.

Deputy Aindrias Moynihan: Dírím an cheist seo, maidir le cúrsaí banaltrachta i gceantar Gaeltachta Mhúscraí, ar an Aire Sláinte. It is almost nine months since the public health nurse retired in Baile Bhuirne and temporary services have since been provided. There is real concern locally that it is taking such a long time to find a replacement and that services are also being withdrawn gradually back into towns such as Macroom. Baile Bhuirne health centre served a very large rural area extending west from Cluain Droichead, Cill na Martra and Inchigeelagh to Béal an Ghaorthaid, Cúil Aodha agus Baile Bhuirne. Having a nurse based locally was a key feature. Will the Minister indicate when an appointment will be made? Will he raise the issue with the HSE to ensure it will be done without further delay and that the appointment will be based locally in Baile Bhuirne health centre?

Deputy Simon Harris: I thank the Deputy for raising the matter. As he has rightly said, it is a matter for the HSE, but I will certainly take his serious concerns to it and ask it to report back to me and the Deputy directly.

Inquiry into the death of Shane O’Farrell: Motion (Resumed) [Private Members]

The following motion was moved by Deputy Jim O’Callaghan on Tuesday, 12 November 2019:

That Dáil Éireann:

notes that:

— on 5th February, 2019, the Minister for Justice and Equality announced the appointment of District Court Judge, Gerard Haughton, to conduct a scoping exercise into certain matters surrounding the circumstances leading to the death of Shane O’Farrell;

— the purpose of the initial scoping exercise was to determine what further steps could be taken, and the Minister for Justice and Equality stated that Judge Gerard Haughton was ‘free to recommend any course of action’ which he considered appropriate;

— Judge Gerard Haughton was provided with terms of reference but the Minister for Justice and Equality stated in the Dáil and in correspondence to the O’Farrell family that they would have an opportunity to consult with the Judge on those terms;

— on 24th April, 2019, Judge Gerard Haughton submitted final terms of reference to the Minister for Justice and Equality; and

— on 29th July, 2019, the Department of Justice and Equality rejected the terms of reference submitted by Judge Gerard Haughton and provided terms of reference significantly narrower than both the Judge’s terms of reference and those provided by the Minister for Justice and Equality on 5th February, 2019;

recognises that:

— on 14th June, 2018, a majority of Dáil Éireann members voted in favour of a motion calling on the Government to immediately establish a public inquiry into the death of Shane O’Farrell; and

— on 13th February, 2019, a motion was passed by the members of Seanad Éireann calling for the immediate establishment of a public inquiry into the death of Shane O’Farrell; and

calls on the Government to:

— acknowledge that the Department of Justice and Equality’s terms of reference do not address the needs of either the O’Farrell family or the Resolution of the Dáil of 14th June, 2018; and

— adopt the following terms of reference immediately for the scoping exercise as drafted by Judge Gerard Haughton who consulted with the O’Farrell family, and which terms reflect the spirit of the Resolution of the House:

‘In light of the public controversy surrounding the circumstances of the death of Mr. Shane O’Farrell on 2 August 2011, and having regard to the motion passed by Dáil Éireann on 14 June 2018 and Seanad Éireann on 13 February 2019, calling for the establish-

ment of a public inquiry in the matter and having regard to the State's obligations pursuant to Article 40.3 of the Constitution and the European Convention of Human Rights and in particular Articles 1, 2, 5, 6, 8 and 13 thereof as set out in the schedule below:

1. To review the investigations that have already taken place into the circumstances of the death of Mr. O'Farrell, namely:

(a) The criminal prosecution of Mr. Zigimantas Gridziuska in respect of the fatality on the 2 August 2011 and the subsequent trial in the Circuit Criminal Court in February 2013;

(b) The previous prosecutions of Mr. Zigimantas Gridziuska and the interactions of members of An Garda Síochána with Mr. Zigimantas Gridziuska in so far as same are relevant to the fact that the said Mr. Gridziuska was on bail at the time of the death of Mr. Shane O'Farrell on 2 August 2011;

(c) The review by the Independent Review Mechanism (IRM);

(d) The criminal investigation by the Garda Síochána Ombudsman Commission (GSOC);

(e) The subsequent disciplinary investigation by GSOC; and

(f) To have regard to the documentation gathered for the Statutory Inquest into the death of Mr. Shane O'Farrell.

2. To review changes that have been made to the law and practice in relation to the administration of bail and bench warrants and the extent to which they have or have not addressed gaps in those systems since the death of Mr. O'Farrell;

3. Based on the reviews at 1. and 2. above to advise the Minister for Justice and Equality:

(a) If there are any remaining unanswered questions in relation to the circumstances of Mr. O'Farrell's death that should be the subject of further inquiry or investigation; and

(b) If there are, the most appropriate manner in which they should be investigated, having regard to the statutory independence of bodies such as the courts, the Director of Public Prosecutions and the Garda Síochána Ombudsman Commission.

4. If an investigation or inquiry is recommended to draft terms of reference for said investigation/inquiry, and the suggested composition of the said investigation/inquiry;

5. To make enquiries with persons or bodies that he/she considers appropriate in relation to the review; and

6. To report to the Minister for Justice and Equality within 8 weeks of commencement with an interim report indicating, *inter alia*, the expected timeframe for completion of the scoping exercise.'.

Debate resumed on amendment No. 2:

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

“affirms that:

— the death of the late Shane O’Farrell was a dreadful tragedy for his family and loved ones, and the circumstances surrounding his death raise a number of questions; and

— the State has endeavoured to answer these questions through an extensive investigation by the Garda Síochána Ombudsman Commission (GSOC) and a review by the Independent Review Mechanism;

notes that:

— following the completion of both criminal and disciplinary investigations by GSOC, and in an effort to progress motions passed by both Houses of the Oireachtas calling for a public inquiry into the circumstances of the death of the late Shane O’Farrell, the Minister for Justice and Equality, in February 2019, appointed a retired District Court Judge, Gerard Haughton, to conduct a scoping exercise with a view to advising the Minister if there were matters concerning the death of Shane O’Farrell that required further inquiry/investigation and, if there were, to provide draft terms of reference for said inquiry/investigation;

— the Minister for Justice and Equality invited the O’Farrell family to engage with Judge Haughton;

— throughout the process, the Department of Justice and Equality consulted with the Office of the Attorney General;

— the terms of reference of the scoping exercise must be compliant with the line of jurisprudence established by the Supreme Court in the case of *Shatter v. Guerin*;

— the case of *Shatter v. Guerin* addressed *inter alia* the scope of preliminary inquiries established by Government, the precision required of terms of reference and the constitutional procedures that must be observed in such exercises;

— the *Shatter v. Guerin* judgment was delivered subsequent to the transmission of the draft terms of reference to Judge Haughton;

— the Minister for Justice and Equality’s only concern in relation to the scoping exercise is that it be conducted in accordance with the law and that any recommendations made by Judge Haughton at the conclusion of the exercise are legally robust;

— the terms of reference of the scoping exercise were finalised, in consultation with the Office of the Attorney General, on 23rd September, 2019, and, in accordance with those terms of reference, Judge Haughton is required to provide an interim report within eight weeks of commencement;

— Judge Haughton has advised the Department of Justice and Equality that he expects to be in a position to provide the Minister for Justice and Equality with his interim report by Friday, 15th November, 2019, though he is willing to delay this to accommodate further engagement with the O’Farrell family; and

— Judge Haughton’s interim report will set out, *inter alia*, the timeframe for the completion of the scoping exercise; and

acknowledges that:

— while the terms of reference of the scoping exercise are focused, as required by the law, they allow for review of all of the issues intended;

— Judge Haughton is free, in his final report, to make any recommendation he sees fit, including the establishment of any form of statutory or non-statutory inquiry;

— the O’Farrell family are free to make any representations to Judge Haughton in relation to any matter that they would wish to see inquired into in any future inquiry; and

— the terms of reference of the scoping exercise being conducted by Judge Haughton should remain as follows in order to ensure compliance with the law as set down by the Supreme Court in *Shatter v. Guerin*:

‘In light of the public controversy surrounding the circumstances of the death of Mr. Shane O’Farrell on the 2nd August 2011 and having regard to the motion passed by Dáil Éireann on 14th June 2018 and Seanad Éireann on 13th February 2019, calling for the establishment of a public inquiry into the matter;

Taking into account:

— The outcome or reports of investigations or inquiries that have already taken place related to the death of Mr. O’Farrell, including the reports of the investigations carried out by the Garda Síochána Ombudsman Commission and the outcome of the Independent Review mechanism;

and

— Any changes that have been made to the information sharing systems or procedures operating between An Garda Síochána, the Courts Service and other relevant State bodies, in so far as they are relevant to dealing with persons subject to bench warrants or conditions attaching to the granting of bail and suspended sentences, since the death of Mr. O’Farrell.

To advise the Minister for Justice and Equality:

— Whether there are any circumstances surrounding the death of Mr. O’Farrell which warrant further investigation or inquiry beyond those already carried out;

— Whether any inquiry is necessary into the systems and procedures for the sharing of information between An Garda Síochána, the Courts Service and other relevant State bodies operating at the time of Shane O’Farrell’s death;

— The form of any such investigation or inquiry;

— Its terms of reference; and

— The suggested composition of the investigation or inquiry.

To report to the Minister for Justice and Equality by mid-November 2019 with an interim report indicating, *inter alia*, the expected timeframe for completion of the scoping exercise.’”

-(Minister for Justice and Equality)

An Ceann Comhairle: I must now deal with a postponed division relating to amendment No. 2 to the motion regarding the inquiry into the death of Shane O’Farrell. On Tuesday, 12 November 2019, on the question that amendment No. 2 to the motion be agreed to, a division was claimed and in accordance with Standing Order 70(2), that division must be taken now.

Amendment put:

<i>The Dáil divided: Tá, 43; Níl, 77; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Bailey, Maria.</i>	<i>Adams, Gerry.</i>	
<i>Barrett, Seán.</i>	<i>Aylward, Bobby.</i>	
<i>Brophy, Colm.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Bruton, Richard.</i>	<i>Brassil, John.</i>	
<i>Burke, Peter.</i>	<i>Breathnach, Declan.</i>	
<i>Byrne, Catherine.</i>	<i>Broughan, Thomas P.</i>	
<i>Cannon, Ciarán.</i>	<i>Browne, James.</i>	
<i>Carey, Joe.</i>	<i>Buckley, Pat.</i>	
<i>Coveney, Simon.</i>	<i>Butler, Mary.</i>	
<i>D’Arcy, Michael.</i>	<i>Byrne, Thomas.</i>	
<i>Deasy, John.</i>	<i>Cahill, Jackie.</i>	
<i>Deering, Pat.</i>	<i>Calleary, Dara.</i>	
<i>Doherty, Regina.</i>	<i>Casey, Pat.</i>	
<i>Donohoe, Paschal.</i>	<i>Cassells, Shane.</i>	
<i>Doyle, Andrew.</i>	<i>Chambers, Jack.</i>	
<i>Durkan, Bernard J.</i>	<i>Chambers, Lisa.</i>	
<i>English, Damien.</i>	<i>Collins, Joan.</i>	
<i>Farrell, Alan.</i>	<i>Collins, Michael.</i>	
<i>Flanagan, Charles.</i>	<i>Connolly, Catherine.</i>	
<i>Griffin, Brendan.</i>	<i>Coppinger, Ruth.</i>	
<i>Halligan, John.</i>	<i>Crowe, Seán.</i>	
<i>Heydon, Martin.</i>	<i>Cullinane, David.</i>	
<i>Kehoe, Paul.</i>	<i>Curran, John.</i>	
<i>Kyne, Seán.</i>	<i>Doherty, Pearse.</i>	
<i>Lowry, Michael.</i>	<i>Donnelly, Stephen.</i>	
<i>Madigan, Josepha.</i>	<i>Ellis, Dessie.</i>	
<i>McEntee, Helen.</i>	<i>Fitzmaurice, Michael.</i>	
<i>McHugh, Joe.</i>	<i>Fitzpatrick, Peter.</i>	
<i>McLoughlin, Tony.</i>	<i>Funchion, Kathleen.</i>	
<i>Mitchell O’Connor, Mary.</i>	<i>Harty, Michael.</i>	
<i>Moran, Kevin Boxer.</i>	<i>Haughey, Seán.</i>	
<i>Murphy, Dara.</i>	<i>Healy-Rae, Danny.</i>	
<i>Murphy, Eoghan.</i>	<i>Healy, Seamus.</i>	
<i>Naughton, Hildegard.</i>	<i>Howlin, Brendan.</i>	

<i>Neville, Tom.</i>	<i>Kelly, Alan.</i>	
<i>Noonan, Michael.</i>	<i>Kenny, Gino.</i>	
<i>O'Connell, Kate.</i>	<i>Kenny, Martin.</i>	
<i>O'Dowd, Fergus.</i>	<i>Lahart, John.</i>	
<i>Phelan, John Paul.</i>	<i>Lawless, James.</i>	
<i>Ring, Michael.</i>	<i>MacSharry, Marc.</i>	
<i>Rock, Noel.</i>	<i>Martin, Catherine.</i>	
<i>Ross, Shane.</i>	<i>Martin, Micheál.</i>	
<i>Stanton, David.</i>	<i>McGrath, Michael.</i>	
	<i>Mitchell, Denise.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Munster, Imelda.</i>	
	<i>Murphy, Catherine.</i>	
	<i>Naughten, Denis.</i>	
	<i>Nolan, Carol.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Dea, Willie.</i>	
	<i>O'Keeffe, Kevin.</i>	
	<i>O'Loughlin, Fiona.</i>	
	<i>O'Rourke, Frank.</i>	
	<i>O'Sullivan, Jan.</i>	
	<i>O'Sullivan, Maureen.</i>	
	<i>Ó Broin, Eoin.</i>	
	<i>Ó Caoláin, Caoimhghín.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>Ó Laoghaire, Donnchadh.</i>	
	<i>Ó Snodaigh, Aengus.</i>	
	<i>Penrose, Willie.</i>	
	<i>Pringle, Thomas.</i>	
	<i>Quinlivan, Maurice.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ryan, Brendan.</i>	
	<i>Ryan, Eamon.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Shortall, Róisín.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smith, Bríd.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Stanley, Brian.</i>	
	<i>Tóibín, Peadar.</i>	
	<i>Troy, Robert.</i>	

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

Amendment declared lost.

Deputy Donnchadh Ó Laoghaire: I move amendment No. 1:

To insert the following words after “scoping exercise.’ ”:

“and calls on the Government to add the following to the terms of reference after the words ‘documentation gathered for the Statutory Inquest into the death of Mr. Shane O’Farrell’:

‘(g) The relationship, official and unofficial, of Mr. Gridziuska with An Garda Síochána handlers of informers.’”

Amendment put:

<i>The Dáil divided: Tá, 77; Níl, 43; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Adams, Gerry.</i>	<i>Bailey, Maria.</i>	
<i>Aylward, Bobby.</i>	<i>Barrett, Seán.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Brophy, Colm.</i>	
<i>Brassil, John.</i>	<i>Bruton, Richard.</i>	
<i>Breathnach, Declan.</i>	<i>Burke, Peter.</i>	
<i>Broughan, Thomas P.</i>	<i>Byrne, Catherine.</i>	
<i>Browne, James.</i>	<i>Cannon, Ciarán.</i>	
<i>Buckley, Pat.</i>	<i>Carey, Joe.</i>	
<i>Butler, Mary.</i>	<i>Coveney, Simon.</i>	
<i>Byrne, Thomas.</i>	<i>D’Arcy, Michael.</i>	
<i>Cahill, Jackie.</i>	<i>Deasy, John.</i>	
<i>Calleary, Dara.</i>	<i>Deering, Pat.</i>	
<i>Casey, Pat.</i>	<i>Doherty, Regina.</i>	
<i>Cassells, Shane.</i>	<i>Donohoe, Paschal.</i>	
<i>Chambers, Jack.</i>	<i>Doyle, Andrew.</i>	
<i>Chambers, Lisa.</i>	<i>Durkan, Bernard J.</i>	
<i>Collins, Joan.</i>	<i>English, Damien.</i>	
<i>Collins, Michael.</i>	<i>Farrell, Alan.</i>	
<i>Connolly, Catherine.</i>	<i>Flanagan, Charles.</i>	
<i>Coppinger, Ruth.</i>	<i>Griffin, Brendan.</i>	
<i>Crowe, Seán.</i>	<i>Halligan, John.</i>	
<i>Cullinane, David.</i>	<i>Heydon, Martin.</i>	
<i>Curran, John.</i>	<i>Kehoe, Paul.</i>	
<i>Doherty, Pearse.</i>	<i>Kyne, Seán.</i>	
<i>Donnelly, Stephen.</i>	<i>Lowry, Michael.</i>	
<i>Ellis, Dessie.</i>	<i>Madigan, Josepha.</i>	
<i>Fitzmaurice, Michael.</i>	<i>McEntee, Helen.</i>	

<i>Fitzpatrick, Peter.</i>	<i>McHugh, Joe.</i>	
<i>Funchion, Kathleen.</i>	<i>McLoughlin, Tony.</i>	
<i>Harty, Michael.</i>	<i>Mitchell O'Connor, Mary.</i>	
<i>Haughey, Seán.</i>	<i>Moran, Kevin Boxer.</i>	
<i>Healy-Rae, Danny.</i>	<i>Murphy, Dara.</i>	
<i>Healy, Seamus.</i>	<i>Murphy, Eoghan.</i>	
<i>Howlin, Brendan.</i>	<i>Naughton, Hildegarde.</i>	
<i>Kelly, Alan.</i>	<i>Neville, Tom.</i>	
<i>Kenny, Gino.</i>	<i>Noonan, Michael.</i>	
<i>Kenny, Martin.</i>	<i>O'Connell, Kate.</i>	
<i>Lahart, John.</i>	<i>O'Dowd, Fergus.</i>	
<i>Lawless, James.</i>	<i>Phelan, John Paul.</i>	
<i>MacSharry, Marc.</i>	<i>Ring, Michael.</i>	
<i>Martin, Catherine.</i>	<i>Rock, Noel.</i>	
<i>Martin, Micheál.</i>	<i>Ross, Shane.</i>	
<i>McGrath, Michael.</i>	<i>Stanton, David.</i>	
<i>Mitchell, Denise.</i>		
<i>Moynihan, Aindrias.</i>		
<i>Moynihan, Michael.</i>		
<i>Munster, Imelda.</i>		
<i>Murphy, Catherine.</i>		
<i>Naughten, Denis.</i>		
<i>Nolan, Carol.</i>		
<i>O'Brien, Darragh.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Dea, Willie.</i>		
<i>O'Keeffe, Kevin.</i>		
<i>O'Loughlin, Fiona.</i>		
<i>O'Rourke, Frank.</i>		
<i>O'Sullivan, Jan.</i>		
<i>O'Sullivan, Maureen.</i>		
<i>Ó Broin, Eoin.</i>		
<i>Ó Caoláin, Caoimhghín.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Ó Laoghaire, Donnchadh.</i>		
<i>Ó Snodaigh, Aengus.</i>		
<i>Penrose, Willie.</i>		
<i>Pringle, Thomas.</i>		
<i>Quinlivan, Maurice.</i>		
<i>Rabbitte, Anne.</i>		
<i>Ryan, Brendan.</i>		
<i>Ryan, Eamon.</i>		
<i>Scanlon, Eamon.</i>		

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

Tellers: Tá, Deputies Aengus Ó Snodaigh and Denise Mitchell; Níl, Deputies Seán Kyne and Tony McLoughlin.

Amendment declared carried.

Motion, as amended, agreed to.

Sitting suspended at 1.37 p.m. and resumed at 2.17 p.m.

Financial Challenges Facing RTÉ and its Revised Strategy 2020-2024: Statements

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): I thank the Business Committee for scheduling this important and necessary debate. This has been a period of profound challenge for media, both local and national. Everyone in this House, as evidenced in repeated debates, recognises the important role of broadcasting in delivering a vital public service in terms of facilitating political debate, reflecting the concerns of communities and providing a forum where issues of an Irish interest can be discussed, as well as reflected creatively through drama. There is a strong desire to see media supported in delivering that important public service.

We are currently witnessing a profound change in the way people are consuming media and this is having an enormous impact on broadcasters of all types. In the case of RTÉ, Members will be aware that in the past five years, the organisation's costs have increased significantly, by approximately €28 million, but it has not been able to grow its non-licence fee or commercial revenue. What was a break-even point for RTÉ in 2013 or 2014 has now become a deficit. Clearly RTÉ has a financial challenge facing it as well as this deeper challenge of how to reposition a public service broadcaster to offer vibrant services to an audience whose methods of consumption of media are changing very quickly. That is why I welcome the work the management and board of RTÉ have put in to develop the plan they now have. I know a lot of attention has been placed on the elements of cost containment and cost reductions that have been a part of this but equally important are the efforts by RTÉ through this plan to reposition its offering and to strengthen areas such as its online presence and its capacity to reach new audiences and provide the flagship product that can attract audiences in an increasingly competitive environment. That presents a challenge for all broadcasters.

As Members know, it has been working on the development of its plan for a number of months, during which time I have met with RTÉ. Unfortunately, the plan was leaked prematurely, which unsurprisingly created difficulties for workers who were hearing from the public media, rather than directly from RTÉ. That will always leave a bad taste. The plan is important

in its capacity to reposition RTÉ. The plan also looks to Government to provide additional resources. In the last five years, Government has provided increased resources. In 2018, €10 million went into RTÉ and the House will be aware the only way Exchequer money goes into RTÉ is through the social welfare Vote where a payment is made by the Exchequer in lieu of the licence fee that would be paid by social welfare pensioners who have the benefit of a free TV licence. That is the only area in which Government, under current structures, provides direct Exchequer support.

