Dé Máirt, 19 Samhain 2019  
Tuesday, 19 November 2019  
Chuaigh an Ceann Comhairle i gceannas ar 2 p.m.

Paidir.  
Prayer.

Ceisteanna ó Cheannairí - Leaders’ Questions

Deputy Micheál Martin: Again today, the media has been briefed by the Government that it will strip the housing powers of county and city councils to speed up the building of homes. Such sentiments have been expressed before and I remember in September 2018 when the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, breathlessly threatened that he would have recourse to emergency powers in the Department to step in and take control of some local authority functions. It was clearly nothing more than bluff and bluster at that time. The briefing and media spin are incredibly cynical and deliberately timed because the Government is feeling the heat on the doorsteps during the by-elections over the housing crisis. To blame the councils is the Government’s response to camouflage its ineptitude and failings. The truth is that elected councillors have very little say in the housing planning process.

The Dáil and the Opposition facilitated the Government in the strategic development schemes whereby any project with more than 100 homes could bypass councils without seeking planning permission. What happened with that? The 10,000 units that got planning permission through the scheme never got off the ground. They have not got off the ground yet. That is two thirds of all planning permissions obtained under the scheme. Do we blame the councillors and councils for this? The truth is the Government has placed councils in incredibly bureaucratic straitjackets that have prevented them from getting very modest projects off the ground. Take, for example, the value threshold of €2 million. Any council that wants to build above the €2 million threshold must get permission to do so from central government and it can take 59 weeks for that process to conclude. In the previous budget we agreed with the Taoiseach, the Minister for Finance and the Minister with responsibility for housing that the threshold would increase to €6 million. There is nothing big about that, given that €2 million would get ten houses and €6 million might get 30 houses. A year on, when back in budget negotiations, we asked what happened to the €2 million threshold and why it did not increase to €6 million. The Minister, Deputy Murphy, could not get his officials to sign off on it.
Then we have the other bureaucracy around cost-effective analysis for projects of more than €20 million. Deputy Darragh O’Brien did some work through freedom of information requests and discovered the basic guidance on cost-effective analysis has not even issued to councils. This has resulted in a lot of projects being delayed and not going ahead. We estimate that approximately 2,000 housing units have not progressed because of that bureaucratic delay by the Government. The Land Development Agency was announced in 2016 and re-announced in 2018. Incredibly, the legislation to establish it has not yet passed through the House. All of the projects under the agency are at pre-planning design. Not a single house has been built as a result of that particular initiative.

All of this reveals an inertia and lack of urgency at Government level about the crisis in housing - rising homelessness, rising rents, young people unable to afford housing-----

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

Deputy Micheál Martin: -----and a chronic shortage of social housing. Does the Taoiseach accept that it is cowardly and cynical to blame local councils when central government has been the main culprit in preventing the fast delivery of homes?

The Taoiseach: First of all, I am not aware of any proposal to strip local authorities of their powers when it comes to housing or planning, and no such proposals have been brought to the Cabinet table. Councils have responsibilities when it comes to housing and planning. Central government also has responsibilities when it comes to housing and planning. Those of us who have served-----

Deputy Micheál Martin: What about this morning’s report in the Irish Independent?

Deputy Brendan Howlin: That is just the spin machine.

The Taoiseach: -----in the Dáil, in government and on local authorities will be very aware as to the different responsibilities that local authorities have versus central government. The good news, never mind the Deputy’s spin, cynicism and all the rest of it-----

Deputy Micheál Martin: No, I am talking about today’s newspapers and other media.

An Ceann Comhairle: Please, allow the Taoiseach to respond.

Deputy Micheál Martin: The Irish Independent-----

The Taoiseach: -----is that we are seeing enormous progress now when it comes to the supply of new housing.

Deputy Brendan Howlin: Ten thousand homeless.

The Taoiseach: Never mind what I say - listen to the figures of the Central Statistics Office, CSO, which I assume the Deputy does not accuse of being involved in spin. The CSO released its data last week, which showed that over 20,000 new homes had been built in Ireland in the past year, a 22% increase on the year prior to that. They also show an 81% increase in the number of new apartments being built. These are not my figures. They are the CSO’s figures, which the Deputy cannot dismiss as spin or cynicism or with any of his usual talking points. These are CSO figures that demonstrate that over 20,000 new homes were built in Ireland last year, a 22% increase on the year before, and there was an 81% increase in the number of apart-
ments built. Take social housing, for example. Somewhere between 10,000 and 11,000 homes are being added to the social housing stock this year, which is more than any year this century. During the boom, during the bust and since all of that, there were never more houses added to our social housing stock than will be the case this year - between 10,000 and 11,000, which is more than in