The House will know from previous debates that the position of Government has been that we had a working group appointed by my predecessor, Deputy Naughten, to examine the licence fee. There is no doubt the licence fee is no longer the sort of long-term foundation we can have for funding broadcasting. It has a couple of problems with it, one being the high evasion rate, which went as high as 14% at one point and is now in or around 13% and has seen some improvement. The other problem is confining the licence fee to the traditional ownership of a television set. What has been proposed by the working group and accepted by Government is that we should immediately tender out the collection of the licence fee to bring down that evasion rate from 13%. Where that has been done in other jurisdictions, the evasion rate has come down to around 7%. That is one immediate source of improvement we can develop. The working group was also honest in advocating for us to move to a device-independent charge and that such a change would represent a significant shift in the way we approach charging. It said time would be needed to work out the detail of it and to work out its acceptance at a broader level of the expanded base that would be proposed. The working group has proposed that the licence fee contract would be for five years and that in the intervening period, work will be done to put in place that long-term, device-independent charge that would be a firmer base for the licence fee. That would extend the base of the licence fee by about 10%, according to estimates.

We are faced with a number of issues. One is the long-term direction of travel for public service broadcasting and to evaluate if RTÉ has got that direction of travel right and if this is a secure base on which to build a new public service broadcasting model that will see its capacity to grow revenue. We also need to continue to repair the funding part of it. Government recognises there is a role for it and for this House in reforming that funding base. In previous debates we have had here, there has been a very strong belief in the House that as well as the funding of RTÉ and TG4, the 7% of licence fee money that currently goes to the sound and vision fund, which is available to fund non-public service or publicly owned broadcasters to support innovation and content and individuals within the private delivery of content, should also be expanded. A desire has been expressed in the House that we would have a broader base of support, where public service elements of a wider range of broadcasting could be supported. That is another challenge we need to factor into the work we are doing. As Members know, the Broadcasting (Amendment) Bill 2019 is before the House and that will provide for some easing in the fees that are paid by broadcasters. It will also provide the legal underpinning to contract out the licence fee collection.

This is the start of a process and Government is committed to working closely with RTÉ in the development of a long-term strategy that will work for the public who want to see high quality broadcasting. There is also a challenge in understanding the changes that are happening and how public service broadcasting can reposition itself. This is not a challenge that is unique to Ireland. We are seeing similar challenges facing other public service broadcasters, particularly public service broadcasters that, like Ireland, have a mixture of licence fee income and commercial income. The reality with commercial income is that the lion's share of growing advertising

spend is increasingly going to the online alternatives, rather than to traditional media advertising. That is putting a squeeze on the sources of funding for the current model. This is a time when we need to give considerable thought to how we proceed with these changes. There is no doubt RTÉ's plan is an important contribution from those charged with defining a pathway for public service broadcasting and an important first step. We need to evaluate that in the first instance and we also need to look to the future and look to how we can build a broad base to support the sort of content everyone in this House believes we need to see for the Irish citizen. That poses a challenge in a world increasingly dominated, as Deputy Lawless will know, by fake news and alternative sources whose validity is often open to question and whose capacity to manipulate people from behind the scenes is undoubtedly a worrying trend and feature of modern social and alternative media.

I thank the Business Committee for the opportunity to debate this and I look forward to hearing the views of colleagues.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

Acting Chairman (Deputy Bernard J. Durkan): Before calling on the next speaker, I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputies Lisa Chambers, Caoimhghín Ó Caoláin and John Curran - to discuss delays with the roll out of Spinraza since its approval in June; (2) Deputy Dessie Ellis - to discuss the increase in use of racist or derogatory language towards ethnic and minority groups; (3) Deputy James Lawless - to discuss the lack of secondary school places in Kildare North; (4) Deputy Éamon Ó Cuív - to discuss implementation of the MABS report recommendations addressing energy poverty in the travelling community; (5) Deputy Eoin Ó Broin - to discuss the report on waste water treatment plants that are releasing raw sewage into Irish waters; (6) Deputies Thomas Pringle and Joan Collins - to discuss the job losses recently announced at SK Biotek in Swords, County Dublin; (7) Deputy Fiona O'Loughlin - to discuss the lack of appropriate ASD units at primary and secondary level in Kildare; (8) Deputy Donnchadh Ó Laoghaire - to discuss the Garda resources in Cork city centre; (9) Deputy Jackie Cahill - to address the issues in relation to negotiations with CE supervisors; and (10) Deputy Fergus O'Dowd - to discuss the urgent need for further resources to tackle drug abuse in the Drogheda and east Meath area.

The matters raised by Deputies Lisa Chambers, Caoimhghín Ó Caoláin and John Curran; Deputy Eoin Ó Broin; Deputies Thomas Pringle and Joan Collins; and Deputy Éamon Ó Cuív have been selected for discussion.

Financial Challenges Facing RTÉ and its Revised Strategy 2020-2024: Statements (Resumed)

Deputy Jack Chambers: I am sharing time. The most surprising thing about last week's announcement of the scale of the problems in RTÉ was that the Government was surprised at

all. The station has posted seven annual deficits in the last decade. The broadcaster reportedly requested €55 million earlier this year, while the Broadcasting Authority of Ireland, BAI, requested an additional €30 million in 2018. Anyone living in the real world - I accept many in the Government do not appear to be - can see the challenges encountered by media organisations in Ireland and all around the world. New players in this sphere like Netflix, Amazon and the deluge of free content available have flipped the traditional media landscape as we know it on its head. Put simply, people consume media in new ways that were inconceivable a few years ago. The challenges faced by RTÉ are not unique. For the Government to spend all of last week blaming everything on RTÉ's failure to attract more advertising was either delusional or disingenuous. Last week the Minister of State, Deputy O'Donovan, suggested RTÉ broadcast death notices as part of its remit as a public service station. If that is the Government's policy for saving the national broadcaster, I fear there is no hope at all for Government policy in the area.

The Government can add television licence fee reform to the growing pile of difficult problems it hopes will go away if it just ignores them, with homelessness and the health service. We have the highest rate of licence fee evasion in Europe, at more than €30 million. Reform of the licence fee alone would go a long way towards addressing many of the difficulties faced by RTÉ. It is especially galling, given that the Oireachtas Joint Committee on Communications, Climate Action and Environment did all of the work for the Government with its recommendations in 2017. They included a broadening of the charge to capture households which were benefiting from public service broadcasting, irrespective of the technology used, and the introduction of re-transmission fees, for example. The report also called for greater use of moneys collected to promote all public service media, including local and community outlets and anyone engaged in public service journalism. The Government's decision, however, to kick reform five years down the road will ensure public service media will continue their steady decline. There might not be public service broadcasting, as we know it today, in five years' time. The Government should get on with reform now and stop wasting time. I would not support an increase in the licence fee because it would only punish the 85% of the population who already pay their licence fee and deserve a decent service.

None of this looks beyond the urgent need for serious reform, modernisation and cost cutting at RTÉ. The State broadcaster needs to do more to help itself and better serve the people who are paying for it. The plan unveiled by RTÉ must be closely examined. The potential for 200 job losses and pay cuts causes concern for many, as do the closure of the Limerick unit, the sale of the RTÉ Guide, the offloading of the orchestra and so on. I am pleased that representatives of RTÉ will appear before the communications committee in early December on foot of my request. More people watched one of Ireland's matches in the Rugby World Cup on the RTÉ website than on a television set. That is the new reality. At the same time, we also need to promote to audiences homegrown productions and talent. Screen Producers Ireland stated the level of content produced by Irish production companies in the past decade had halved. It is concerned this has had an impact on the sustainability and growth of the independent production sector. The Broadcasting Authority of Ireland has found that RTÉ and TG4 "continue to deliver value for Irish audiences" and that there is justification to support increased levels of funding through licence fee reform.

The Government needs to make a decision. Any more dithering will only disregard public service journalism further, something the Government will do so at its peril. In the era of Donal Trump, fake news and misinformation, there has never been a greater need for a strong, inde-

pendent media asking difficult questions, even if it makes everyone in politics and across the board uncomfortable. The Government should examine the landscape of US television and the spectre of the outrageous, right-wing, shock-jock journalism culture that thrives in America. If this is the kind of media it wants, it is heading in the right direction, but circumstances need to change.

Deputy James Lawless: I have to start by stating public service broadcasting is a public good that deserves to be publicly funded and protected in the same manner as schools, hospitals, railways, roads and other public services are. RTÉ, however, is not a public good in its own right. The need for public service broadcasting can be and is met in multiple ways, through multiple channels and media. As my colleague, Deputy Jack Chambers, noted, the communications committee made a number of recommendations in a detailed report that, by and large, have not yet been taken up by the Government. For a number of years, we, on this side of the House, have argued that a public service broadcasting fund should be created, with revenue raised from public service broadcasting charges - a television licence fee and a device independent broadcasting charge, or whatever we end up calling it - being ring-fenced and made available to content producers that satisfy criteria for indigenous, high quality, homemade productions, whether they are drama, factual or current affairs programmes, or sports or local coverage, as long as they satisfy the metrics of public service broadcasting. There is no good reason we cannot do it. It would be a competitive model that would allow content producers to pitch in and draw down funds from a publicly funded resource.

We have recently seen the best and worst of RTÉ. Dee Forbes had a heated interview with Bryan Dobson who, at his best, gave no quarter to his boss. We all accept that changes are needed, but Ms Forbes, in her defence of the changes, indicated that RTÉ 2 would become a “window” to the RTÉ Player. We all know that online programming will play a significant role in the future and that online on-demand services are needed, but the RTÉ Player can hardly boot itself up in the morning or play a programme without crashing during the advertisements. It cannot be so difficult to get it right, given that Netflix runs seamlessly at any hour of the night or day on any device. If RTÉ is to get its house in order and move online, it should at least get the RTE Player working.

Deputy Aindrias Moynihan: Tá ról an-tábhachtach faoi leith ag RTÉ ó thaobh seirbhísí craoltóireachta poiblí. Tá sé ag freastal ar phobal ollmhór go forleathan i mBéarla agus as Gaolainn. Cuireann sé nuacht, spórt, cláir faisnéise, agus go leor eile ar fáil. Tá fíor-nuacht i gceist leis, i dtréimhse ina bhfuil go leor nuacht bréagach ann. Is ábhar buartha dom nach raibh ach eolas beag ann faoi todhchaí RTÉ, TG4, agus Raidió na Gaeltacht nuair a sceitheadh an tuairisc sin. D’fhág sé go leor daoine ar lár. Caithfidh an tAire dearbhú a thabhairt maidir le todhchaí craoltóireacht as Gaolainn, TG4, agus Raidió na Gaeltachta. Caithfidh sé cinntiú go bhfuil na seirbhísí sin slán. Tá ról an-tábhachtach ag RTÉ agus é ag freastal ar phobal na Gaolainne. Tá dualgais air maidir le hAcht na dTeangacha Oifigiúla. Tá an coimisinéir tar éis a rá go bhfuil sé ag sárú an dlí maidir leis sin. In ainneoin sin, tá sé fós ag freastal ar phobal mór Gaolainne agus ag mealladh daoine i dtreo na Gaolainne. Caithfidh an tAire a chinntiú go mbeidh dul chun cinn, forbairt agus fás air agus nach mbeidh aon chúlú ann. Ní raibh aon tagairt don cheist sin sna tuairiscí. Caithfidh an tAire agus RTÉ dearbhú a thabhairt maidir leis sin. Caithfear cuimhniú chomh maith go bhfuil go leor comhlachtaí tar éis fás agus iad ag cur fostaíocht agus seirbhísí do na cainéil sin ar fáil. Tá siad ag cur fostaíocht ar fáil ar fud na tíre i gcomhair go leor daoine. Tá siad ag freastal ar chraoltóirí eile ar fud na cruinne chomh maith de bharr go raibh TG4 ann ó thús.

Deputy Niamh Smyth: I raise the issue of RTÉ's strategy for Lyric FM. RTÉ is to close its studio in Limerick in 2020, with productions for Lyric FM to move to Cork and Dublin. The announcement was a severe blow to the mid-west and it was welcome that RTÉ reversed the decision. People in counties Limerick and Clare are proud of Lyric FM, as was shown by the outpouring of support when initial reports emerged that the wider station faced closure. When RTÉ made the decision to base Lyric FM in Limerick, it was seen as a statement of intent and commitment to the regions. It is especially concerning that the University of Limerick offered in the months leading up to the announcement to host Lyric FM, but RTÉ did not take up the offer, instead ignoring it until it became public. It was a visionary offer made to RTÉ by the president of the University of Limerick, Dr. Des Fitzgerald, to offer Lyric FM a home on the campus of the university, but it fell on deaf ears. Lyric FM is a small strand of the RTÉ story and punches well above its weight in the context of its budget and what it produces. It is also highly symbolic, not least for the arts and music. An explanation is required as to why the offer was first ignored and then rejected. It was a wonderful opportunity for Lyric FM to remain in a permanent and appropriate home in Limerick and ensure Ireland had a national broadcaster that was not only focused on Dublin and Cork, but it was ignored and disregarded against the backdrop of a financial crisis.

We have heard about the job losses and where they will begin. It is my understanding the process will begin with producers. That is a fatal mistake as it will mean getting rid of the creative people within the industry and the national broadcaster.

Deputy David Cullinane: I welcome the opportunity to have a further debate on public broadcasting. We had one a couple of weeks ago and the Minister might remember that during it I offered to meet him to discuss this important issue. That offer still stands. It would be useful. I genuinely believe that we need to get to a point where there is some sort of political consensus on this issue because we need to protect public broadcasting, not just our public broadcaster. We need to look at public broadcasting more holistically.

This debate is about RTÉ, which is a significant part of public broadcasting, but the Minister would accept that many local radio stations and other forms of media provide a public service. When we are examining reforming, restructuring and re-examining public broadcasting, it has to be bigger than RTÉ, albeit that it is a significant factor. It is also important to point out that there needs to be cultural, financial, organisational and structural changes in RTÉ, irrespective of the funding crisis or the fact it is seeking changes to the licence fee and how the money is collected and its need to increase its revenue and get its house in order in number of different ways.

The announcement of its restructuring plan was premature. The Minister acknowledged the plan was made public in a less than desirable way but it happened because of a leak. I listened to the director general speak on many programmes. I do not know the Minister's view in this regard but I was not entirely convinced that the plan will succeed and that RTÉ will reach the targets it has set for itself. The plan did not seem to come with clear and specific targets or be fully costed, considering all of the individual pieces in the overall restructuring plan. There were many caveats, ifs, but and maybes. I am concerned about whether some elements of the plan will achieve a lot of what has been claimed. Was the Minister required to sign off on the restructuring plan, formally or informally? Deputy Quinlivan will also outline some concerns about what was announced but the bigger point is whether RTÉ can follow through on the plan.

During the last debate on this issue people referred to salaries in RTÉ. I accept and welcome the fact that there will be movement in the area, although we will have to wait and see how that

will work out because people have contracts and asking people to take pay cuts of 10% or 15% voluntarily, as has been suggested, may present difficulties. While nobody in the Chamber believes that cutting the pay of prominent presenters and executives will solve the financial crisis in RTÉ, it is symbolic of what is necessary. The optics of some presenters earning €300,000, €400,000 or €500,000 when RTÉ is a public broadcaster paid for by the taxpayer rightly angers people and it is right that those issues are addressed.

There are issues with regard to class in RTÉ, something I have raised with the director general and RTÉ. I do not believe it reflects modern Ireland or modern Dublin at all times. It reflects what many see as a couple of postcodes in Dublin but does it reflect working-class communities? Do we hear their stories? Very often the stories we hear about working-class communities can be highly negative but those communities have very positive stories to tell. Many such communities have their struggles, many of which are a consequence of bad policies, but they are vibrant communities which do not always get the space that others do. For example, some of the weekend programmes on RTÉ radio feature the chattering and middle classes having a conversation about issues important to them, which do not always connect with ordinary working people and their struggles. That has to be part of a wider review of public broadcasting.

As I have said to the Minister a number of times, I sincerely believe there has to be political leadership from those in government and in opposition. We cannot rail against some of the decisions which have been made and staff cuts which will have an impact, such as the partial closure of Lyric FM in Limerick, and at the same time not put our money where our mouths are and support the reforms which are necessary to put RTÉ on a sustainable basis. As the Minister noted, what is the alternative to having a national broadcaster? It is more private ownership of the media. We already have problems with one individual who owns large amounts of the media. Do we want the equivalent of Fox News in Ireland and not have what is considered to be fair and balanced broadcasting with all of the protections provided by public broadcasting? I do not believe that is where we need to go and I do not believe that is where the vast majority of people believe we should go.

Some people will say, “To hell with RTÉ and the State broadcaster.” If we believe in public services, we should believe in public broadcasting. That brings me to what we need to do. I have said before that funding for independent production has been cut from €80 million to €40 million, which is a significant cut that we want to be reversed. In fact, we want the €80 million to be provided directly from the Exchequer over a number of years. This would provide more funding for independent producers and screenwriters who create jobs in the regions. If the entire €80 million was funded through the Exchequer in a fair and progressive way, rather than simply increasing the licence fee, it would be better for RTÉ, independent production and jobs and would mean that money could be freed up to do other things.

We have to have a discussion on enforcement of the licence fee. Nobody can stand over the high levels of non-payment. There needs to be some sort of political consensus on this. The Minister has a responsibility to reach out to the Opposition and others to try to bring that about. The perception is that the can is being kicked down the road for five years and we have to wait. I do not know whether that decision has been made to get any parties over the election or is ideological but it is not right and will not work. As I said to the Minister a number of weeks ago, I am prepared to meet him or a representative of any political party on this issue to find out whether some political consensus can be achieved in order that there is real change and action in this area, rather than more talk.

Deputy Maurice Quinlivan: I want to make a short contribution in the limited time available to me. This discussion has to be about whether we want a public broadcaster and that is a decision we have to make. A public broadcaster does not have to be RTÉ alone; we are all aware of local radio in our communities and local newspapers, which are struggling to keep the doors open. If we are serious about having a public broadcaster, we need to decide what we mean by that. We know the consequences of not having a decent public broadcaster, which can be seen across the water in America where, as my colleague said, there are all sorts of bizarre news stations, the right wing runs free and fake news is everywhere.

When Lyric FM came to Limerick, it was a statement of intent from RTÉ that it was going to reach out to the regions and show itself to be a national broadcaster. It cannot retreat from Limerick and say the reverse is now the situation. It is disgraceful that staff members in Lyric FM and other RTÉ staff members read about these plans on the front page of *The Irish Times* before they were briefed. That is a shocking way to treat the people of Limerick and staff members who have been loyal to RTÉ for a number of years.

The decision regarding Lyric FM was a slap in the face of the people of Limerick. Was consideration given by RTÉ to moving more of its services to Limerick? I am not sure if the Minister has visited the fantastic studio there. It is a large studio and I am sure it costs a lot less to run it there than to run one in Ballsbridge. The University of Limerick offered a site which would allow RTÉ to remain in Limerick city which was, I believe, rejected. Can the Minister explain that decision? Did he speak to Dr. Des Fitzgerald from the University of Limerick about the generous offer which would have kept Lyric FM in the city?

If RTÉ wants to be truly a national broadcaster, we need to examine how it has worked in the past. It has not featured working-class voices very often and has been very Dublin 4-centric. The Minister might not like to hear that, but it is true. Hardly anybody in my constituency listens to the discussions which take place on Saturdays and Sundays because they do not raise the issues which affect them. As stated by Deputy Cullinane, when working-class communities are portrayed on RTÉ, it is often not in a positive but in a negative way. For instance, I am only ever contacted by RTÉ when it is a bad news story, unfortunately, about Limerick. It does not come to me for the good news stories.

Deputy Jan O'Sullivan: I thank the Ceann Comhairle and the Business Committee for facilitating this debate. I called for it last week at the committee.

It is really important that we put on the record, as legislators, our views on the announcement by the director general of RTÉ last week, leaked to *The Irish Times*, as others have said, which was really putting people on the back foot. It is very important that we address this issue today and that the Minister is here to respond.

I am very disappointed in the Minister's contribution because there does not seem to be any sense of urgency on the issues that were raised in the RTÉ report, which I have here. The Minister appears to be kicking the can down the road and leaving any major change for possibly five years. I do not know what RTÉ is going to be like in five years or what condition public service broadcasting is going to be in then. Public service broadcasting is extraordinarily important. Others have talked about the kind of news media people are subject to in other countries, where they do not get objective facts or the kind of service that we get from RTÉ, and indeed from other stations as well. It is vital for public interest, but also for the whole public discourse, that we get proper public service broadcasting. I am very concerned if the Government presents

this as an RTÉ problem that it will not get involved in. The Minister must get involved in this early on.

Some pages in the report are headed “the TV licence is broken”, “this is fixable” and “urgent action is required”. These are headings for three different pages in the report. My former colleague, Pat Rabbitte, when he was Minister did a considerable amount of work in changing the model of the licence fee and of the funding of RTÉ. This was continued by Senator Alex White. This seems to have been left on a shelf for the last three years. I would be really concerned if it was going to be left for another five years.

The report states: “the decision to delay a meaningful reform of the TV licence system for a further five to six years will, if unchanged, have a catastrophic impact on the future of public service media, the future of the Irish independent production, and the broader cultural and creative sectors.” I want the Government to take this seriously and to take action.

I am also concerned about the response from the Minister of State, Deputy Patrick O’Donovan, last week which seemed to imply that RTÉ could get a whole lot more money from advertising, which we know it cannot because it is capped. The way in which the Government has defended itself and has stepped aside from the decisions that have to be made is disingenuous.

I sympathise with the RTÉ Authority but I do not agree with many of its proposed solutions. The proposals do not take account of RTÉ’s role as the national public service broadcaster. The positive developments, which are outlined in the report, include new content, live TV moments and big events, an integrated media centre and a new digital infrastructure and they are all centred in Donnybrook, Dublin 4. The downside is outside of the capital, particularly in Limerick. The Government should stop this Dublin-centric plan which goes against the goals of the national planning framework. All of the Government Ministers should be concerned, because this is re-centring what RTÉ is doing back into Dublin and to some extent into Cork and it is not acceptable.

The removal of Lyric FM from Limerick is positively destructive. The station has been firmly rooted in the cultural life of the city since it was set up their 20 years ago. It sustains and is sustained by a wide variety of cultural organisations and venues. A Big Roar of Support music event is starting in the Irish Chamber Orchestra’s home in the University of Limerick at 5.30 p.m. This will include the Irish Chamber Orchestra, the Irish Chamber Choir, the Limerick Choral Union, Voices of Limerick, An Cór, the Gúnas Choir, Seoda, East Clare Community Choir and students from the Irish World Academy of Music and Dance, which Members will know is based in the University of Limerick. The people of Limerick are fighting back against RTÉ’s plans and we want the Government to support us. There is no justification for taking Lyric FM out of Limerick. Lyric FM costs €4.31 out of each person’s licence fee of €130 per year. It will still cost, I estimate, at least half of that or maybe more to run it from Dublin and Cork. It will cost some fine people jobs because they cannot uproot their families and move. It is particularly unfair to those employees who have given their commitment to the policy of Lyric FM for the past 20 years to operate out of Limerick and to expect them to move their families and their lives.

I was very concerned when I heard Dee Forbes on the radio saying that of the voluntary redundancies that RTÉ is seeking, they are expecting a significant number of those to come from Lyric FM. In other words, people based in Limerick and who work for Lyric FM are going to be forced to opt for voluntary redundancy because they cannot afford to move to Dublin or Cork,

or will not move their children out of their schools etc. That is wrong.

I have already called on RTÉ to respond to the offer from the president of the University of Limerick, Dr. Des Fitzgerald, to provide a home for Lyric FM on the university campus when the lease on its present location expires, which I understand will happen at the end of 2020. I am calling on the Minister now to insist that this option is explored positively. The University of Limerick, UL, is already home to the Irish Chamber Orchestra, the Irish World Academy of Music and Dance and it has an excellent media facility, with graduates and a postgraduate course in media journalism etc. It is a perfect home. Practitioners and academics in the university already have close ties with Lyric FM and it would be a very good fit for the station to move there. It would be a profound blow to the artistic and cultural identity of Limerick if Lyric FM is removed. This is not and cannot be a *fait accompli*. I am asking the Minister and the Government to stand with us and tell RTÉ that it cannot take Lyric FM out of Limerick. It is as simple as that. We need firm commitments from the Minister.

I know this is a wider issue and that there are general issues of significant public importance as to the future of RTÉ and public service broadcasting. For the people who work in Lyric FM, for the people of Limerick who depend on that integration with Lyric FM, and for the health of our cultural life in the city, we really need a commitment that Lyric FM will stay in Limerick. It is a tiny amount of the savings that RTÉ is looking for and it is not acceptable that Lyric FM would be taken out of Limerick. I hope that the Minister will not just ignore this, that the Government will respond, that RTÉ will be required to respond to Dr. Des Fitzgerald's offer, and that there will be meaningful engagement so that Lyric FM can stay in the city of Limerick.

Deputy Richard Boyd Barrett: People Before Profit strongly supports public service broadcasting and believes we need to ensure the maintenance of public service broadcasting. The suggestion that we may not have RTÉ in a few of years because of inadequate funding is very alarming. This is something that we have to prevent from taking place. We need our national public service broadcaster and we need to have a clear statement of intent from this House that we are going to do what is necessary in order to maintain the national broadcaster and public service broadcasting.

We have to address the funding and financial issues. There are certain things which in my opinion should be ruled out right from the outset. Having said that we need to maintain our national broadcaster and public service broadcasting, we should also state clearly that ordinary workers in RTÉ, or ordinary householders, should not be made to pay the price for the financial crisis or the lack of funding for public service broadcasting. It is important - I will address the issue of high salaries for the top presenters - that we need to clarify in the minds of the public that the vast majority of people working in RTÉ are not massively or highly paid and should not become the fall guys and victims for the financial plight that RTÉ now finds itself in.

3 o'clock

We will certainly support the workers in Limerick who are fighting to save their jobs and retain Lyric FM in Limerick. There should be no question of it being moved.

Equally, we state our clear support for those who work with the *RTÉ Guide* and challenge the logic behind selling it. It makes little or no sense, given that it is profitable, selling 35,000 to 40,000 copies a week - a lot more are sold at Christmas time - and there is plenty of scope for it to move in the direction of becoming more digital. It is unfair that the workers are being

told that it will be sold under the Transfer of Undertakings (Protection of Employment) Regulations, whereby they cannot seek redeployment within RTÉ or redundancy. That is not right. We should not accept the idea that they are victims of the current financial crisis; nor should ordinary journalists, crew members, cameramen and all of the various others who work for it have pay austerity further imposed on them because of the funding crisis.

Beyond that, we need to recognise that the lack of funding for public service broadcasting is a symptom of a wider problem resulting from the failure of this and successive Governments and the political system to take culture seriously. RTÉ and public service broadcasting are not only about news and current affairs programmes; they are also about supporting, projecting, developing and deepening our culture. In this country we do not take the arts and culture seriously. We provide a pathetically low level of funding for the arts generally, something we debated here in recent weeks. Certainly, I have made the point repeatedly that there is an abysmal level of funding for the arts and culture, way below the European average, at 0.1% of GDP as against the European average of 6%. It is particularly terrible that this should be the case in a country, the international reputation of which for most people is based on our rich cultural heritage and the output of our artists, writers, poets, musicians, actors, theatre-makers, as well as Irish film and drama productions, etc. We give little or no support to the sector, which is utterly pathetic. It shows a philistine attitude on the part of the Government that it does not take the arts and culture as seriously as it should. In that sense, any state that takes the arts and culture seriously sees a public service broadcaster as being central to them. In fact, we have been moving in the opposite direction, with the volume of new dramatic and film output from RTÉ reducing dramatically in recent years because of the lack of funding and support. We should be moving in precisely the opposite direction.

Not that we can hope to ever compete or particularly even want to compete at the level of Netflix and Amazon, something we can take from them is that people tune in to them because they carry a lot of new original film and dramatic content. If we want the volume of Irish cultural and dramatic output to increase, we need to invest, unless we are going to rely on the for-profit sector, which I do not believe we should and which I do not believe will deliver the cultural and artistic output we want. We have to invest in institutions such as RTÉ and public service broadcasting generally in order to increase dramatic and cultural output.

The key question is how can it be funded. I do not believe it should be funded yet again by reaching into the pockets of ordinary householders and by attacking the wages and conditions of workers. For the record, our policy is that anywhere in the public sector - I am not singling out RTÉ in that regard - those paid from the public purse should not be receiving more than €100,000 a year. I am sure it is a tiny group in RTÉ who are paid in excess of that amount, but they should not. There should be a cap on pay, but the vast majority of workers in it who are on ordinary or medium range pay and conditions should not see their them being attacked further. Cutting or even capping the pay of the very highest earners, however, would not solve the financial crisis at RTÉ. As for how we would fund it without reaching into the pockets of ordinary people for broadcasting fees or higher television licence fees, there should not be a cap on the contribution of the Department of Employment Affairs and Social Protection for those who receive a free television licence. If its contribution was not capped, there would be more coming in from that Department. We should immediately impose re-transmission fees on companies such as Sky, Virgin Media and Vodafone which re-transmit public service output but do not pay a fee in doing so so. If they then state they will not transmit it, we should tell them that they will not be allowed to broadcast at all in this country. If they were paying re-transmission

fees, it would bring €15 million into the coffers.

Critically - this is the really important point, given that advertising revenue is migrating from public service broadcasting, RTÉ and more traditional media to social media outlets such as Facebook and Google - on a global level, 80% of all advertising revenue is now going to such companies. Therefore, we need to impose a tax on them. That is from where we will get the money, but, of course, the Government will not do it. It is allowing them to continue to benefit from massive tax loopholes. If, as I believe, the European Union is correct in the Apple case, etc., the Government helped to engineer tax loopholes to enable the company to avoid its tax responsibilities. If a digital tax was imposed and other tax loopholes which are benefiting these considerable companies in making astronomical profits from digital advertising and more generally in this country were closed, we could generate billions of euro in extra revenue for the State generally and provide the resources and revenue necessary to deal with the funding crisis at RTÉ and in public service broadcasting., as well as putting extra revenue into public service broadcasting to increase the volume of artistic and cultural output. That is where we should look for the money, rather than attack workers' pay and conditions or, for that matter, reach into the pockets of ordinary householders.

Acting Chairman (Deputy Bernard J. Durkan): Deputy Maureen O'Sullivan is sharing time.

Deputy Maureen O'Sullivan: I am sharing time with Deputy Connolly.

In looking at recent headlines such as, "RTÉ - a broken broadcaster?", "...financial crisis", and "'Transformational change' needed ...", my initial reaction was to ask what was new because the signs had been there for quite some time.

Yesterday I attended a presentation in Buswells Hotel by the Nevin Economic Research Institute in which it discussed the concept of a just transition. While it was related to the interventions needed because of issues to do with climate change, sustainability and biodiversity, it is relevant to this debate because it is obvious that there is a need for a just transition in RTÉ to adjust to the changes occurring in digital media, in particular. A just transition is about preparing and being ready for change and having a plan in place. RTÉ did not suddenly face financial problems, while the digital transformation involving other media outlets did not happen overnight. I have to ask where was the drive in RTÉ in those years when it was obvious that there were problems. We recently witnessed the selling of land and the shedding of jobs which were followed by the call on the Government to invest more money, but there is a need for a more radical, innovative and progressive vision within RTÉ. My question is if the strategy will be enough? I certainly hope it will. The Government has a role to play, but it cannot only be the proverbial cash cow or an ATM dispensing funding to cover losses incurred by RTÉ in recent years.

There is a high licence fee evasion rate in Ireland. The figures range from 12% to 14%. It is much higher here than in other European countries. In Germany it is 2%. In addition, the collection costs here are double what they are in some other countries.

The transformation in media must also be taken into account. Many people are watching RTÉ on devices such as iPads, tablets and laptops and they are not paying a licence fee. It is estimated that over 10% of Irish homes are accessing content on these devices. When one adds that to the 12% to 14% who are evading the licence fee, it means approximately 25% of

households are watching RTÉ and not paying a licence fee. That is a significant loss of revenue. Again, it is back to restructuring and not slapping an increase on the traditional television licence fee of €160. That would punish those who pay because of those who do not pay. There must be a level playing field before any increases are considered.

The plan is to have a device-independent broadcasting charge. The Minister said the new system must be robust and not vulnerable to the evasion the traditional licence has suffered. The BBC has similar issues but it appears to be more ambitious. Its director general has a plan, which is difficult, for its BBC iPlayer catch-up service to be capable of rivalling Netflix. That brings me to the competition from Netflix. It costs approximately €144 per year. I have spoken to younger people and they prefer to watch programmes in their own time, which Netflix allows. They get their news and current affairs from social media at their choice of time, not from the news at 5.30 p.m., 6 p.m. or 9 p.m. It is not just Netflix. Apple has launched its streaming service and Disney intends to do the same. We are at a crisis point. Action is urgently required now, not in five to seven years' time.

The top salaries of certain broadcasters are an issue that was allowed to develop and continue during the financial difficulties. I have done the sums. If one takes 15% off €495,000, €450,000 or even €300,000, one is still left with quite a good salary. Even with the 15% cut, the salary is higher than the salaries of President Higgins and the Governor of the Central Bank, considerably more than the US Chairman of the Federal Reserve gets and more than the salaries of the President of the ECB and the President of Deutsche Bundesbank in Germany. It will not solve all the problems, but it will be a signal that this is being taken seriously, especially when one considers that the lower-paid people in RTÉ will have to suffer an indefinite pay freeze.

Tá rudaí dearfacha i gceist anseo, mar shampla, aitheantas do TG4. Tá caighdeán an-ard ag TG4, go háirithe nuair a smaoiním ar an easpa maoiniú. The other positives are sports, when RTÉ gets the coverage, and the commentators, drama, news, current affairs and entertainment. The coverage of Brexit was excellent also. There is also "RTÉ Investigates". The investigation closest to my heart was "Greyhounds Running for Their Lives". Without RTÉ, the scandal of what was happening to greyhounds would have remained unexposed. There are excellent viewing times for the main programmes. An interesting online survey found that the majority of respondents do not want live coverage of political party conferences. Perhaps there is a saving there. There is also the role of Irish independent production companies. They produce popular programmes with original Irish content. They provide employment and skills development.

The main point is that there must be radical, innovative restructuring and financial reform, and urgently.

Deputy Catherine Connolly: I welcome the opportunity to take part in the debate. Once again, I am disappointed that the Minister does not have a written speech. In addition to health, climate change and housing, the future of public service broadcasting is one of the most important topics. It is not a luxury, but an essential part of a functioning, healthy democracy. I expected, at the very least, that the Minister would have set out his and the Government's views and what decisions they will make with regard to saving public service broadcasting. I will return to what RTÉ should do momentarily.

This is particularly relevant, given the amount of misinformation with which we are so familiar. Last week, the Oireachtas hosted a meeting of the International Grand Committee on Disinformation and 'Fake News', which was chaired by the Minister's colleague. Members

from seven countries, including Ireland, signed a declaration to advance international collaboration in the regulation of social media to combat harmful content, hate speech and electoral interference online. Last month, Mark Zuckerberg told a US congressional meeting that Facebook does not fact-check political advertising and will not remove advertisements containing false information. As a new member of the justice committee, I am fully up to speed with the challenges posed by false information going up on various platforms. The word “platforms” is used because, according to Amazon, Facebook and Twitter, they are not publishers. However, information is going on them that has detrimental effects on people’s lives.

It is vital that we discuss public service broadcasting and have a definition of what it is. The first focus is on the evasion of the licence fee. I wish to focus on the 87% of people who have televisions who pay it. They are endorsing public service broadcasting. I acknowledge there is a problem with the 13% who do not pay and a problem with the 11% or 12%, of whom I am one, who do not own a television. I am open to paying whatever fee is necessary to ensure there is public service broadcasting. However, 87% of people with televisions are endorsing public service broadcasting and its importance.

With regard to the plan that has been produced by RTÉ, it is very good that the executive board has agreed to take a 10% reduction in pay. The high earners are going to take a 15% reduction. I see no reason for presenters being on such a high salary. Public service broadcasting is as important as being a politician, in that one pays a reasonable salary and expects a public duty and public service in return. We should find a different way, aside from money, to value public service broadcasters. That is a challenge for Members of the Dáil. Certainly, I cannot support the salaries being paid to them.

As regards the Irish language, the lack of urgency in the Minister’s speech is regrettable. Members of the Irish committee published a report in May 2019, but the all-party committee published its report almost two years ago. It highlighted the problems facing RTÉ. Stillwater Communications was commissioned in 2012 to address an bealach ar aghaidh ó thaobh na Gaeilge de. Chuir siad an spotsolas ar na rudaí a bhí le déanamh. Stillwater Communications looked at RTÉ from the point of view of the Irish language and highlighted the wonderful advantages that exist if they were used in terms of using many more of the programmes produced by TG4 and Raidió na Gaeltachta to mainstream Irish. What is worrying is that those recommendations fit in with Government policy but, once again, there is cognitive dissonance. The Government policy is to normalise na Gaeilge through every sphere in Irish public life. Stillwater Communications looked at that and came up with good recommendations, yet that has not happened. Both our report and Stillwater Communications recommended that Aonad na Gaeilge be re-established, but that has not happened. The main message I wish to convey here, trí Ghaeilge, ná na buntáistí a bhaineann le húsáid na Gaeilge ar na meáin chumarsáide mar RTÉ. It has utterly failed to do that.

If the Minister replies to this debate, I hope he will address the crisis in public service broadcasting, the necessity for it and the steps to be taken by the Government to ensure we have an independent public service broadcaster that reflects the variety of people in Ireland. It is ironic that RTÉ in the statement on its new strategy talks about being close to the people on the ground, yet it is closing Lyric FM in Limerick. It is moving away from being on the ground and from its legal obligations to use the Irish language in the most normal and natural way possible.

Deputy Michael Fitzmaurice: I welcome the opportunity to speak on this matter. First, as everybody is aware, RTÉ gives a good service throughout the country. I am not fluent but I

know a good amount of Irish. I watch TG4 a lot because its coverage, especially on Sundays, of the GAA, rugby and the different fabrics of Irish life is extremely good. Often I would flick over from RTÉ 1 and stay watching TG4 a lot longer. That is a tribute to the channel which is run on a small budget.

Other television stations do not receive a subsidy and must cut their cloth to measure. They cannot be over-inflated or have a situation where too many cooks spoil the broth. They must make sure they are run efficiently. I smiled when Members referred to wages and salaries. There should be a cap on but not long ago, the House debated bringing people on a lower salary up to the top salary of someone else and now we are looking at the reverse. While there should be a cap, because some of the salaries are astronomical, but in journalism everything is gauged on viewership so it is a question of whether someone has 100,000 viewers or 50,000 or 500,000. It is similar to Ronaldo and someone playing in the second division. Who will get the higher wage? If broadcasters have 500,000 people watching them or 100,000, that is how their salary is gauged in the world of journalism. It might be cruel but that is the reality.

We must also look inward. How many days have one of us received a call asking if we will come out to RTÉ and the last question we are asked before they hang up is: “Do you need a taxi?” I smiled on Monday after they spent six hours telling people in rural Ireland how they were destroying the planet. One would swear we were going to save the world from all the research RTÉ had done, especially farmers and people living in rural Ireland, yet any time one visits Montrose it is like a taxi rank with the number of taxis that carry politicians and ordinary people there. If one visits from further they will ask if one is okay for a hotel. These are expenses where RTÉ can start cutting its cloth to measure. We are in a city, which has the best public transport in the country, certainly compared to where I am from or Cork, Limerick or Galway where Deputy Connolly is from. I do not know much about Lyric FM because I am certainly not into that but then RTÉ decides to close its studio in Limerick to try to whip things back to Dublin again and leave people who have set their lives up in a different part of the country in the lurch.

There is no doubt that RTÉ incurs more expenditure. RTÉ has reporters in every part of the country and that costs more. There is a good service where one can go to local studios for instance, in Athlone. Should the orchestra be moved under the remit of the Department Culture, Heritage and Gaeltacht? Can RTÉ afford that? Where has the money gone from the site that it sold? Has it more land that could be sold? Did managers consider moving to a different location because land close to the city is expensive?

We must ensure that RTÉ remains a functioning station but we cannot keep throwing money at it and have them keep shouting back for more. It must be ensured there is accountability. I believe what RTÉ is doing is good. When I heard the announcement I was surprised that it was selling something that was making money, for whatever reason. The one thing I do not want to see them do is what they did with Lyric FM and cut the regional services to maintain the service in Donnybrook.

Recently I have noticed something about RTÉ that relates to someone giving an opinion that goes against what most or the majority think. I was watching a show about climate change recently. One either had to agree with everything the participants were saying or one was not allowed to take part. Correspondents were coming out with lists such as “Nine things that everyone should do”. They need to be unbiased. I spoke to many people who turned off the television because of some of the stuff they saw.

Whether it is salaries or spending on taxis or hotels, it must all be looked at holistically. There are issues that can be sorted. We must ensure that RTÉ is preserved but there are stations that live on crumbs, such as TG4, which provide an invaluable service.

Deputy Eamon Ryan: Approximately ten years ago I was involved in the drafting of the Broadcasting Act. There was a great awareness then that there was an issue with the television licence fee collection system and the public service broadcasting funding model. Even then, people watching on devices rather than television was an issue, there a significant evasion rate and high collection costs in an incredibly cumbersome system where people were going to the court and to prison because they had not paid their licence. We tried to address that but we said that instead we would wait five years to work out the more fundamental changes in the TV licence and funding mechanism.

The subsequent Government started tentatively to examine that but ultimately bottled it. The commentary, which there is no reason to doubt, suggested that a Government that ran into such difficulty implementing a household charge such as the water charges decided it could not afford to open a second front in that fight and, therefore, decided to do nothing. By the time this Dáil formed, it was clear that the ongoing decrease in the commercial advertising revenue, continued evasion and the high costs of collection meant that RTÉ and, indeed, all our domestic media were in trouble. The all-party committee did good work in examining the details of this, working with stakeholders across the board, and had an innovative consultation process in Dublin Castle. Our recommendations stand up today. It beggars belief that the Department and the Minister now think that consultation is needed for another five years. This is not rocket science; this is not complex policy or politically contentious if the Government only had the bravery to act. This year, next year or tomorrow with the stroke of a pen, we could raise an additional €50 million for public service broadcasting by changing the way we collect the licence fee by moving to a household charge so that, as the Minister said, all the houses that do not have a television but are using devices are included. A mechanism whereby, for instance, Revenue collect it so that it saves all the costs of collection and evasion could be adopted. If the Government did that while also changing some of the rules relating to social welfare, thus increasing the payments to the public service broadcasters, and, as the committee examined in intense detail for years, forcing Sky to bid for transmission fees, an additional €50 million could be raised next year. That would immediately resolve a problem. We could spend the next five years examining the broader context of how to address the fundamental fact that social media companies are taking all the advertising revenue. Are there ways that we can get money from them to pay for content creation? That is complex. It might take five years, but the initial measures could, and should have, been done in recent budgets but there is no logic to delaying it for another five years, and there are real risks attached.

RTÉ management has sold the land, which we argued for five years ago, as it was lying idle. It is not as if it has done nothing. It has also come up with a new restructuring plan, having tried a redundancy plan. Broadly, I have trust in the executive and board of RTÉ. They are doing their best in particularly difficult circumstances.

There is one thing I would do differently and both the Government and the RTÉ board and executive should look at it again. The decision to move Lyric FM from Limerick, leaving behind a part-time studio, is fundamentally wrong. It is important for the country that Limerick rise. The benefits it saw in having Lyric FM based there were not confined to the broadcasting sector. Having it based on Cornmarket Square, close to the Milk Market and a five minute walk from O'Connell Street, was one of the few examples of life being put back in to the centre of

Limerick city. It is what we seek and need. It may make sense for the station to move to the university, given that the chamber orchestra is based there, but my preference is to keep it on a city centre site. We must bring life back to the centre of Limerick. As that is already starting to happen, taking Limerick out of the equation is a fundamental strategic mistake. The decision should be reversed. I hope RTÉ executives will consider doing so, although I realise they face a difficult problem. The clear voice from this House is that the decision should change.

Broadly, RTÉ has done everything it can. Having looked at the figures, my sense is that will not be enough. If the Government waits for five years, it will cripple any restructuring plan or ability to evolve, innovate and develop new services being considered, something I would welcome. This is not just about cuts to the programme as RTÉ is moving to try to address a younger audience, use events and have a closer connection with people through new and different methods. It is exactly the right move and there are good elements to the plan. It will not have a chance, however, if the Government does not provide the basic and underlying funding required to allow a transition.

Last week the Oireachtas hosted the International Grand Committee on Disinformation and ‘Fake News’, with which I was proud to be involved. It did interesting and important work. The committee helped us see the power of social media companies in the new media world and their ability to microtarget people. Essentially, they know everything about us. It is not just in the media, as this week we saw how Google had collected health data and how Facebook was looking to create its own currency. These companies now like to think they are becoming more powerful than the state. The big story is that these companies can generate almost €400 million here per year in scooping pretty much the entire pot of digital advertising revenue. The remaining money in this country goes on subscriptions to Sky, Netflix and cable operators. This amounts to €1.5 billion every year going out of the country, rather than to Irish content creators or media. It is why all Irish media are in such a crisis, not just RTÉ. Virgin Media laid off 65 staff in recent weeks, which demonstrates the same story. We saw it again when we considered the application to sell a local radio station to the Independent News and Media. Good managers in the area have realised they are in a real crisis because they cannot attract advertising revenue in the current position where social media dominate.

It is not just about the commercial reality; we must also consider the political realities. People are living and speaking within microtargeted bubbles and the new media world is more atomised and individualised. It is private and personal media. In many ways, it is brilliant. I love being able to tweet, post photos on Instagram and share stories on Facebook. There can be substantial gains from these, but they are “private squares”. In many ways, they are like a shopping mall. We need a public square for debate and a public forum for examination, critique and analysis of common stories. Some questions were asked here this week, demonising certain sections of the community. We have seen this happen in other countries where there are no public media but where people subscribe to local groups that spread conspiracy theories. We need a public square for discussion and debate to counter them.

It is not just about current affairs and news programmes; it also takes in sport, drama and entertainment. As we will not gain political support to double the licence fee to €300, we will still have to go with an advertising and licence fee model. It means that there is a need for a broad spectrum of programming, particularly young people’s programming. The Government must make a political decision. Commentators may be correct in saying it has a certain sense of wounded pride as it has received a lot of flack from various parts of the media in the eight years it has been in office; therefore, it now has a chance to redress the power balance and take

some power away from those producers, editors and presenters. It is, however, flawed thinking and a mistake if that is the only logic or reason behind the otherwise inexplicable approach Fine Gael is taking on this matter. In the long run the strength of the country depends on the strength of democracy which, in itself, depends on the strength and quality of public debate. At times we must cede power by accepting hard questioning or taking the rap for something, or by even being the target of unfair commentary, but I prefer living in a country with that strength. We have had strong local media for the past 50 years, in particular. If we look at the countries where they have disappeared, democracy has weakened; therefore, we need the country to have strong media. If we do not have them, we cannot say to investors and everybody else that they should come to Ireland because it is a stable, balanced, reasonable and intelligent country that is open to the world. The Government should, therefore, reverse its decision to wait for five years and instead implement immediate changes in order to raise €50 million for all public service broadcasters, not just RTÉ, as a start in supporting media in this country in a time of crisis.

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): I thank Members for participating in this important debate. There is absolutely no doubt that public service broadcasting, as we know it, is under pressure and that we must amend the model. RTÉ is making a significant effort in that respect as it has recognised the difficulties it has with audience reach for some of its existing offerings. It is devising a new strategy. It is equally important that we evaluate that strategy and ensure we can be convinced in this House that it is sustainable.

I agree that public money is very important in supporting that objective, but in the debate Deputies seem to have forgotten that the BAI recommended the provision of an extra €30 for RTÉ. We provided €10 million in last year's budget. This year, when we were not able to grant increases in social welfare payments, we did not ask the Department of Employment Affairs and Social Protection to provide additional money to top up its contribution, which is the only way it is done. This year we also decided to tender to replace the leaky system of collection, as it has been predicted that a better system of collection would add a further €10 million in terms of capacity. We have recognised that we need to move to gain consensus on a workable system for a charge that would be device independent. The cross-departmental working group believes it will take time to build that consensus, for which it has put forward a number of reasons in its report.

Some may say the local property tax would be an alternative method of collection. We have had difficulty in this House in even considering the reviewing of its valuation which was due last year because imposing additional charges on people is contentious. Added to this is the ownership concept, while a service charge to contribute to television, radio or public service broadcasting is related to occupancy of a home. Naturally, it is a contentious matter and there is no consensus in the House on such a move. We can then consider the move to bring computers, laptops, tablets and phones within a charge. That would be a significant change and we would need to consider how a base for collection could be developed. The Oireachtas committee favoured a system whereby a service charge would be collected by Revenue. However, Revenue's view is that its job is to collect taxes, not service charges. The report outlined some of the complexity involved, and I probably am not doing it justice. The committee noted that it will take time to build a proper pathway and achieve consensus across the House as to how we implement it. There is a challenge involved in broadening the base.

Most of the speakers - Deputy Boyd Barrett, in particular - were of the view that RTÉ needs to make significant changes. That view is clearly shared by the management and board. There

is a recognition that RTÉ needs to make its public service offering more vibrant if it is to attract new audiences and reach the platforms on which people are consuming media. That will require significant restructuring within the organisation, considerable investment in new areas and a reduction in the scale of other traditional areas that are not delivering the type of platform needed for the future. We must ask ourselves what public service broadcasting should look like in ten years, in a world where the pace of change continues to accelerate. In an environment where people use different media to obtain news, information and entertainment, how can we ensure that Irish drama and other content reaches an audience?

We do not want a situation where the public broadcaster is merely a reserve that is not switched onto by most people. It is right that we take time to evaluate our approach and obtain a wider view of the direction of public service broadcasting rather than simply looking at charge mechanisms. The latter is an important consideration but it is not the entire job by any means. There is work to be done here. The Broadcasting (Amendment) Bill 2019, which is currently before the House, affords us an opportunity to consider some of the changes that are required. We intend to bring forward an amendment to that legislation to allow for the contracting out of the charge.

With regard to individual content provision, including the decision to close the Lyric FM studios in Limerick, such issues do not present to the Minister for sign-off. Issues that are brought to me include where specific channels or radio stations are being changed or closed, the cessation of the Aertel service, the sale of the *RTÉ Guide* and so on. Some of those issues require explicit approval by the Minister and others do not. Several speakers questioned whether Dublin 4 is the right place for RTÉ headquarters either in respect of the scale of coverage or cost effectiveness. That question is worthy of consideration and assessment.

I do not have sufficient time to respond to all of the comments. However, a consistent theme from colleagues is that public service broadcasting is not just about the publicly owned broadcaster and that, as we look to the future, we must design something that is robust enough to support and sustain the value of local broadcasting and local content. Under state aid rules, such a model would have to be designed carefully. One cannot simply give out subsidies to private bodies; it is necessary to devise a model where we have quality content that is deemed desirable by the Oireachtas and for which others would compete. Some of the proposals included the suggestion of support for basic costs but, as I understand it, that is not something that could be approved under state aid rules.

NewERA has been undertaking an assessment of the robustness of the proposal put forward by RTÉ. It has also been consulting the BAI on these matters. It is important to note that the Minister is not the regulator of content or the appraiser of whether the content offered by RTÉ is reaching the appropriate audiences. That regulatory function is performed by BAI. Assessments by both NewERA and BAI are important in evaluating the direction of travel that is proposed. RTÉ has done the right thing in setting out a programme and seeking to reposition itself. The Government will strive to support that repositioning. As all Members will agree, it is vital that we sustain the production of vigorous, open and culturally diverse content of Irish interest that is available to people. I am determined that we will do so. I thank Deputies for their contributions.

Progressing Children's Disability Services: Statements

Minister of State at the Department of Health (Deputy Finian McGrath): I am grateful for the opportunity to have this important debate. When I became Minister of State with responsibility for disability services, I made three firm commitments, namely, to reform disability services, invest in those services and, most important, ensure the services are person-centred. It was essential to learn at first hand about the challenges and practical difficulties faced by people with a disability and their families on a daily basis. Through meeting with families and reading the letters and emails from concerned parents to my office, I am aware that one of the most crucial issues that needs to be tackled within children's disability services is the excessive waiting times to access therapy services. We all share a common desire to have the best services for all children, adolescents and adults with disabilities throughout the country. Both personally and in my capacity as Minister of State, I want everyone with a disability to have access to the necessary supports to enable them to achieve their full potential, maximise their independence and live a rich and fulfilling life.

There are two things that must be done if we are to meet these objectives in respect of children's disability services. Services must be properly organised and they must be properly resourced. The HSE is currently implementing the progressing disability services for children and young people programme, which requires a reconfiguration of all current HSE and HSE-funded children's disability services into geographically based children's disability network teams. The programme aims to achieve a national equitable approach in service provision for all children based on their individual need and regardless of their disability, where they live or where they go to school. The core objectives of the programme are to provide one clear pathway to services providing equity of access for all children with disabilities, according to their need; put in place effective teams working in partnership with parents and the education sector to support children in achieving their potential; and ensure available resources are used to the optimum benefit for children and their families.

The progressing disability services programme is working to meet these objectives by forming partnerships between all the disability organisations in an area and pooling their staff with expertise in the different types of disabilities to form local children's disability network teams that will provide for all children with significant disability, regardless of their disability. Children's disability networks will be established in each of the nine community healthcare organisations, CHOs, comprising specialist multidisciplinary teams to work with complex disability needs. Although a number of these teams have been in place for several years, I acknowledge that it has been a long and slow process to put the remaining teams in place. This is due to the lengthy but necessary consultations between the HSE and the voluntary providers and unions. I am happy that the HSE has advised that we have a final resolution and the disability network managers required to head the remaining teams have been recruited and will take up their posts imminently. As Deputies will be aware, the Disability Act provides for an assessment of need for people with disabilities. Any child thought to have a disability born on or after 1 June 2002 is eligible to apply for an assessment of need, AON, that will detail his or her health needs arising from that disability. Since the commencement of Part 2 of the Disability Act in June 2007, the HSE has endeavoured to meet the requirements set out in the Act. When the Act was implemented in June 2007, it was the State's intention that applicants would be under five years of age at the time of their application. However, a subsequent High Court judgment had the effect of extending eligibility to all children born since June 2002.

Since the Act's commencement in 2007, there have been significant year-on-year increases in the number of children applying both for AONs and for disability services generally. This increase in AON applications has led to the extended waiting periods for intervention services currently being experienced. I am conscious that timely access to services is imperative to a child's development and I fully understand how delays in accessing the service are a source of great concern for children, their families, and my colleagues in the Dáil. The HSE is currently introducing a major reform of the AON process to reduce waiting times to access both assessments and services.

I refer to the new standard operating procedure for assessment of need. While the Disability Act provides for an AON for people with disabilities, it does not define this assessment and, to date, the process has not been standardised across the HSE. This lack of standardisation and clarity has also contributed to significant delays in the AON process. The new standard operating procedure will provide for a consistent approach to assessments throughout the country and the HSE is confident that it will greatly improve access both to assessments and interventions. All community healthcare organisations, CHOs, are currently preparing for this implementation, which will commence nationally in January 2020.

Budget 2019 provided funding for an additional 100 new therapy posts for children's disability services to be in place by the end of this year. This welcome new resource will result in additional new therapy posts, including speech and language therapists, occupational therapists, physiotherapists, dieticians, social workers and psychologists. Some 63 of these posts are in place with the remaining 37 expected to be in post before the end of the year. This latest recruitment of staff should be considered in light of previous investment, totalling €14 million since 2014, in therapy services under the progressing disability services for children programme. This investment has allowed for the provision of 275 additional therapy staff. In addition, significant funding has been provided to primary care services to improve waiting times for therapy services. This has allowed for the recruitment of both additional speech and language therapists and occupational therapists.

The Minister for Health recently announced €2 million in funding for the further development of an autism plan, which includes the implementation of a range of measures to improve health services for people with autism and their families. The funding secured will mean that a range of priorities can now be further developed and implemented. Children and young people with autism comprise a large proportion of the individuals that the HSE meets in disability services, but also in primary care and other health settings. It is important that the health services are equipped at every level to deal with these individuals and their individual sets of circumstances.

The HSE has established a national autism spectrum disorder, ASD, programme board consisting of senior operational and clinical decision makers as well as independent professional and academic support. More important, persons with lived experience of autism will participate as equal members of this important collaborative team effort. The board has been tasked with leading on an agreed set of priorities that will have the greatest impact on improving how services can be delivered to people with ASD and in respect of creating greater awareness of ASD.

Over the next year, the additional funding secured will be used in two priority areas, chosen after comprehensive consultation with service users, parents, and clinicians working in services for people with autism. The first area relates to implementing a programme of awareness rais-

ing that can provide a better information resource for children and parents about the supports available and help to create a wider public environment that is more aware of the challenges, needs and experiences of people with ASD. The second priority area relates to building capacity and competence amongst key professionals working with ASD. This is to include a national training programme for clinicians and the implementation of a tiered model of assessment to improve access to, and responses by, services for those with ASD.

As Minister of State with responsibility for disabilities and as a parent, one of the most frustrating experiences for me is meeting the parents of children who have additional needs and who are waiting for therapy services for their sons or daughters. I understand how justifiably angry they are at the length of time they spend waiting for a service. I am fully aware of how important early intervention is and how it can determine not only short-term outcomes but also shape a child's future. The initiatives I have outlined will not lead to a quick-fix solution to the problems of long waiting times for therapy services overnight but they are important, robust and tangible measures that will vastly strengthen and improve our services in a way that will ensure we can provide what children need in both the short and long term.

Deputy Stephen Donnelly: There is a young woman in Wicklow who has spina bifida and who is in a wheelchair. Her spine is curving as she grows, as a result of her condition. Her wheelchair cushion, therefore, needs to be adapted as her spine curves. I met her mum, who told me that she could not use her wheelchair anymore because her spine had curved to such a degree that she could not use the cushion. It causes her excruciating pain to sit in the wheelchair for any time. I asked her what her daughter does and I was told that she sits on the floor. I asked whether there was a new cushion coming and her mum told me that there was not and that they were still waiting on an AON for a new cushion. I asked her how long her daughter had been waiting for an assessment for a new cushion. She said it had been more than a year. That is the reality for children with disabilities in this country.

The Government talks about strategies, launches and initiatives but nothing seems to happen. The HSE disability team is doing its damndest to help but it does not have the resources it needs. All over Ireland, children with disabilities continue to suffer. Parents might think their kid has an issue when that kid is aged two. That child may get an AON at five and then, perhaps, some support when he or she is seven. The potential of that child diminishes in those five years. That is the reality of disability services in this country today.

The Minister of State referenced 100 posts that were meant to be filled this year. It is mid-November and fewer than half have been filled. He also referenced 1,000 new therapy posts that are in the budget for next year. I looked at the numbers and there is no money in next year's budget for 1,000 post; there is only money for 160.

Almost 4,000 children with a disability are overdue for an AON. More than 8,000 are waiting for physiotherapy. Almost 20,000 children are waiting just to be assessed for occupational therapy, 8,000 of whom have been waiting for more than a year. They are waiting just for an assessment to be put on another list to get therapy. Almost 40,000 people are now waiting for speech and language therapy, most of whom are children. That is the equivalent of every man, woman and child in Arklow, Wicklow town and Greystones combined. This figure is just for children with disabilities waiting for speech and language therapy. As they wait, they deteriorate and the future they could have diminishes. Inclusion Ireland has found that one in four children with a disability is being denied the opportunity to attend school for a full day. This is not okay. The programme for Government states that people with disabilities should be sup-

ported “in maximising their potential, by removing barriers which impact on access to services, education, work or healthcare”.

4 o'clock

Children are being excluded. There has been a €1 billion overspend on one hospital, and there is no money. Some €3.5 billion has been spent on a broadband project that should have cost €500 million, but there is no money. There are unprecedented tax breaks for vulture funds, but there is no money. We have the biggest healthcare budget by a mile in Ireland's history, but there is no money. Even when there is money, there is no delivery. The solutions do not constitute not rocket science. We have solved this before, and other countries have solved it. We need to stop the overspending and target the money where it is needed, treat our healthcare staff well so we can keep those we have and hire new personnel, fund community healthcare properly so that children can be assessed - and when they are assessed they can get the supports for which they have been assessed - and use the National Treatment Purchase Fund as a short-term measure to get help now for those children who have been waiting.

I met a woman in Greystones recently whose child has special needs and requires help. He has been waiting for two or three years for speech and language therapy. About three months ago, the woman received two letters through her door on the same day. The first was from the disability service provider that serves north Wicklow. It stated that it had no resources, that it was not even going to put her son on a list and that it would be another two years at least before he gets any help in the form of his first therapy session. The other letter was a very nicely designed and printed leaflet from the Minister for Health, Deputy Harris, telling her when the Rugby World Cup games were on. She asked me: “How is there money for the Minister for Health to drop a leaflet through my door telling me when the Rugby World Cup was on, but he does not have the money for one speech and language therapy session for my son?” That is the reality of disability in this country today. We need to do better. The children deserve better.

Deputy Niamh Smyth: Last month, Fianna Fáil received disappointing figures which show that the numbers of overdue assessments of need - as provided for under the Disability Act 2005 - had risen from 3,500 to more than 3,700 by the end of June. The Disability Act 2005 provides for an assessment of needs for eligible applicants with disabilities. Assessments of need must commence within a three-month period of receipt of the application and must be completed within a further three months. In the middle of this year, more than 3,600 children with disabilities were being kept waiting for their statutory right to an assessment of need, as provided for under the Disability Act. While the figures had been falling during 2018, they have since moved up again and have gone even higher. Things are getting worse. To have so many children in a position where they cannot access their legal entitlement within a statutory timeframe is wrong. This matter needs to be addressed urgently.

We have seen an ongoing lack of progress in the provision of children's disability services. At heart, the Minister of State is a big champion of those with disabilities. Unfortunately, parents of children who have been waiting for that all-important assessment of need come to our clinics weekly. It is not just about the three month wait after the person has made the application, it is about the wait for years to have that first assessment of need.

I put it to the Minister of State that the figures do not lie. I shall outline some of the figures as of August last. A total of 719 children aged between six and 18 are waiting for a first assessment of need for occupational therapy in Cavan-Monaghan. To put this figure into context, in

Donegal, which is a significant county in the context of its size, there are 129 children waiting. The initial number of children waiting for an assessment for speech and language in the Cavan-Monaghan area is 629. Compare this to the Sligo-Leitrim area where it is 170 children waiting. There are 464 children in Cavan-Monaghan between the ages of six and 18 waiting for assessments for physiotherapy, in Donegal there are none and in Sligo-Leitrim there are 22. The figures do not lie and I do not think the Minister of State would even try to argue that there is not a distinct problem across Cavan-Monaghan with disability services.

My time is running out but I also wish to comment on the Annalee View respite centre, which offers services for parents of children with a disability and for the children themselves. The place was shut down because of an oil leak and we have been waiting for one year. The parents of those children have no respite for their kids since. We are no further on. The Minister of State has said that somewhere is earmarked in Cavan town and a HIQA report remains, but in the meantime there was a huge backlog in the first place for children with disabilities and since then the place has been shut down for one year. What is happening in Cavan and Monaghan in this regard is an absolute disgrace. The figures are what they are. I ask the Minister of State to please take a particular look at what is going on in Cavan-Monaghan.

Deputy Jackie Cahill: The general failures in the health service are a grave concern to all Deputies but when children are affected, it is doubly concerning. The fact that the services involved are for children with disabilities is extremely difficult to stomach. The Government continues to fall short on delivering for children with disabilities. Long waiting lists and waiting times seem to be embedded in the system, undermining the whole basis of early intervention policies. We have had promises in budget 2019 and we had promises in 2018 about filling therapy posts and other posts to deal with the huge waiting lists for children with disabilities. Unfortunately, only a fraction of those places has been filled.

My colleague, Deputy Donnelly, has outlined the national situation. The figures nationally are frightening. Deputy Niamh Smyth outlined the position in Cavan-Monaghan. I will focus on Tipperary. In south Tipperary, there are 49 children whose assessments of needs are overdue. In north Tipperary, there are 134 children whose assessments of needs are overdue. When we compare these numbers with similar sized counties, Tipperary is way down the list. My only conclusion is that Tipperary is again being forgotten when it comes to healthcare.

There are 200 families in my county who have children about whom a teacher or GP is concerned and where some disability may be at play. They are expected to languish for up to three years before they even receive a proper diagnosis. The chances of those children reaching their full potential is greatly hindered by that delay. This is the greatest crisis of all. These children are being denied their chance to fulfil their potential and after nearly a decade in power the Government has to be responsible for that.

Deputy Caoimhghín Ó Caoláin: As I did last evening, I put it to the Government in very clear terms exactly what it is that it neglected to do in last month's budget. Waiting list figures in the area of disability services for children have been unacceptably high for quite some time. There was an opportunity in budget 2020 to begin the process of clearing the waiting lists. There are serious delays for children waiting to access physiotherapy, occupational therapy and psychological treatments. I submitted a parliamentary question in June asking what the nationwide figure is for children waiting for psychological treatment in line with the provisions of the Disability Act 2005. That figure is 7,275 children. It is shocking. It is more shocking that knowing this the Minister of State has brought forward no new initiative and no new impetus

was contained in budget 2020 to address this shameful fact. These figures mask the frustration of parents, teachers and others who know well that a professional intervention is needed on behalf of a child who, sadly, now must wait.

We want to see these lists cleared as soon as possible mindful of the damage that can be inflicted on the development of young people who are clearly in need of various assessments and treatments and who are denied an essential early intervention. My colleague, Deputy O'Reilly, tabled a parliamentary question hinting at a possible solution that the national treatment purchase fund could be used to seek treatment outside existing public HSE structures to clear the backlog in psychological assessments. She was given a disappointingly terse response that sums up the Government's attitude to these disgracefully large waiting list figures. The response from the Minister of State, Deputy Jim Daly, was: "As psychological assessments and CAMHs services are not Inpatient/Daycase or Outpatient waiting lists within an Acute hospital setting, they do not meet current NTPF criteria." This seems to be totally at odds with the reply I received to my already mentioned parliamentary question. In it, the HSE's national director of community operations stated: "The HSE is fully committed to working in partnership with service providers to achieve maximum benefits for children with complex needs, and aims to ensure that resources available are used in the most effective manner possible." The reply also states that the HSE is fully committed, so where is this happening? The facts are that 7,461 children have been waiting more than 52 weeks for their first occupational therapy assessments and 7,444 children are waiting for physiotherapy assessments. We know well that treatment which is delayed, especially in childhood, can have a devastating impact, sometimes with permanent consequences. The delays in the approval and now in the dispensing of Spinraza is seriously limiting the ability of those children with spinal muscular atrophy to reach their full potential. The Minister of State knows the figures. He has supplied them to me and to my colleagues. There are many ways to go about reducing and finally clearing these shameful waiting lists. I hope to hear that the Government is to examine some new mechanism or means of addressing this scandal.

Sinn Féin remains utterly frustrated by the slow rate of progress towards the delivery of the rights contained in the UN Convention on the Rights of Persons with Disabilities. I ask the Minister of State to note this particular point very well. Similarly, we believe that the optional protocol should be ratified without delay. The argument that all legislation must be brought up to speed before it is ratified does not stand up. I have said to the Minister of State, including this week, that we need Report and Final Stages of the Disability (Miscellaneous Provisions) Bill 2016 to be brought before the Dáil. Let me put on the record, and I challenge any contradiction, that Committee Stage has concluded.

I remind the Minister of State that the Dáil passed a Sinn Féin motion in April calling for the establishment of an all-party Dáil committee that would spearhead the putting in place and production of an autism empowerment strategy within a specified timeframe of six months. What steps have been taken to implement that express wish of the Dáil?

Deputy Seán Crowe: The programme for Government suggests a strong commitment to early intervention for children. This not happening in my constituency or in the CHO 7 area. According to the latest figures from the HSE, 6,480 children in CHO 7 area are waiting for speech and language assessments and supports. Dublin South-West has the highest number of children waiting longer for assessments than any other place in the CHO 7 area. In Dublin South-West alone, 97 children have been waiting 18 to 24 months for initial assessments and 145 have been waiting over 24 months. It is the only place in the CHO 7 area where children

have been waiting more than 24 months for an initial assessment. It is not happening, despite the matter being raised here with the Taoiseach and various Ministers. There is a complete lack of urgency in their response. They appear to be oblivious of the day to day struggles that families are going through trying get access to these critical support services to which their children have a right. Many families are resorting to the courts in a desperate attempt to get help and assistance for their children. Is this the way forward?

Last month's budget contained no new funding to clear the backlog and the long waiting lists. Chamber House in Tallaght is missing a significant number of key personnel. Existing staff are doing their best but there is a lack key personnel here. This understaffing and long waiting lists has made it a very unattractive place to work. Who wants to go into an area where families and children are stressed and there are long waiting lists that are not being touched? Many of these children are non-verbal and have significant needs. Early intervention is key but its not happening. One expert told me that every day a child is left without these supports represents a backwards step of two days. For a child waiting more than four years for supports, and I know of a child who has been waiting four years and three months, it represents eight years lost in his or her development. Unfortunately, I know of many children in this predicament. This cannot be allowed to continue.

I am deeply concerned about the negative effect these delays are having on the mental health of families and children not getting the supports and services they deserve. This is clearly a system that is broken. It is unacceptable that the development of vulnerable children with profound needs are being held back because they cannot access basic supports and therapy. Let us be honest, it is because they do not have money to go down the private route. Once again, I appeal to the Minister of State to visit the area to see at first hand the challenges faced by parents, children and staff. I have asked his colleague, the Minister to do the same.

There is also a crisis in mental health services. CAMHS are available for all young people and their families who are experiencing mental health difficulties, such as depression, anxiety, suicidal ideation, eating disorders and psychosis. A total of 50 children in Dublin South-West have been waiting up to three months for appointments with CAMHS, 24 have been waiting up to six months and seven have been waiting up nine months. That is a wait of nine months for children who are crying out for help. The HSE has a target that no young person should wait more than three months for a CAMHS appointment. It is clearly breaking this but what is being done? No one, especially a young person in a mental health crisis, should have to wait long months for an appointment. A cry for help from whatever quarter should be heard and responded to as soon as possible.

I received these figures in a reply to a parliamentary question, which also stated there is a vacancy for a principal clinical psychologist in the CAMHS service in Dublin South-West. The staff running CAMHS are working extremely hard in difficult conditions. The long waiting lists and the crisis in mental health services stem from Fine Gael, with the support of the Minister of State. This is despite the fact that a reply to a recent parliamentary question to my party colleague, Teachta Buckley, revealed that the HSE has not spent more than €19 million allocated to it for mental health expenditure in 2019.

The inability of the Government to address the crisis in children and youth mental health services and to tackle the long waiting lists for speech and language supports shows it does not care for vulnerable children and their families. This is the big challenge I am putting to the Minister of State. Come to the area and talk to families and the staff dealing with this crisis.

No one should have to wait for four or four and a half years for supports. The families will go to court and what will that do? I hope they will get the supports. This is forcing people down a route they do not want to go to get services. If there is a commitment in the programme for Government, the Government is not following through on it. It is not being delivered on the ground and vulnerable children are being made to suffer.

Deputy Alan Kelly: Three clear components are required for progressing children's disability services, namely, assessment, early intervention and school placement. I will make my comments on these basics, which are considered the norm throughout Europe.

Since 2016, the HSE has been continually promising the roll-out of progressive disability services for children and young people. Obviously, this has not happened. Its goal is to ensure no family will be left without services. It aims to create effective teams working in partnership with parents and education providers to support children in achieving their outcomes. That is what it is all about. This is why I am so glad we are speaking about this today.

The HSE service plans for the years 2016 to 2019, inclusive, state - and, I presume the service plan for 2020 will do so - that the work to reconfigure children's disability services into geographically based children's disability network teams is under way. Every year it is stated that it is under way. I have been in politics for 13 or 14 years and we judge things on our clinics and what issues are becoming bigger. I have never seen as big a crisis in services provision for children who need them as I do now. When I first started in politics there were issues in this area but now my clinics are flooded with them. The Minister of State knows my area very well. During the course of the debate he has received many invitations to visit places and Deputy Crowe invited him to visit his area. The Minister of State knows my area very well because he spends a lot of time down there. I have never seen such a high number of families in distress. I have never seen so many families in the mid-west and south east, including Tipperary, who cannot get access to services, diagnoses, some form of intervention or school places. It is chronic and disgraceful. I am working with families week in, week out to try to put a pathway in place for them. I am holding their hands while trying to give them some hope. Recently, we started the process of giving families in Nenagh some hope by turning it into an autism-friendly town on the basis of what was done in Clonakilty and by bringing everyone together. Many people turned up and we have a functioning committee. We are going to do it, but the people involved are the same as those who are coming to me with their problems. The situation is disgraceful.

The HSE is consistently failing to conduct the assessments of thousands of children on time. If someone has money, he or she can have an assessment done. That is the bottom line. It creates complications down the line for hard-working families who get their own assessments done, though, given that they must then jump into the public system where some of their assessments are not accepted. Assessments now have to be accredited. I understand that process, but trying to explain it to the families can be difficult.

Children now face the dual hurdles of long waiting lists for initial assessments, which are the gateway to most State-funded therapy, and long queues for overstretched services. In August 2019, 7,615 under 18 year olds were waiting a year or more for an assessment. We have all seen the increases in speech and language therapy waiting lists this year, with 3,118 waiting for more than 12 months or so. Where I come from falls in the mid-west, in that north Tipperary is put with Limerick and Clare. Unfortunately, we suffer from that at times. When there is a lack of personnel, north Tipperary seems to suffer. According to the Government's own statistics, one of the worst areas in the whole country is south Tipperary, which is in the south east.

Basic assessments are not taking place and many children must wait more than two or three years. The knock-on effects on their education are obvious. I heard of one case where a nine year old from Tallaght was assessed as having high-functioning autism but whose parents were subsequently told that they would have to wait 44 months for an appointment. The nine year old would be in secondary school by then. That is the Ireland of 2019. How could any country stand over this? It is a disgrace of the highest degree. There is a ticking time bomb. We have failed in our duty to these children. It would not surprise me if, in the years to come, there are class actions of some kind against the State because of this failure of duty. Please bear that in mind.

One of my pet hates is the problem of school placements. I know a range of schools that provide places for children with autism. The special education needs organisers are left to their own devices and get very little support. They come to my office and say that they have rung every nearby school that provides services, including Kilruane, Puckane, which the Minister of State knows well, and Boher. All of these schools provide fantastic services. Some have been doing so for a very long time. After every school has been rung, the parents find out that they will not get a place. They will not even get a place the next year, although they might the year after that. This is not acceptable. I have raised this matter with the Department of Education and Skills.

There needs to be an holistic approach, as there are whole towns that do not have service provision, school placements and the capacity for these children. The Minister of State has taken direct action in respect of an area of Dublin and somewhere else. Service provision needs to be mapped so that there is timely educational service provision for all of these children. Why should they be discriminated against and not provided with educational opportunities and, unlike everyone else, have to wait?

I wish to discuss the geographical inequalities that I believe exist in the provision of services by the HSE. There is a postcode lottery. I urge that a mapping exercise in respect of service provision be carried out. If someone is in a certain district, he or she can potentially get a decent service. If that person is in other areas, though, he or she cannot. It depends on which division one is in and where there are staff shortages. This is not the way a service should work. There must be a relationship between divisions. We will have to map out the areas. I know them, given that both sides of my county, south and north, are up there in terms of having the greatest issues. If there is one thing I urge the Minister of State to do, it is to examine service provision and waiting lists geographically. Heat map and colour code them, then intervene directly. That is my only request of the Minister of State. It is a reasonable one. If the Government did that, I would come along the road with it and compliment it on finally doing something very productive.

There are major issues with the recruitment and retention of specialists in speech and language therapy, psychiatry and so on. We understand that, but there must be a staff retention strategy. I have raised this matter with the Minister numerous times. When someone leaves a post in any CHO area, the duration of that vacuum is colossal. This impacts on children's lives far beyond what should be the case. It happens because someone is retiring or, as is usual, leaving the country or changing jobs and moving into the private sector. We must have strategies in place to deal with that.

I ask that we adopt a strategy whereby the money follows the children, access to services is equal for all, and service provision and large waiting lists are heat mapped. On top of that, I ask

that the Minister of State work with the Department of Education and Skills in an holistic way to ensure educational provision for these children so that they are not left in limbo, which they are being across the country and definitely in Tipperary where there is no such service provision. There needs to be joined-up thinking between the Departments of Health and Education and Skills on this matter.

Deputy Gino Kenny: I want to try to be as constructive as possible, but that is difficult when-----

Deputy Finian McGrath: I would be surprised.

Deputy Gino Kenny: I am trying to be constructive-----

Deputy Finian McGrath: I know.

Deputy Gino Kenny: -----but it is difficult in this debate when one sees the stark reality of what parents have to face. Children who need intervention are being failed, which is the key word I will use. I do not doubt the Minister of State's bona fides. Rather, I am stating the facts, and the facts are that children are being failed on a grand scale. Parents are being forced to bring the Government to court because it is breaking the Disability Act. They have the stress not only of looking after their own children and seeking interventions, but of bringing the Government to court. Some parents are also being failed because they must go to the private sector and spend significant amounts of money. In some cases, they must remortgage their houses just to get interventions for their children. If a child gets early intervention, regardless of what that intervention is, the outcomes can be very beneficial, not only for the child's development, but for his or her parents.

The stark reality is shown in the figures I received in reply to a parliamentary question I tabled a number of weeks ago. I wish to record the reply on the Dáil record. My parliamentary question related to waiting times for specific interventions in CHO 7, covering parts of Dublin, Wicklow and Kildare. The reply is stark. The waiting time for an assessment of needs is 15 months. Children have to wait 15 months for an assessment of need, not to mention an actual intervention. This is contrary to the provisions of the Disability Act. The waiting time for speech and language therapy for children with special needs is two and a half years, as is the waiting time for psychological services. The waiting time for occupational therapy for children with special needs is 20 months while the waiting time for physiotherapy is 18 months. The Minister of State cannot defend that; he cannot defend a situation where parents with children who need interventions have to wait that long. He knows that the stress that comes with such waiting is incalculable.

The fact that parents and their children are unable to access necessary interventions within a reasonable timeframe represents a complete failure of this Government. This has been going on for the last seven or eight years but it could have been fixed. The welfare of children is paramount, whether we are talking about children in emergency accommodation, in direct provision or those who are disadvantaged by social exclusion and poverty. It is not their fault that they are homeless or that they have to wait two and a half years for an intervention. Parents are the voice for their children and we in this Chamber are the voice for the children who cannot speak up for themselves. If they could speak here, they would say that this Government has failed them miserably.

Deputy Joan Collins: The crux of the Minister's contribution is that there is nothing to see

here, move along, the Government is dealing with everything. He said that next year an autism group will be set up to look at the whole area of ASD right across the board. He referenced disability services and the Disability Act but the reality, as other Deputies have said, is that there are major problems for parents trying to access services for their children. The number of people who have approached me about disability services is phenomenal. All of them are having real difficulty in accessing services that they absolutely need. Deputy Gino Kenny referred to CHO 7, with which I am also very familiar. I have submitted numerous parliamentary questions on disability services in CHO 7 and will read through some of the direct responses I received in order to register the facts and the reality on the ground for people trying to access services in my area.

On 12 October 2018, I received a reply to a parliamentary question concerning a young man. I will not read through the entire response but will quote the following:

There has been very little movement in the School Age Team waiting list for external referrals. Children transitioning from the HSE Early Intervention Team are seen before the children referred by other agencies. The limited human resource capacity to address the waiting lists for intervention coupled with the demand and high deprivation in this area has been widely reported. The service requires a significant increase in resources to meet the needs of the children on these waiting lists.

That response came from the Head of Social Care, Community Healthcare, Dublin South, Kildare and Wicklow, that is, an official within the HSE.

On 22 November 2018, I received a reply to a parliamentary question seeking an update on services. The reply reads as follows:

There are currently 298 children on the Dublin South West School Age Team (SAT) waiting list.

There are a further 18 children awaiting transition from the Early Intervention Team to SAT.

The waiting time for the SAT is 41 months and is growing monthly because the Team does not have capacity to safely take on any additional cases.

There has been no movement in the waiting list in the last 10 months due to:

- the volume of children that are transitioning from the Early Intervention service
- the capacity caseloads of team members
- delays in the filling of vacancies
- maternity leave positions not being backfilled

The following resources are allocated to the School Age Team in Dublin South West which illustrates the current situation.

The reply provides a breakdown of the vacancies and continues thus:

The Team is operating without a dedicated Team Manager...which is an essential resource in managing resources and waiting lists within the Team.

A significant increase in Health and Social Care Professionals is required to adequately meet the demands of children in this area.

The situation is highlighted constantly through letters/reports and risk assessments.

I presume such letters, reports and risk assessments are being sent to the Minister of State. Again, that reply was from the Head of Social Care with the HSE.

On 5 March 2019, I received a reply to a similar question. I was informed that the waiting time for early intervention team intake is currently 14 to 18 months. Also in March of this year, I received a reply to a parliamentary question informing me that there were 333 children on the Dublin South-West school age team waiting list and that the waiting time had grown from 41 to 45 months. Again, the respondent informed me that the waiting list was growing monthly because the team does not have the capacity to take on any additional cases safely. As I said, the waiting time for early intervention was 14 to 18 months on 5 March 2019. By October of this year, the waiting time for the Dublin South-West early intervention team had increased to 22 months from the date of receipt of a completed referral. This is what people are facing every day of the week. The Minister of State comes into this Chamber and talks about what he is going to do. I am not questioning his motivation. I know where he comes from and am aware of his background but this is the reality. What is the Minister of State doing about it? Parents are having to go to court or to private providers in order to have their children assessed. It is an absolute disgrace. The Government should hang its head in shame on this. We are talking here about the most vulnerable people. They need assessments, early intervention and school based supports but it is not happening. This debate is well worth having but it can only be truly worthwhile if the Minister of State is willing to intervene and seriously address what is happening on the ground.

Deputy Maureen O’Sullivan: The working title for this debate is “progressing children’s disability services”. It must be acknowledged that progress has been made in this area, particularly if one thinks of children with a disability 50 years ago or even 20 years ago. Today there is more understanding of disability and more knowledge about the range of disabilities that exist. We know more about what needs to be done, how to do it and why; the issue is getting on with it so that no child with a disability is prevented from achieving his or her potential or from having positive educational and life experiences. Parents and guardians should not have to battle to vindicate the right of a disabled child to an education, health care and public services but sadly, that is the reality because of waiting lists and staff shortages.

I wish to acknowledge the teachers, nurses, social workers, SNAs, learning support staff, key workers, care staff and ancillary staff who are working with children with a disability. The key to services is co-ordination and consistency in recognising and answering the individual’s needs. St. Michael’s House published its Key Working Children Pilot Model 2018 recently which is all about ensuring that the interactions with services are co-ordinated, consistent and effective. It is also all about the individual’s needs. It refers to providing requested information and where to find it, co-ordination of clinical inputs and the provision of emotional support. The pilot is running at the moment and will be evaluated soon. The school-age disability team is concerned with enabling participation in life. The team is comprised of a range of staff who provide a range of different interventions. Indeed, St. Michael’s House has incredible staff.

Another service with which I am very familiar, as is the Minister of State, is ChildVision in Drumcondra. It runs individual programmes, provides a range of educational services and

access to specialists. There is a special play centre for children with visual impairment, a pet farm and extra-curricular activities like horse riding. The centre also provides skills training, mobility training and support for those who are over 18. We have the models of best practice in place already but access is not widespread. Many parents have to fight every inch of the way for their child with a disability, which is absolutely heartbreaking. It is particularly heartbreaking for parents with a child who has challenging behaviour in terms of their fears around what will happen when that child becomes physically strong.

The way forward is through the interdisciplinary disability network teams and the provision of services based on the child's individual needs, regardless of where the child lives or goes to school. However, this is taking a very long time. How many children have been left without the services they need, when if that service had been set up promptly it would have made a difference? The Minister of State knows about the need for maximum early intervention. A couple of months ago, the Ombudsman for Children was critical of the HSE and Tusla for failing to do enough to co-ordinate services for children with disabilities who are living in care. There was a lot of criticism that the agencies were not working together in an effective way. Again, I have to acknowledge those foster parents who take on children with a disability and we know about the lack of disability managers in the HSE.

We are talking about implementation and action on the joint protocol for interagency collaboration today. When we come to children with autism, there is no one-size-fits-all approach. A child with autism can cope and do well with support in a mainstream class and I have seen that. A child with autism may need to be in a special ASD class in a mainstream school but there has to be interaction with the non-ASD classes. Then there are times when there is a need for a special school, like ChildVision, which has a multiple disabilities and visual impairment, MDVI, unit. There is one glaring discrepancy in the statistics. We know the number of ASD classes at primary level but we need the same number at second level because those children do not suddenly lose autism when they become teenagers. It is frustrating for the child as they are in ASD classes at primary level and then they are put into mainstream classes at secondary level. It is a disaster for that child, for the other children and for the teacher. No ASD child should be passing his or her nearest second level school. We have far too many instances of schools saying they cannot cater for a child with ASD. I know this from my teaching days because we were a school that was welcoming of children with disabilities and we had schools in the area telling parents to send their children to St. Mary's Secondary School because they did not have the resources. We did not have any extra resources or finance but we had the right attitude of acceptance and respect for difference and we had staff who were innovative and inventive. Primary school teachers understand differentiation and the various methodologies from their training. We do not have the same training for second level teachers so we need more input there when it comes to training. Applied behaviour analysis is a way forward in dealing with challenging behaviour, if that can be brought into teacher training.

Members have mentioned access to psychological assessments in diagnosis. Early intervention cannot be put in place without a comprehensive assessment. The urgent issue is the full implementation of the services for children. It is hard to accept these gaps when we know about the amount of funding that goes into private education. It does not add up.

Minister of State at the Department of Health (Deputy Finian McGrath): I thank the Deputies who have spoken on this important issue. I welcome the opportunity to debate this important topic and the Government generally strives constantly to improve waiting times.

Deputy Fiona O'Loughlin: On a point of order, I was down next to speak.

An Ceann Comhairle: I am afraid you are not on the list.

Deputy Fiona O'Loughlin: The Whip's Office has assured me I am.

An Ceann Comhairle: Your name is not on the screen.

Deputy Stephen Donnelly: The debate was due to come back around. It was not set at just ten minutes per grouping. If there were other Members indicating they had the right to speak for ten minutes.

An Ceann Comhairle: But nobody had indicated when the Minister of State was called on and there is no-----

Deputy Fiona O'Loughlin: I was trying to get your attention a Cheann Comhairle. It is your ruling.

An Ceann Comhairle: It is and I am sorry but I have called the Minister of State so the practice is that once the Minister of State is called he replies.

Deputy Finian McGrath: I have no problem. I will support allowing time for the Deputy.

An Ceann Comhairle: The Minister of State is giving way. Off you go.

Deputy Fiona O'Loughlin: I thank the Minister of State. I appreciate him giving way and I will try not to be too hard on him in what I say.

Deputy Finian McGrath: After all that.

Deputy Fiona O'Loughlin: The Government continues to fall way short in delivering for children with disabilities. I know that as a sibling of someone with a disability. Long waiting lists and long waiting times seem to be embedded in the system we have, and they undermine the policy of early intervention. It is hugely important that we have the opportunity to give children the intervention they need at an early stage in their lives because the reality for children and for families of children with disabilities is that once they get the diagnosis there is a lot for them to deal with in that. As soon as the families begin to grapple with and understand what they are dealing with, they obviously want to get the best possible path forward for their children. The waiting lists we have leave an awful lot to be desired. There have been a lot of strategy announcements but unfortunately, the effects and benefits of those strategies do not seem to be making their way down to those who need them. The 100 extra therapist positions that were promised in 2018 are not in place. Of those that were promised at the end of September 2019, only 22 are in place. We need to have the number of therapists that have been committed to put in place.

The figures we received recently on the overdue assessments of need under the Disability Act 2005 detailed that they rose from 3,568 to 3,768 as of the end of June this year. That is really disgraceful. On the long waiting times for therapies, I want to speak specifically about the situation in Kildare and in Laois-Offaly in terms of speech and language services. The current waiting time for initial assessment is about 33 weeks. As of April 2019, there were 591 children awaiting speech and language services in the Kildare west Wicklow area. In Laois-Offaly, there were 424. Our chronic shortage of HSE speech and language therapists means children

are waiting months for an appointment and are losing precious months, weeks and days in their language development. Being able to communicate is a basic human right and being able to develop one's communication skills to the best of one's ability should be a basic human right.

On occupational therapy, there are a total of 910 children in the Kildare west Wicklow region waiting for occupational therapy assessment or intervention. A shocking 80% of children are waiting approximately 30 months to be seen and the remaining 20% are seen within 18 months, depending on staffing resources. In Laois-Offaly, the waiting list is almost 1,600, a frightening number.

On mental health services, there are now 100 children in the Kildare west Wicklow location who have been waiting more than 52 weeks for initial appointments to see a child psychologist. That is frightening. In a reply to a parliamentary question I had at the start of this month, I was advised the psychology service in the HSE was hoping to fill a position for a psychologist in Kildare town by 2020. There is nobody there at this point in time. As a county, Kildare has been hard hit with many families having experienced shortfalls in our mental health services in the past and it is up to us to make sure these shortfalls are not repeated over and over again.

On physiotherapy, 509 children are waiting in Kildare, 70 of whom are waiting more than 12 months. Physiotherapy is something it is difficult to wait long periods of time for. There are 560 on the waiting list in Laois-Offaly, with 100 of those waiting more than 12 months. It goes without saying that many parents have contacted me in huge frustration with the delays. Huge concerns linger over how long more they will have to wait. One mum told me the other day she has been waiting over four months and she has been told it will be another 18 months before her daughter is seen. She has opted for private care now but she had to borrow the money to do so. Access to services has a big impact on parents because they are getting completely stressed and they feel they are failing their children. That is very difficult. The system is failing vulnerable children and families.

There is plenty more I could say but I am conscious the Minister of State has given me some of his time and I appreciate that. The last point I will make is on the absence of progress in children's disability network teams since 2016. The HSE service plans for the last four years have stated that work to reconfigure the children's disability services into geographically-based children's disability network teams is under way but unfortunately we do not seem to be seeing any progress with this. We have to do better. We have to support our children with disabilities, their families and the support services that support them.

Deputy Brendan Smith: I appreciate that the Minister of State has taken the opportunity on a number of occasions to meet groups and individuals on my request. Nevertheless, there is a large backlog of assessments of need and follow-up treatment in Cavan-Monaghan. Recently, two additional occupational therapy and physiotherapy posts were appointed for Cavan-Monaghan and both therapists have commenced their employment, which I welcome, but we want to examine the background of the large backlog and delays in providing necessary assessments and follow-up treatment for children. It was only at the beginning of November that the assessments of need commenced for Cavan-Monaghan.

Currently, the wait for access to assessments and treatment by the child development team in Cavan-Monaghan, from the date of referral for occupational therapy and physiotherapy, is four years and six months. The figure for speech and language therapy is ten months, while in the case of psychology, treatment is provided only for children and young people in crisis,

due to the increasing demands and complexity of the current caseload. That is the up-to-date position as of the end of last month, according to the HSE. It is clear the service is in crisis and additional resources, therapists and clinicians are needed to provide even a modest level of service to children and families in desperate need of securing necessary supports for their children.

We in County Cavan are fortunate to have an Enable Ireland service that covers the Cavan-Monaghan area. Some 275 children access Enable Ireland services in counties Cavan and Monaghan, while a further 162 children wait to be assessed. The figures paint a stark picture of the need for a massive improvement in the delivery of assessments and follow-up treatment, if needed. I have brought the Minister of State to meet groups. He visited the area and we appreciate his personal commitment, but we need promises to be honoured, resources delivered and clinicians put in place because far too many families are desperate due to the lack of services provided for their children. In recent weeks, a number of families have contacted me to say that even though they cannot afford to do so, they are sourcing private services. It is unfair in the first instance that the children who need treatment do not get it, and it is further unfair that families have the additional burden of trying to source private assessments and follow-up treatment because the State fails to deliver it.

There is an urgent need to improve dramatically the services currently available in my constituency and I recognise there are problems elsewhere throughout the country.

Deputy Finian McGrath: I welcome the debate on this important topic. It is only right that I, as the Minister of State with responsibility for disabilities, and the Government, which constantly strives to improve waiting times for access to services for children, outline the measures we are taking. Everyone who has spoken during the debate, irrespective of party affiliation, shares a common desire, namely, to have the best possible services for all children with disabilities, as has been demonstrated during the debate.

Timely access to assessments and therapies is an important factor in a child's development. I fully understand that the delays in accessing services are a source of great concern for both children and their families. Every child with additional needs should have access to the necessary supports within a reasonable time to enable him or her to achieve his or her full potential, to maximise his or her independence and to live a rich and fulfilling life.

As I outlined earlier, the HSE has undertaken a number of initiatives to address the excessive waiting times for access to services, including the recruitment of 100 additional therapy posts to be in place by the end of the year, the appointment of the children's disability network managers to head network teams, and the introduction of a standard operating procedure for the assessment of need process. While some areas, including the Cork community healthcare organisation, CHO, area, which was raised earlier, have made great progress on the assessment of need waiting list, other areas have experienced difficulties with staffing, such as in recruiting and retaining certain professions, which I accept. All the CHOs were allocated some of the 100 posts, 65 of which will be in place by the end of November, while the rest will start in December. Cavan-Monaghan, which is in CHO area 1, received 12 of the posts, as did the CHO that covers north County Tipperary.

We accept the points raised in respect of the National Treatment Purchase Fund, NTPF. The HSE already uses private providers to help with the waiting lists.

As for the comments on autism, it spans many areas apart from that of health. The Depart-

ment is focusing on improving health services for individuals with autism.

Deputy Kelly made a point about progressing disability services. The disability network managers required to head the teams have all been recruited. The process was delayed for a long time due to union negotiations, and a Labour Court recommendation was another blockage in the system. The issue was resolved in recent weeks because the Labour Court determination supported the HSE in its appointment of new network managers, who can now be appointed.

CHO 7, which includes Dublin South-West, was allocated 13 of the 100 posts. It has had problems with recruitment and retention, and while that is not the only reason for the waiting lists, it is certainly part of it.

I have identified the blockages in the system. I take on board Deputies' views on the issue, but in tandem with the initiatives I have outlined, the HSE is committed to using innovative approaches involving public, voluntary and private providers to achieve the targeted reduction in therapy waiting lists. In addition to the recent funding provided for the autism action plan, since 2014, the rolling out of the programme on progressing disability services for children and young people has had a total targeted investment of €14 million and the provision of 275 therapy staff to increase services for children with disabilities. There was also an allocation of €4 million within the 2016 service plan to allow for the recruitment of speech and language therapists to address waiting lists in both primary care services and disability services, and the funding has provided an additional 83 posts. The recruitment of 40 new posts in occupational therapy was commenced by the HSE last year, and the HSE is reviewing options for the allocation of the posts in the various the CHO areas. The HSE experiences continual difficulties in both the recruitment and retention of some therapy grades and in some geographical areas.

I reiterate that in addition to being properly resourced, services have to be properly organised to be accessible to all children and young people, an important process that is under way. In budget 2020, as we know, the service plan to be announced within the next couple of weeks will exceed €2 billion in social care spending on disability services, despite the budget taking into account the possibility of a no-deal Brexit. The money is being invested and the line on the graph is rising, but we have much to do and I accept many of the arguments made during the debate about therapy services, which need to be developed.

Saincheisteanna Tráthúla - Topical Issue Debate

Medicinal Products Availability

An Ceann Comhairle: The first Topical Issue matter, which will be taken by Deputies Lisa Chambers, Ó Caoláin and Curran, concerns the roll-out of Spinraza since its approval in June. We have rarely heard as much in the House about any topic.

Deputy Lisa Chambers: I mean no disrespect to the Minister of State but we expected the Minister for Health, Deputy Harris, to appear in the Chamber to answer questions from me and Deputies Curran and Ó Caoláin.

5 o'clock

He has been on notice since Tuesday when this Topical Issue matter was first submitted. It was a reserved Topical Issue matter yesterday. I live on the other side of the country and I can be here for this debate. We will raise this matter again and demand that the Minister, Deputy Harris, present himself in the Chamber to answer questions. It will be well noted by the families and children waiting that he is not here.

The availability of the drug was announced in June. To date, only three of the 25 children who need Spinraza have received it. The HSE and Minister are fobbing families off and hiding, thinking they will get away with it.

I am helping Grace O'Malley, a child who lives in my constituency. She was told in no uncertain terms that she would have the drug by the end of October and to hold on. She has now been told that she is a special case because of a spinal rod in her back, something which is no fault of her own. She will now have to wait until next year. A new team will be needed and a new service will have to be put in place, and funding will need to be applied for in order to put that service in place. What does it say to a child like Grace who has no control over her ailment that she now has to wait? When will Grace and the other children receive this drug? When will the money be made available? We need a timeline and a date.

Deputy Caoimhghín Ó Caoláin: I agree that the Minister, Deputy Harris, never presents himself to be held accountable by the House. The announcement that Spinraza was to be approved by the HSE should have afforded the families of children living with spinal muscular atrophy, SMA, hope, respite and a chance to plan for the future. Many of the families affected came to Leinster House and stated with great dignity the impact that the denial of Spinraza has had on their lives, and a number have been forced to return.

Since 11 June, the continual denial of Spinraza to many of these children, now perhaps due to administrative and resourcing reasons, is having the same devastating impact on these children and their families. The headline of 11 June is not the endgame. If we are to go on the suggested data that only a small number of children currently have access to Spinraza, quite clearly the Government is failing children with SMA. I want a clear answer as to the number of children currently in receipt of Spinraza and why it is the case that not all of those who are entitled to the opportunity to see if the drug will make a difference in their lives are currently receiving it.

Deputy John Curran: Sam and Glen are two boys who live in Rathcoole and Clondalkin. They and their families were delighted and full of hope last summer when it was agreed that Spinraza would be made available to them. They had the realistic expectation that the drug would be administered to them over the summer holidays, but it was not. All hope has been withdrawn from them. There is no date for when it will be made available to them and they are very upset. They were thrown a lifeline which has now been taken away.

A month ago I asked the Minister how many children had received the drug and at that point in time none had. I understand that perhaps three children have now received it. We have raised this issue in the House, and have been fobbed off and told it is a complex condition and so forth. All of those facts were known last summer when the decision was made to make the drug available. The children were identified last summer; it is not as though new children have appeared.

The reality is that somewhere along the way there is a disconnect between the health service

which is administering the drug and the decision made by the Government which we all welcomed. We want to know how many children are currently in receipt of the drug. When will all of the remaining children start on the drug? We do not want to be fobbed off with references to this being a complex issue and so forth. We all know that. We want the decision of the House and Government to be implemented immediately.

Minister of State at the Department of Health (Deputy Finian McGrath): I thank Deputies Chambers, Ó Caoláin and Curran for raising this important issue. As far as I am concerned, I am taking this matter on behalf of the Minister, Deputy Harris, who sends his apologies. I will not fob anybody off.

I fully recognise that spinal muscular atrophy places considerable strain on SMA sufferers and that families are anxious to see their children who suffer from this debilitating and painful condition begin treated with this medicine. In June 2019, following a thorough review process and engagement with the manufacturer, the HSE leadership team approved access to the drug Spinraza for children with SMA types I, II and III on an exceptional and individualised basis.

The actual patient assessment and approval process is the means for determining access on an individual case by case basis to this complex and expensive treatment. Since July, 11 children have been approved for Spinraza treatment in Temple Street Hospital. Application for approval is based on clearly defined criteria and clinical guidelines being followed in each case.

Spinraza is injected during a procedure known as lumbar puncture. The actual delivery of this drug to approved patients in a safe and sustainable way requires very specific and quite complex service arrangements to be put in place. There are two categories of patients with regard to the administration of Spinraza. For category I, where the administration of Spinraza is deemed not too technically difficult, a consultant paediatric neurologist and lead clinician need access to the day ward as administration is performed under local anaesthetic. Each of these patients will also require a physiotherapy assessment pre-administration and recovery time in the day ward.

Category II are more complex patients who have already undergone spinal fusion surgery and insertion of spinal rods, which makes the administering of Spinraza potentially more complex. For these patients, the delivery of Spinraza will require specialist care to include input by an anaesthetist and an interventional radiologist with associated nursing and the availability of capacity in the paediatric intensive care unit.

It will be appreciated, therefore, that a considerable amount of service planning and assessment of patients at an individual level is required in order for treatment with Spinraza to be undertaken. The HSE has confirmed that the provision of auxiliary services to facilitate the administration of Spinraza to these patients is currently being worked on.

The Minister, Deputy Harris, has been advised by the HSE that four children are now receiving Spinraza, three of whom were successfully started on Spinraza treatment in Temple Street on 7 November. The HSE has also confirmed that Children's Health Ireland, CHI, is in discussions with colleagues across the three children's hospitals in Crumlin, Temple Street and Tallaght with regard to arranging a schedule so that administration of Spinraza can be performed for approved patients. As part of this process, CHI is engaging on an individual basis with the families involved regarding each child's treatment plan.

Furthermore, the HSE has indicated that a meeting has now been scheduled between CHI

and the SMA Ireland advocacy group at the end of November to discuss arrangements for the delivery of Spinraza. The Minister, Deputy Harris, has asked to be kept updated on any further developments. I will bring any of the concerns raised to date back to the Minister immediately.

Deputy Lisa Chambers: With all due respect, why is the Minister of State here to tell us what the Minister, Deputy Harris, has been advised? Surely he should be here to tell us what he has been advised.

The suggestion that administering the drug requires complex service arrangements is not new. I was told this many months ago by the children waiting for this drug, who knew all of this in advance. We knew about this before June. We have been told today, following approval of the drug last June, that the HSE is currently working on the facilities to administer the drug. What comfort and reassurance does that give to any child waiting on the drug? Three of the four children receiving this drug only started on it this month.

Why was the drug approved to great fanfare last June? It seems that the Minister, Deputy Harris, is quite keen to get the stress and pressure off his back. He will say whatever he needs to get out of a sticky situation. Making announcements of that nature, getting people's hopes up and then not delivering on them is cruel.

We in the House want to know when the Minister became aware that a new service and team would be required to administer this drug. When will the budget be made available to administer this drug? When will the remaining children receive Spinraza? We want a date and timeline, not more broken and empty promises and no delivery.

Deputy Caoimhghín Ó Caoláin: With respect, after the passage of so many months we are facing into Christmas and for the greater number of these families there has been no real delivery. I noted from the reply that the Minister of State has read into the record that 11 children have been approved. He went on to clarify that only four have actually been lined-up, and perhaps even only three are currently in receipt of the drug. There is an uncertainty in regard to this.

I wish to put on record that I understand and appreciate, as the families do, the wonderful trojan work that Dr. Declan O'Rourke, the prescribing specialist doctor for spinal muscular atrophy, SMA, children at Temple Street Children's University Hospital, is doing. He and the hospital are denied the infrastructure and support in order to carry out a much greater throughput of those at least 11 children initially. We need to see all the children given the opportunity for trial to see how Spinraza will work for them. Pray God it will make a difference for them all. That would be the hope of all of us, as it would be of the families.

I ask the Minister of State to reflect the frustration and vexation of the Members of this House to the Minister for Health for the failure to move this forward with the speed that it requires and his failure once again to be accountable to this House on this particular important matter.

Deputy John Curran: The Minister of State and I go back a long way but this is an appalling answer; it really and truly is. I know he is delivering it for the Minister for Health and that it is not his role, but this is absolutely shocking. These parents had the realistic expectation that within a number of months of having the drug approved, their children would be in receipt of it. This is a degenerative condition. Each child today is in a poorer condition than they were last summer. This drug should have been administered by now. The Minister of State set out

the two scenarios for the two types and he indicated for category 1 that it required access to a day ward. Surely to God in this country, in this day and age, we can have access to a day ward to administer this drug to these children.

Even the more complex cases should have been dealt with by now. I note that the Minister of State has made a strong point of saying that three children were treated on 7 November. I wonder if we had not brought to the floor of this House back in October that no child to October had received the treatment, would any children be receiving it now. We are not satisfied with this answer.

The Minister of State can tell the Minister that Members of this House and colleagues will continue to raise this issue until we get a straight answer. What we want to know, without talking about the complexity of the case because this was all known back in June, is when will all of those children receive their initial doses of this drug, Spinraza. Are there other issues going on behind the scenes that we are not aware of? Is the budget in place or is the Department trying to defer it until next year? Honest to God, the families and the children, in particular, are aware that their condition is deteriorating. We have to do better for their expectations and hopes. I hope that the Minister of State's supplementary answer is more positive, detailed and specific because we will bring this issue back to the House.

Deputy Finian McGrath: First, there is nothing else going on-----

Deputy Lisa Chambers: Yes, there is nothing going on.

Deputy Finian McGrath: -----behind the scenes. As far as I am concerned I fully recognise this is a very important time for patients, their families and carers.

As to the answer to the question, 11 children have been approved for Spinraza treatment in Temple Street Children's University Hospital and four patients have received the treatment of the medicine to date. Three of these started on 7 November at Temple Street - this is the key sentence - but there is no definitive timeline for the schedule of treatment for more complex cases. What I am saying is that the complexity of this treatment requires appropriate service arrangements to be put in place in Temple Street Hospital to ensure that the treatment and delivery of this medicine is conducted in a safe and sustainable way, appropriate to the standard of care that has been developed for the particular treatment. While I hope that access to this treatment will be provided shortly for all concerned, it is important to note that I or the Minister, Deputy Harris, have no role in relation to how clinicians manage the care of individual patients. All decisions are entirely a matter for the treating clinician, in line with the patient safety protocols and guidelines, which are currently being developed by the HSE to administer Spinraza. I will of course bring the issues raised by the Deputies today back to the Minister, Deputy Harris.

An Ceann Comhairle: The second important item is from Deputy-----

Deputy Lisa Chambers: On a point of order, a Cheann Comhairle, is the Minister required even to explain as to why somebody is here to deputise for him or are Members of this House supposed to just accept when somebody just does not bother to turn up? We are all here, is that-----

An Ceann Comhairle: I will explain. It is completely appropriate for a Minister to delegate a Minister of State from his or her own Department to take a Topical Issue matter. There is nothing unusual about that. If Deputies are unhappy, they can register a complaint with me

on the answer, or lack of-----

Deputy Lisa Chambers: The lack of an answer.

An Ceann Comhairle: -----availability of the Minister and we will attempt to assist.

Wastewater Treatment

Deputy Eoin Ó Broin: As the Minister is aware, the Environmental Protection Agency published its urban wastewater treatment report for 2018 earlier this week. As with its predecessor reports in 2017 and 2016, it makes for very depressing reading. While there has been a marginal level of improvement in both the number and volume of untreated wastewater that is going into our rivers, lakes and seas, progress is so slow that one can see the concern of the Environmental Protection Agency in the report escalating with each year. It is telling us that the number of priority areas where treatment is needed is now 120. Yes, it is down from 132, but is still very significant. It is telling us that improvements are needed at these 120 areas to eliminate raw sewage, prevent water pollution, protect freshwater pearl mussels, bathing water, shellfish waters, but crucially, to meet EU standards.

More alarming, it is telling us that sewage for the equivalent to 77,000 people in 36 towns and villages is released into the environment every day without treatment. In fact, half of this is from a very small number of larger wastewater treatment plants which are not currently receiving the level of attention that they require. The Environmental Protection Agency stresses that Irish Water is taking: “too long to complete some of the improvements necessary to protect the environment.” Delays mean that 13 areas will continue releasing raw sewage after 2021, the date that has been agreed if I understand this correctly by Government with the European Commission to ensure both compliance with the urban wastewater directive but also to avoid very substantial fines for failure to address those issues. The Environmental Protection Agency is urging Irish Water - this is relevant to the Minister in his responsibility - first of all to target resources to resolve environmental issues at the 120 priority areas, which the EPA itself is indicating are at serious risk of falling foul of the urban waste water treatment directive, but crucially to increase the pace of upgrades of deficient wastewater treatment systems to prevent pollution, protect public health and avoid financial penalties.

The Minister and myself have spoken about this at some length before. It is important to remind people that we have been subject to a very protracted enforcement proceeding from the European Commission dating back to 2013. The origin of that was very substantial cuts to capital funding in the upgrading of wastewater treatment plants in the three years leading up to that, namely, 2011, 2012, and 2013. While to date we have avoided significant fines from the European Commission, that is subject to us meeting the targets and the agreed upgrades that have been set out.

Every year we get the report from the Environmental Protection Agency. While it shows a little bit of progress, it also shows very significant levels of slippage in the upgrades that are so urgently needed. Can the Minister give the House some assurance that those key requirements of the Environmental Protection Agency, both to target the resources and to increase the pace of the upgrades, is going to happen? Can he tell us what engagement he has had or intends to have with Irish Water and other relevant local authorities on foot of these findings from the Environment Protection Agency? Does he also share the concern that many of us have on this

side of the House that we could end up having very significant fines as result of failure to meet some of the crucial 2021 targets for bringing these now 26 agglomerations up to the level that is required legally under the urban wastewater directive?

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I thank the Deputy for raising this issue and for providing an opportunity to give an overview of the Environmental Protection Agency's latest report, Urban Wastewater Treatment in 2018, which was published yesterday. The EPA issues this report on wastewater each year, as referred to by the Deputy, and it is an important piece of work. The EPA plainly sets out the significant issues in our wastewater sector. Many of these issues are long-standing. Without Irish Water acting to address these issues we would be in a worse situation.

The EPA reports on its assessment of monitoring results from cities, towns and urban communities as reported to the EPA by Irish Water and on enforcement activities carried out by the EPA during 2018.

I welcome the elements of this report that show Irish Water is making progress in many areas. The EPA has found the number of priority urban areas, that is, the areas where wastewater treatment most needs to improve, is down from 132 in 2017 to 120 in 2018, to which the Deputy referred.

In 2016, the EPA reported 44 towns and villages were discharging raw sewage — this is an unacceptable legacy of past underinvestment. However, by 2018 this has now reduced to 36. The majority of the remaining areas will have appropriate treatment by 2021.

As the EPA has pointed out, however, much more needs to be done. Wastewater is one of the main threats to the quality of our rivers, lakes and estuaries and it contributed to poor quality bathing water at three beaches in 2018, although the number was down from six the previous year.

Ireland's shortcomings in this area are not a surprise. In March, the Court of Justice of the European Union found that Ireland was in breach of the wastewater treatment directive. The judgment listed specifically 28 towns and villages that need upgrades. The EPA report shows that out of the 169 large urban areas in Ireland, 21 areas failed to comply with the EU's legally binding standards for the treatment of urban wastewater in 2018.

As I stated at the outset, Irish Water is now addressing these issues. In the period 2018 to 2024, Irish Water intends to carry out upgrades and improvements at these urban wastewater treatment plants to help ensure that treatment levels and capacity comply with the requirements of the urban waste water treatment directive.

In more general terms, our River Basin Management Plan 2018-2021 outlines what Ireland is doing to protect and improve all of our waters. Among a broad suite of measures, the plan sets out significant investment by Irish Water in urban wastewater projects. In support of this, the Government has approved the Irish Water Strategic Funding Plan 2019-2024, comprising of a €6.1 billion investment in infrastructure and assets and €4.9 billion in operating costs. In 2018, Irish Water invested €230 million in wastewater infrastructure. Further to this, Irish Water has stated that its investment in wastewater infrastructure is to increase to almost €400 million in 2020, as the amount invested in upgrading wastewater infrastructure matches the investment in drinking water for the first time. This will make a significant contribution to addressing Ireland's needs and bringing us into compliance with the urban wastewater directive.

Deputy Eoin Ó Broin: I thank the Minister for the reply.

It is important to acknowledge in the figures in the report that while there has been progress, if one scratches beneath the surface it shows that although a number of urban areas are coming off the list of those in breach of the urban wastewater directive and therefore subject to the European Commission's legal action, the volume of the waste that is going untreated into our rivers, lakes and seas is not reducing by the same percentage. That means that some of the large polluting areas continue to pollute. That is why that figure of sewage from the equivalent of 77,000 people in 36 towns and villages being released is so important.

I accept that the level of capital investment in upgrading these wastewater treatment plants has increased significantly, albeit from a low base. In the previous Fine Gael-Labour Administration, at one point it fell as low as €150 million. I welcome the fact that it potentially will reach €400 million in 2020.

I will ask the Minister two questions. Given that the 2021 target is so important, to ensure we are fully compliant with the EU urban wastewater directive and do not start to receive fines, will the Minister and his Department's engagement with Irish Water escalate quarter on quarter the closer we get to that to ensure the slippage we have seen in some of the upgrade timelines does not continue? Can the Minister also give me an indication that if further funds or other interventions are required, whether at a planning or a project development stage, he will work constructively with both Irish Water and the local authorities to ensure that by 2021, we will have the level of upgrades of these facilities that is required and that the aforementioned figure of the raw sewage of 77,000 people spewing into rivers, lakes and shores on a daily basis is not only reduced but, in fact, eradicated as EU law requires us to do?

Deputy Eoghan Murphy: I thank Deputy Ó Broin for the follow-up questions. I will make a couple of points and will come back to his specific questions in a moment.

Irish Water has achieved a 44% reduction in the amount of untreated and inadequately treated wastewater being discharged to our rivers, lakes and seas since it was established in 2014. It is doing good work in this regard. If we look at the 44 problem areas that we have been talking about, 14 of those areas already have had the works completed, 18 are under construction and we intend to get 12 through planning permission in 2020.

Of course, when the EPA talks about delays, it is fair to point out that not all delays are the fault of Irish Water or because something has gone wrong at that end. There are elements, such as the planning process, which it cannot control in terms of timelines etc. It cannot address every delay but it is trying to expedite this.

I cannot write a blank cheque in terms of future funding needs that might arise out of matters that have not been considered but it is good to note the political support that we have here. On a related point, yesterday we saw planning permission come through for the greater Dublin drainage scheme. It is a significant investment to treat wastewater. Then, regrettably, we saw the housing and water spokesperson for Fianna Fáil come out against that project. On the same day that the EPA landed this report about how wastewater is flowing into our environment and into oceans untreated and how we need to invest in it, and that we get planning permission for a much-needed investment in treating our wastewater, unfortunately, the Fianna Fáil spokesperson for water came out against it. My fear is that it is because of local constituency concerns and not in the national interest. I have not had a chance to hear the Deputy clarify that it is not

a local concern. We need to be clear here as a body politic. As the Oireachtas, we must invest in wastewater treatment. We must have new plants funded, planned for, designed and come into operation and we need to make sure there is the political will and courage to do that, even though it might rub up against some local interests or local concerns. We cannot let them stand in the way of protecting the environment but also our precious water resource.

Job Losses

Deputy Thomas Pringle: I thank the Ceann Comhairle for taking this important Topical Issue.

An Ceann Comhairle: It is good to see a Donegal man interested in north County Dublin.

Deputy Thomas Pringle: We are expanding our interests.

Deputy Damien English: I was confused myself.

Deputy Thomas Pringle: We have to look and see what other parts of the country are doing as well to see whether they are keeping up to speed with us.

SK biotek Ireland, based in Swords, County Dublin, has laid off approximately 150 staff. This is a serious situation. Only a year ago the company made an agreement that it would guarantee the terms and conditions of the staff for five years and yet here it is now laying off staff. The workers are left with no option but to strike to highlight their issues of concern.

The company refuses to attend the Workplace Relations Committee unless the staff agree to its preconditions on talking to them. This is viewed by staff as unreasonable and coercive, and the company's response is to lay off the employees directly involved in manufacturing. I believe that the staff members are right and we should not tolerate any employer trying to dictate the terms of a negotiation. I believe the Minister should not either, and that the Government should protect their rights. This is a complete breach of workplace relations in this country and the Minister needs to act now to ensure that the company respects its workforce and the office of the State, that is, the Workplace Relations Commission.

We have even seen a letter in recent days sent by the company informing workers that if they participate in a picket on the plant, they are making themselves unavailable for work and will not be entitled to jobseeker's benefit. Now the company is the Department of Employment Affairs and Social Protection as well, advising workers on what is happening there. The Government cannot allow this to continue.

The Government must take a stance in terms of protecting workers' rights and protecting the arms of the State charged with protecting the rights of those workers. It has to get involved in this situation and get SK biotek to come to the table without any preconditions.

Deputy Joan Collins: As has been said, over 150 workers at north Dublin pharmaceutical plant face being put on unpaid leave from today. Shift workers at SK biotek in Swords will be put on protective notice.

Connect trade union shop steward Ms Ruth Russell has said that SK biotek bought the plant from Bristol-Myers Squibb and signed an agreement protecting staff terms and conditions of

employment. This transfer of undertakings, protection of employment, TUPE, agreement is there to protect workers' pay and conditions for a period. That agreement was to last up to 2022. Within six months, this company, SK biotek, issued a 22-page document detailing a raft of changes which, Ms Russell claims, the company has refused to negotiate. SIPTU members are also involved in that. There are 94 SIPTU members and the remainder of the 150 are Connect members. They rightly have taken industrial action.

This is outside the bounds of the labour laws in this country. The TUPE regulation is a recognised part of legislation in this country, but the company is railroading and threatening the workers. Deputy Pringle referred to the letter which states:

While colleagues on Lay Off may have entitlement to Job Seekers Benefit you should also note that colleagues involved in Picketing due to Industrial Action have no entitlement to same. In addition to this, I must advise that should any colleague engage in Picketing for any period of the duration of Lay Off this also will disqualify them from Job Seekers Benefit. To receive Job Seekers Benefit colleagues must be readily available for work.

This has been used against workers previously.

This is a multinational company that is ignoring the industrial relations machinery in place and the Government has a policy of bringing such companies into the country. It is trying to put the workers under pressure, even before they go to the WRC by making them accept onerous terms. The Government must step in and instruct multinational companies that they cannot treat workers in this country in that way.

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): I am replying on behalf of the Minister for Business, Enterprise and Innovation, Deputy Humphreys, who cannot attend, for which she apologises. Naturally, she is very much aware of the regrettable ongoing issue at SK Biotek in Swords. I acknowledge that workplace disputes are never welcome news for workers, employers and the economy. That is why we hope this issue can be resolved as soon as possible.

As to how it has arisen, the Minister understands the company has placed a number of its employees on protective notice. This has resulted in the temporary laying off of up to 142 staff. Not all of the firm's workers, however, have been similarly affected. The company's decision followed a dispute between management and staff at the plant which had resulted in industrial action being taken in recent weeks. The company has stated its core manufacturing operations had to be closed down on account of the industrial action. I understand the company has written formally to the trade unions involved and asked that it re-engage with the firm through the Workplace Relations Commission. The Deputies have a different version, but it is something we can check out.

Clearly, it is in the interests of both sides that the dispute does not continue. As matters stand, the facility is not operating as normal and employees are temporarily out of work. Therefore, I urge both parties to engage meaningfully with each other and through the industrial relations machinery of the State in an effort to find a solution. I am also aware of how significant an employer the company is in the north Dublin area, with 370 people normally working at its facility in Swords. To be clear in responding to Deputy Joan Collins, we support all of those involved in job creation, both in indigenous companies of all sizes and multinational companies that locate here. We have a very pro-jobs environment, as well as a pro-employee environment.

There is strong legislation in place to support it.

As this is a key industry with valuable jobs, it is important that the issue be resolved. Industrial relations disputes such as the one we are discussing are not easy to resolve. They can weaken trust between the workforce and management and cause great anxiety and concern for workers and their families. Clearly, they do not contribute to the positive enterprise environment we are trying to create in this country. The reality is that both workers and employers have rights and responsibilities that must be respected. I hope balance can be restored as soon as possible. That is why the Government will continue to urge both sides to the dispute to enter into constructive discussions as soon as possible. It is in the interests of all those involved to draw a line under the dispute which I hope can be achieved very soon by engaging in discussions through the industrial relations machinery of the State which does a good job in such situations. That is the job it was set up to do.

Deputy Thomas Pringle: I thank the Minister of State for his response and appreciate that the Minister, Deputy Humphreys, cannot be present, which is fair enough. However, it is vital that the Government take a proactive role in dealing with this dispute. None of us wants to see the jobs lost or workers out on strike. However, the company has taken a very negative position, of which we have proof. It appears from the Minister of State's response that the Department might be getting only one side of the story. We must be proactive and state the company must be willing to offer to engage in negotiations without preconditions. The trade unions involved do not want there to be any precondition as that is the only way the dispute will be resolved. The Government must play its part in that regard and demand that both sides to the dispute go to the Workplace Relations Commission to negotiate without preconditions. That is where the negotiations can take place.

Deputy Joan Collins: I echo what Deputy Pringle said. Some of the workers have been working at the plant for over 30 years. They have invested their lives in the companies that have operated at it. SK Biotek commenced operations at the plant in December 2017 and gave a commitment to bring forward a contract of five years under the transfer of undertakings legislation. That is important legislation in protecting workers' rights. It was used when workers transferred from the local authorities to private companies providing bin collection and other services. Multinational companies should be told specifically that they must abide by the undertakings given. They cannot come back with a new set of onerous conditions after six months and tell the workers that they must accept them before going to the WRC. It is welcome that the company has written to the trade unions and that they have stated they do not want preconditions. I hope SK Biotek will also do the same and that the matter will be resolved. Nobody wants to be outside the gates six weeks before Christmas or after being employed for 30 years in the same manufacturing company.

Deputy Damien English: I thank both Deputies for their intervention by raising this issue. With reference to the TUPE regulation and the obligations in that regard, it is not for me to adjudicate on how the dispute should be resolved. We have apparatus in place to do just that. To be clear, regulations are in place and they are the same for all employers, be they multinational companies or otherwise. We do not differentiate in employment law between multinational and local smaller companies. All employers have responsibilities and there is a legal apparatus in place to ensure they are fulfilled. That legal apparatus does a good job. It is not for a Minister or a politician to step in and make that judgment call. The apparatus in place is successful and the legislation is very strong. We need to get it going.

I share the Deputies' concerns about the situation at the company. It is always a source of regret for me and the Minister to see people out of work, either temporarily or otherwise and certainly in the run-up to Christmas in six weeks' time, but it is not for the Minister or the Government to adjudicate on the source of the dispute between the employees and company management. Undoubtedly, there are different versions. I am not saying there is only one. We do not have all of the facts and I do not believe any of us does. Respective Governments have worked hard over the decades to put in place a strong and robust industrial relations framework in the State which is supported by all Members of the House. That framework is in place to deal with these regrettable disputes. It is, therefore, the proper forum in which to address substantial difficulties such as those that have arisen in this case.

We should be as optimistic as possible. The Minister and I are not aware of any reason the dispute cannot be resolved. I believe that is true for the two Deputies also. The company has a strong presence in Ireland. The employees value their jobs and, as Deputy Joan Collins said, have a long history of working at that plant under different ownership for 20 to 30 years. They are valuable jobs. Therefore, I urge both sides to the dispute to engage constructively together to have the difficulties resolved in order that workers can return to work and the facility can operate normally once more. Many others are dependent on it.

Traveller Community

Deputy Éamon Ó Cuív: I thank the Minister of State for coming into the House to deal with this issue. I am a little disappointed that the Minister is not present because when this Dáil came together, the importance of having line Ministers present to deal with Topical Issues was stressed.

A report was produced by National Traveller MABS which examined in detail the fuel poverty experienced by those living in mobile homes, trailers and caravans. The report is very readable and makes concise and implementable suggestions and recommendations. We must put the matter in context. I thank the Ceann Comhairle for the interest he has shown in the Traveller community by facilitating the establishment of an all-party committee to examine Traveller issues. The one fact that jumps out every day is that Travellers die at a lot younger age than the rest of us. They suffer far worse health outcomes. When one drills down, one continually finds that it all comes down to basic items such as accommodation. It is not the case that they have less access to doctors. In fact, many Travellers go to the doctor much more frequently than members of the settled community. When seeking to address their quality of life and health issues and mortality rates, one must always look at the issue of accommodation. We will not solve these accommodation issues overnight and get good standard accommodation for all Travellers. In Galway, one site did not have planning permission even though it had been a city council halting site for the previous six or seven years. However, the council did not do what it was obliged to and has been told what to do by An Bord Pleanála, which is to come up with proper accommodation that would be suitable for the Travellers all the time. There is no fault attached to the Travellers in that case as they were put there by the city council.

There are not many recommendations. One is that we should have either a rent-to-buy or a rental scheme for quality accommodation, caravans or mobile homes. That could be done easily as they are a very small community and the number who live in caravans and trailers is a small percentage of that. It would not be difficult if the will was there. The second is a

simple recommendation, namely that the fuel allowance would be higher than the standard rate of €22.50 for those living in caravans or trailers. The cost would not have much of an effect on the Department of Employment Affairs and Social Protection budget but it would make a major difference to those living in trailers, caravans or mobile homes. The next proposal relates to something I find difficult to understand. Where two caravans are in the same bay, there is only one fuel allowance payment between the two families. That could be sorted tomorrow and that would not break the Department's budget. One would not measure it in the spending of that Department. The final proposal relates to something that has deteriorated in the past seven or eight years, namely access to discretionary payments where there are particular health issues and where now there is an eight-page form to be filled following which there is no discretion. The applicant is expected to produce so many receipts and so much documentation that it can be very difficult, particularly for people with literacy issues to access the payment. I hope that the Minister of State will inform us that the Department has considered this and it will now deal with the report that Deputy Éamon Ó Cuív did not produce but that was done by MABS Travellers.

Minister of State at the Department of Employment Affairs and Social Protection (Deputy Finian McGrath): I am taking this question on behalf of the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty.

In July, MABS Travellers published a report addressing energy poverty among Travellers living in mobile homes and trailers. This report, which was based on analysis of 65 households last autumn, found that 77% of Travellers who live in mobile homes are in energy poverty and spend between five and six times more on energy than the average household. The report contains recommendations which relate to a number of Departments.

The Minister has asked her officials to examine the recommendations in the report specifically in regard to the fuel allowance scheme. This scheme is intended to assist low-income households with their energy costs. It is not intended to meet those costs in full. Since the analysis contained in the report was completed, the Minister announced as part of budget 2019 an extension of the fuel allowance scheme by one week, which came into effect in 2019.

It is currently a payment of €22.50 per week for 28 weeks, a total of €630, from October to April, paid to more than 372,000 low-income households, at an estimated cost of €240 million in 2019. In budget 2020, the Minister increased the fuel allowance payment by €2 to €24.50 per week. This is an increase of just under 9% and will increase the annual fuel allowance rate from €630 to €686, that is, a €56 yearly increase, which is due to take effect from January 2020.

On the recommendation that fuel allowance be paid to families sharing single-use bays, the Minister stresses that fuel allowance can only be paid when the household is on an approved site, publicly or privately owned, with planning permission for the caravan or mobile home. However, where someone lives in a residence, which is without planning permission such as in the case where an additional mobile home or caravan is placed on a bay designed for single use, these additional places of residence are not eligible for fuel allowance.

The Department also pays an electricity or gas allowance under the household benefits scheme at an estimated cost of €188 million in 2019 and this can provide support to eligible Traveller families. In addition to the fuel allowance and the household benefits scheme, the Department provides supports under the supplementary welfare allowance, SWA, scheme, which includes a heating supplement. This supplement may be paid to a person who lives alone or

only with a qualified adult or children and who has exceptional heating needs due to ill health or infirmity. There is no standard rate for a heating supplement and each payment is awarded taking into account the individual circumstances of the case, therefore, providing for flexibility in its administration. There are currently some 1,240 recipients of this payment.

Finally, the exceptional needs payments, ENPs, may be made to help meet an essential, once-off cost, which a person is unable to meet from their own resources, and this may include exceptional heating costs. In 2018, over 2,400 ENPs at a cost of almost €631,000 were made under the ENP category of heating. To date in 2019, more than 1,200 such payments were made at a cost of €354,000. The Minister advises any persons who are unable to meet their heating costs to contact the Department's community welfare service at their local Intreo centre for assistance.

While the Department provides a range of income supports that are available to individuals to offset the cost of energy the Minister also notes that the report found that only 14% of mobile homes are insulated. What is required, therefore, to address energy poverty among Travellers on a sustainable basis are the report's recommendations relating to the need for a State-financed rental or rent-to-buy scheme to provide good quality mobile accommodation for Travellers more widely accessible.

Deputy Éamon Ó Cuív: Mair a chapaill agus gheobhair féar. The Minister of State is telling us to wait for this great new scheme the Government will introduce whereby everybody will have an absolutely fantastic mobile home, trailer or caravan but that, in the meantime, people should freeze. I do not know if any Minister has ever stayed in a mobile home in the winter. It might be fine for someone in Ballybunion for the summer, but a mobile home is very hard to heat in the winter.

The reality is that it takes an awful lot of time in this State to make simple decisions. I would not mind if there were a significant number of consequences or significant costs involved. The Department's budget is approximately €20 billion per year. It is very hard for people to get their heads around that figure but I will put it in simple terms. It is equivalent to worrying about 50 cent if one has €20,000 in one's pocket. The proportion is the same. Doubling the payment to those living in trailers and mobile homes would cost approximately €500,000, which is not a large sum out of a budget of €20,000 million.

I was fascinated by what the Minister of State said about planning permission. Perhaps in his response, he will address whether, if the local authority does not have planning permission, it disqualifies the residents erecting the halting site from getting the fuel allowance. What justification could the Department have for such a decision?

The reality is that this issue has just been put on the long finger. We seem to spend more time studying the obvious than making decisions. As I said, there will be no big knock-on effect. The Government is just trying to avoid somebody saying Travellers got something. My answer to that is that the Government should look at all the statistics, which point to the fact that there are a lot of things in life Travellers do not have.

Deputy Finian McGrath: I accept the point on Traveller accommodation and health and mortality issues. Nobody is disputing those points and I accept that we must respond to them. In my response on behalf of the Minister, I stated the exceptional needs payments and the option of contacting the local Intreo office could deal with heating cost issues. I will bring the local

authority planning permission matter to the attention of the appropriate Minister as there is a problem that we can see very clearly.

The Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, is currently considering the recommendations made by the expert group on Traveller accommodation with a view to implementing appropriate actions and policies to improve the delivery of Traveller accommodation nationally and help to ensure full use is made of the increasing level of funding available for addressing investment in Traveller accommodation. The budget is there and it needs to be rolled out. We will need support for that plan as well.

Overcrowded Housing Bill 2018: Second Stage [Private Members]

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

This Bill forms a small part of Fianna Fáil’s practical and evidence-based suite of measures designed to produce an emergency-level response to the ongoing crisis in housing. A generation face being left scarred from the Government still not admitting the scale of the crisis or making the necessary decisions. The unprecedented costs and acute shortage of homes available is driving a national rental crisis. This has allowed some unscrupulous landlords to exploit the position and cram renters into rooms. An “RTÉ Investigates” programme in 2018, “Nightmare to Let”, revealed the scale of the problem across Ireland. Local authorities are not adequately equipped to inspect rental properties and lack proper legislative backing to address overcrowding. I know in Wicklow only a tiny fraction of rental properties is inspected and this is the case in all local authorities. This Bill will strengthen the legislative framework for tackling overcrowding by putting in place an up-to-date definition. It should be reinforced by additional resources to local authorities to roll out comprehensive inspections.

Our Bill puts in place a new statutory definition of overcrowded housing to replace the outdated 1966 definition and the limited penalties currently used. The aim of the Bill is to provide clarity to ensure landlords cannot exploit the current rental crisis to impose unsafe and substandard living conditions. It sets the basic minimum and not the preferred option or the standards for new builds. Whereas fire safety legislation can be used to tackle issues such as the overcrowding we saw in the RTÉ programme, it does not cover all units and it does not encompass quality of life standards. The Bill draws from UK and Canadian provisions to establish a new standard. It also sets out stronger penalties for breaches of the standard.

Some 3,544 people have cited overcrowding as the primary reason for applying for social housing. This hints at the scale of the problem. We need to increase supply to tackle the housing crisis and not turn a blind eye to falling and potentially dangerous standards. The RTÉ documentary revealed the scale of the problem but as rent levels continue to rise, it has only worsened. This Bill should form part of a new deal for landlords and tenants that keeps units in the rental market while protecting tenants.

As I stated earlier, the statutory definition of overcrowded housing has not been updated since the original Housing Act in 1966. The definition is out of date with respect to modern household composition, as it reflects societal norms of 1960s. For example, it does not include cohabiting couples and single-sex partnerships. The existing penalties for the owner of a house

for infringement are far too light to act as a deterrent, as they are a fine of €2,500 or one month of imprisonment. Information on prohibition notices issued by local authorities under section 65 relating to overcrowding is not collated by the Department but the suspicion is that there have been very few, or possibly none, that section.

Under section 64, local authorities have extensive powers to request information from building owners on the occupancy of their dwellings but they do not regularly do this or collect regular data on it. This is because the current definition is so out of date. There is strong suspicion that there have been no or very few fines or penalties issued to building owners under section 65 of the Housing Act 1966 for housing overcrowding. Overcrowding in private rented accommodation is usually dealt with under fire services, building control and dangerous substances Acts, which give local authorities extensive powers of inspection and enforcement. All this may be relevant to fire safety arrangements in properties other than those specifically excluded under the Acts. However, one objection to this is that, in general, the provisions of such fire services and building control legislation and associated inspection powers do not apply to single unit dwellings that are owner-occupied. This includes, for example, caravans and mobile homes, which have been the subject of serious fire safety and overcrowding concerns in recent years. This legislation is usually taken as applicable in dwellings within multi-unit developments or mixed-use buildings.

In any case, there is still a need for a statutory definition of overcrowding and housing bodies have called for it. Threshold has stated:

At the moment we are reliant on the provisions of the fire and safety regulations and planning law. This lack of clarity means some landlords are taking advantage of the housing shortage. Not only are renters being exploited financially but their lives are being put at risk. Threshold is urgently calling for emergency legislation to be put in place introducing a legal definition of overcrowding to prevent unnecessary deaths as a result of poor living standards.

Aside from immediate safety concerns, the definition is relevant for social housing needs assessment purposes. Fire and building control regulations will only help in cases where overcrowding is so severe that it causes a serious hazard to the occupants. That is not the case with much overcrowding. For example, a family living in a flat that is so overcrowded that the children have nowhere to do their homework or are forced to play out on the streets because there is nowhere to play will not, in itself, create a serious hazard. However, it is going to create major emotional and developmental difficulties for those children and it is going to work against other Government objectives, such as trying to improve basic standards of education. We are looking for another mechanism to pick up that sort of impact of overcrowding, which lies short of a serious, immediate hazard.

Data published by the Department of Housing, Planning and Local Government indicates that of 25,814 dwellings inspected in 2018, a total of 20,414 were substandard, representing 81% of premises inspected. Additional resources are clearly needed and a new quality certificate model of private rental units must be rolled out. This is a technical Bill but it provides assistance to the State's efforts to tackle substandard rental accommodation and provides a more modern benchmark for the rental sector to aim towards. Our acute rental crisis will need radical Government action if we are to make any impact on the standards and supply of rental homes.

We in Fianna Fáil propose a three-step new deal for renters and landlords based on tenant

rights and rent certainty, quality of accommodation and increasing supply. These plans would help to create a stable, viable rental market for more than 457,000 tenants and 175,000 landlords. On tenants' rights and rent certainty we propose to strengthen security of occupancy for families and long-term tenants. We want a new deposit retention scheme and we will deliver affordable and predictable rent with a strengthened rent pressure zone system.

With the quality of accommodation being offered to tenants we propose overhauling the Residential Tenancies Board, RTB, with new investigative powers and substantial extra resources to ensure that this essential market operates to the highest possible standards.

6 o'clock

Fianna Fáil supports a much stronger regime of inspection and certification of rental properties. We also need to protect the owners of rental properties and, to that end, we will strengthen landlords' rights to remove rogue tenants. The latter must be identified and dealt with because they prevent homes from entering the rental market and force existing landlords out of the rental market.

We all know that the elephant in the Chamber is the question of how to increase supply. Fianna Fáil has innovative, radical and purposeful policies in this regard. We will provide incentives to encourage rental unit supply, such as local property tax deductions and reduced commercial rates for above-the-shop unit lets. We propose a substantial financing packages for new build-to-rent units, an empty property refurbishment grant to repurpose existing properties into homes, and assistance for involuntary landlords in negative equity.

I welcome the debate on this Bill. Its provisions can help to facilitate a substantial increase in the number of quality rental homes available for the thousands of people in need of them. I acknowledge the Minister of State's proposed amendment, which we intend to support.

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): I move amendment No. 1:

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

"Dáil Éireann, while acknowledging the relevance of the Overcrowded Housing Bill 2018, in the context of serious cases of overcrowding that have occurred in the rented sector, resolves that the Bill be deemed to be read a second time this day three months, to allow for further consideration of the statutory amendments that might be appropriate to the overcrowding provisions in the Housing Act 1966, with a view to their inclusion in the next Residential Tenancies (Amendment) Bill."

I thank Deputies Casey and Cowen for bringing forward this Bill, which allows us to discuss how we can tackle cases of severe overcrowding. Such cases arise particularly from the actions of a small number of unscrupulous landlords. Instances of gross overcrowding, while relatively rare, are utterly unacceptable and we all wish to find solutions that will prevent them.

The Bill as drafted applies to all housing, including owner-occupied properties, social housing and the rental sector, which means the impact is broader than may have been intended. The further time I am seeking will facilitate further consideration of the issues raised by the Bill and the inclusion of proposed amendments to the overcrowding provisions in the Housing Act 1966 in the general scheme of the residential tenancies (amendment) Bill that is expected to be

submitted to Government for approval in December. We would like the issue of overcrowding considered in tandem with the amendments we will be progressing in that Bill, which will include other important reforms to the rental sector. The Minister said during the debate in July that we would have another rental Bill coming later in the year. I am sure we will have a lengthy discussion in the House on those proposals.

Like Deputy Casey, I understand the need to update the provisions in Part IV of the Housing Act 1966 to reflect modern standards and the changes to living patterns in recent years. The Deputy asked about the number of prosecutions that have been made under that legislation. I do not have that information to hand but I suspect he is not far off the mark in his estimation. I will try to get those figures for him. The need to update the potential penalties for breaches of the overcrowding provisions is apparent and I agree with the proposals in the Bill in this regard. Gross overcrowding, where accommodation can contain many multiples of the numbers of occupants it is designed to hold, has obvious and potentially serious safety implications. Increasing the penalties for offences arising under Part IV of the 1966 Act is entirely appropriate in the context of those who exploit others in such a way in order to enrich themselves. However, the Bill as drafted does not give housing authorities greater powers to enforce the overcrowding standards. The provisions under sections 64 and 65 of the Housing Act 1966 provide for obligations to give particulars relating to a house to a

housing authority at its request by way of a notice. Where the authority sees fit, it can serve a notice on the owner specifying the maximum number and categories of persons who may occupy it, and non-compliance with such a notice is an offence. We need to examine what powers housing authorities require in this respect, particularly where there is a serious threat to life or to the health and well-being of the inhabitants. In those circumstances, the power to seek an immediate order of the court specifying the maximum number of people permitted to occupy, or ordering that the house be vacated, may be required. I understand there has been some consultation with a number of local authorities to determine how such provision might best be facilitated in legislation.

The definition of overcrowding proposed in the Bill is slightly unclear and needs to be tightened. The changes proposed to the age up to which people may share a room and the size standard of that room appear to have a range of unintended consequences for ordinary households and serious implications for many aspects of housing policy. We will be happy to work with the Deputy to clarify these matters. The Housing Act 1966 defines overcrowding as people of opposite genders sharing from age ten, except for adults in a relationship, and requires free air space of 1 1.33 cu. m per person. This equates to a floor space of 4.65 sq. m in a room with a standard ceiling height of 2.4 m, which would be a typical small box room that can fit a single bed. Having examined the complex space standards proposed, we conclude that while in certain instances they are an improvement, where they provide for more free air space for one person, they could also lead to a reduction in the minimum allowable free air space for two people when compared with the existing standards, building regulations and planning guidance.

Looking at the room standard as proposed in the Bill, a range of other issues quickly become apparent. Room sharing by opposite-sex siblings aged five to nine would amount to overcrowding and that is a significant policy change that has implications for the social housing sector in particular. The Deputy referred to the UK and Canadian models and the age brackets applicable in those instances. These are issues we can analyse further. Room sharing by more than two adults of any gender, no matter how big the room may be, would also be defined as overcrowding, again with serious potential implications for the rental sector. At present,

where the room is large enough, more than two people of the same gender may occupy it. For example, three same-gender students can share a room. The new definition would categorise this as overcrowding and landlords would be expected to abide by the standards. This seems to me to be an unintended consequence of the provision in the Bill. In some cases, such sharing configurations are appropriate and do not constitute permanent family living.

The Bill as drafted would also rule out a visitor over five years of age sharing a room with two others, even for one night. As such, a situation where several children are having a sleep-over might constitute overcrowding under the definition proposed. I am sure this is not the intention of the provision but it might cause difficulties of interpretation with the legislation. Another significant impact of the final part of the space standard proposed in section 2 is that many currently acceptable dormer bedrooms would not meet the new standard.

The Bill's definition of overcrowding would also have implications for housing delivery. On a basic level, it would mean that a greater number of units, and, within that, a higher proportion of larger units, would be required within the national housing stock to house existing households. This would worsen the gap between available and required stock. While the intention may be good, we must consider the types of housing we will be bringing forward. There would be additional implications for those current social housing occupants who, under the new definition, would be expected to move to larger local authority houses due to family size and composition. Some households accommodated through the housing assistance payment scheme would have to source larger dwellings. All of this would significantly add to the cost of social housing provision. There are implications, too, for immediate stock availability. Again, the intentions are positive but we must bear in mind the consequences. In many towns, it is difficult to find four or five-bedroom houses for larger households. In some cases, six or seven bedrooms are needed and local authorities are often required to be imaginative in finding solutions for large families. The data show that a significant portion of homeless families are also large families. The Bill's provisions might further complicate that difficulty. We need to analyse the requirements for existing tenants while also keeping in mind the requirement to find homes for those who need them urgently.

The increased use of inspection and-or notice powers under the 1966 Act and the strengthening of enforcement powers associated with overcrowding as currently defined will support housing authorities in tackling instances of serious overcrowding in a more robust manner. This should achieve the aim of reducing the incidence of overcrowding in the rented sector more effectively than amending the definition. There is an issue in terms of the increased resources and personnel required to follow up and implement a more robust regime. In fairness, some local authorities are leading the charge in this regard and already have high rates of inspection. In other cases, the inspection rates are quite low.

By 2021, all local authorities are expected to meet a national standard such that 25% of all houses in the private rental market will be inspected every year. This will mean that in a four-year cycle, all private rental properties will be inspected. It has been noted that where inspection rates are high, the incidence of discovery of poor living situations also tends to be high. That is because inspections are generally targeted and based on information collected. One would expect to find issues in such cases. This type of targeted inspection is not ideal. Instead, we are seeking to be more proactive in having a regime where 25% of properties are inspected automatically every year. Increased resources were allocated for that last year and this year in order to get us to that level by 2021. We would all agree that we would like to get there more quickly if we can. Many local authorities to whom I talk are aware that this has to be carried

out. They understand they have a duty to do this. I accept it is not the case that they all do so. Again, it is an issue of resources and time for some but we will work with them to get to that level.

With all of this in mind, it is our intention to bring forward amendments to the 1966 Act in the next residential tenancies Bill. These will achieve the goal of Deputies Casey and Cowen without the potential negative consequences, many of which I have outlined. There may be issues as we go through it. I understand that when legislation is drafted there can be side-effects or unintended consequences. I am assuming that is the case, as I have mentioned. While the general intention behind the Bill is acknowledged, the Government proposes to defer the reading of the Bill for three months to facilitate further consideration of the issues raised and the inclusion of proposed amendments to the overcrowding provision in the Housing Act 1966 and in the pending residential tenancies (amendment) Bill. I understand Deputy Casey is accepting our amendment. I acknowledge that. Very often when we have discussions such as this we ask for six or seven months and people do not believe we will come back and do anything about it. In this case, we genuinely want to find solutions. There is some positive stuff in the Bill, with which we would agree. I have outlined some of it. I hope we can bring in some of the needed changes in the months ahead.

Deputy Eoin Ó Broin: I thank Deputy Casey for introducing the Bill. I also thank the Minister of State, Deputy English. I accept that his commitment to introduce amendments to deal with this issue is genuine. The issue of overcrowding in our housing stock is very significant. It is important to acknowledge that it is now two years since the documentary “RTÉ Investigates - Nightmare to Let” showed some of the most appalling overcrowding many of us had seen in a long time. It is important to acknowledge, however, that kind of overcrowding is not the most common, nor is it the only kind of overcrowding this Bill tries to address. It is important to reflect on the kinds of overcrowding with which we deal every day.

In a very large number of local authority houses three and, in some cases, four generations of the one family live in exceptionally cramped circumstances. This is because a lack of supply of social housing or other available housing options over many years. It is not uncommon in my constituency or, I am sure, those of other Deputies for two adults and two children to live in a box bedroom of 7, 8 or 9 sq. m for a very extended period of time. It is not just that it is cramped, it is also unhealthy and unsafe as a result of condensation and damp impacting on the respiratory well-being of the tenants, in addition to the enormous stress and strain it puts on family relationships. I think of one family in my own constituency. Ten adults over three generations were living in a standard three-bedroom 1980s local authority house. That was not unusual or exceptional.

A significant amount of overcrowding also comprises people sleeping on the couches of members of their extended family. This is often described as hidden homelessness or sofa surfing. These are cases where people cannot get accommodation and their extended family does not have an additional box bedroom. This also causes significant issues.

Something I have started to notice more recently in the private rental sector is cases of multiple families renting private homes. These people are not even eligible for social housing support. They are often people with relatively decent incomes but, because of the high price of rental accommodation both in the city centre and the suburbs of Dublin, it can be the case that two professional working families with children rent a house that was only intended for one. I can list a number of cases in which three extended families are forced to share simply because

of the cost of rental accommodation. This results in many difficulties.

We also have a lot of older single men, many of whom may have separated or divorced and left the family home to the wife and children. Some of these men have issues with alcohol addiction or with their mental health and are living in very unsanitary and overcrowded accommodations that are almost like flophouses. This also raises issues.

If we are going to design not only a new definition but also a new enforcement regime, we have to ensure we capture all of these circumstances to make sure that those people do not continue to live indefinitely in appalling housing conditions.

I share and support the intention of the Bill and we will therefore support it, notwithstanding the Government's amendment. Given that the proposers are supporting the Government's amendment and that we accept the Minister of State's intention, we are happy to endorse it.

The comments I will make in the last few minutes I have are made with a mind to influence the debate around those amendments because that is where this will ultimately go. I agree with the Minister of State, Deputy English, with regard to the comments he made on the technical outworkings of the proposal before us. Any definition has to be assessed against our building standards and the Department's technical guidance documents, including those on design standards, particularly those which were recently introduced - albeit with a lot of criticism from myself and others - in respect of studio apartments and co-living. The definition needs to be assessed very closely against the minimum standards for the private rental sector but also against the design standards for local authority housing. The Minister of State alluded to this. In some cases, the floor area per person described in table 2 on page 4 of the Bill would require a change in design standards for local authority housing or could result in housing currently under construction falling foul of the new standards. We have to work all of that out.

We also have to look very carefully at enforcement. One of the difficulties with the current enforcement regime is not only that there is not an adequate level of inspections and that the sanctions are too weak, but that sanctions are not imposed immediately on an offence being identified. In fact, people in breach of the existing standards are given time to rectify that breach. Even in the case of the very serious breaches identified in the properties featured in "RTÉ Investigates - Nightmare to Let" two years ago, under the existing legislation the landlords would be given time to rectify the issues before facing any sanction. That is an appalling state of affairs. If there are standards and if a serious breach of those standards is an offence, people should not be given time to rectify such breaches. They should be immediately sanctioned, followed by an opportunity to rectify to avoid further sanction.

I will express a concern. The Government has a target of inspections of 25% of all private rental properties by 2020 or 2021. On the basis of the latest National Oversight and Audit Commission figures, we will not reach that target. Whether this is a result of a lack of funding being provided by the Department and the Minister, or whether local authorities are failing to employ staff or get inspections up and running, we need to inspect that 25% of properties and we need to do so much sooner than the 2021 deadline. There is little point in spending a lot of time putting a new definition in statute but not carrying out the inspections. Some local authorities are still only inspecting 5% or 10% of rental properties. Others are doing much better. A failure to inspect, however, means that all of our work will have been in vain.

The other crucial thing is, if we introduce new standards and a better enforcement regime,

where do people go? I will take for example the case I mentioned in which two families, comprising four adults and six children, are living in a private rental property in my constituency which was designed for a standard family of two adults and two children. Where are those families going to go? Where are the properties going to be, whether they be social, affordable purchase, or affordable rental? Where new standards are introduced, which should be ambitious, we need a parallel assessment of the number of properties that will be affected and of the lead-in time for enforcement. We cannot force people into homelessness because of a lack of available alternative housing options on the social, affordable or private end as a result of the new standards.

The converse, however, is that we should not allow the poor supply of housing to lower our expectations of what the standards should be. I am not, in any way, arguing that we should not have the highest possible standards. In fact, I am arguing the very opposite. In parallel with those standards, we need to be far more ambitious with regard to the delivery of the required social and affordable housing.

We are happy to work with the proposers of the Bill and with the Minister of State in committee to get this right. There are a range of voices and experts in this field from whom we would like to hear in committee. As we did with student accommodation, let us do this in a way that allows us to get it right. Let us work together and ensure that, in this instance, people in any kind of housing will have standards which will ensure a good quality of life, an inspection regime that identifies those properties that fall foul, and an enforcement regime that ensures the standards are upheld. Crucially, we also need to be far more ambitious in supplying social housing and housing that is affordable to rent or to buy, as well as straight private housing, so that all people in the immediate future can expect to live in good quality accommodation that meets their needs at an appropriate and affordable price.

Deputy Damien English: I look forward to working with colleagues on this in the months ahead, as will the Minister, Deputy Eoghan Murphy, and bringing forward the legislation. I thank colleagues for their views on the proposed Bill and their comments on the issues raised. We all acknowledge that there is overcrowding. There are different statistics for different situations but as we knock on doors and meet people, and as some people come to us, we hear of overcrowded situations, which we do not want to continue. That is why when we allocate social housing it is from the social housing waiting list. People often ask us why, if there are 10,000 houses, we cannot give those to the 10,000 people who are without a house. We have to work off the list in the right order, and we try to do this where we can. Many people who are in overcrowded situations or in substandard accommodation are waiting for a new social house. From meetings with the local authorities over the last couple of weeks I am glad that this year, we will be in a position to place 200 or 300 houses into the system, which will help to make a difference and bring some relief to many families who are waiting for housing. We need to continue doing that, as well as sorting out this sector, in the years ahead. I wanted to just touch on that area of supply.

On the current inspection powers and whether there is a time delay, if the owner of a house is causing or permitting the house to be overcrowded, the local authority can require the owner to desist from causing or permitting such overcrowding within a period not exceeding 21 days. The owner has 21 days to rectify it. This period would be normal enough in most cases, and we see this in the health sector too, whereby a person is given a little bit of time after an inspection. Perhaps some might think 21 days is too long, but if it is urgent there are other powers, such as those the fire services have. From an inspection and overcrowding perspective 21 days is

generally accepted. The local authority can serve notice to the owner of the house specifying the maximum number of persons who may occupy the house without causing overcrowding. They do and can act quite fast. Under the Fire Services Acts 1981 to 2003, there is a provision to prohibit the occupation of premises, to which Part 3 of the Act applies, where necessary in serious cases. The authorities use those powers. That is not to say, however, that we cannot strengthen the legislation also.

Rather than going back over this, I believe we are all in general agreement that we need to act on this. That is why we propose to revisit this in the months ahead.

Deputy Pat Casey: I thank the Minister of State and Deputy Ó Broin for their contributions. Deputy Ó Broin referred to the likes of three and four generations living in one house. It illustrates the fact that we do not fully know the depth of the housing crisis, given that people are couch surfing and three or more generations are living in a house. The crisis is a lot bigger than is portrayed to us daily. I acknowledge the support for the Bill in the House. It was intended to try to address one of these issues, which is the overcrowding in the sector. As Deputy Ó Broin said, it does not just apply to the “RTÉ Investigates - Nightmare to Let” programme. It is a bigger issue than that. The Bill’s intention is for a good purpose.

If we got the definition right, as well as the criteria around that definition, then it does not matter if it affects housing deliveries because it is what we require as a society. Housing delivery is one thing but the standard of the housing we live in must be to a certain standard. If that affects housing delivery, it affects housing delivery. It should not come in to play.

I agree with Deputy Ó Broin about inspections. We need to do a lot more around the inspection regime. I have been in Dáil Éireann for three years and have worked on the housing committee for three years. I have seen that we can work together. I have seen legislation brought in where the Government party, Fianna Fáil and Sinn Féin have worked together because it is for everybody’s benefit. That is why we are willing to accept the Minister of State’s amendment. We know that the members of the housing committee work exceptionally well together and have brought legislation through the House due to working together. On that basis, we are willing to support the Minister of State’s amendment to defer the reading of the Bill. With a combination of everything, hopefully we will provide proper legislation pertaining to overcrowding in our housing stock.

Amendment agreed to.

Motion, as amended, agreed to.

Acting Chairman (Deputy Bernard J. Durkan): It is proposed to read the Bill a Second Time three months from this day. We will have to see how that date works out.

Deputy Pat Casey: We will put it into our diaries.

Acting Chairman (Deputy Bernard J. Durkan): Absolutely. It can mature over the winter.

The Dáil adjourned at 6.24 p.m. until 2 p.m. on Tuesday, 19 November 2019.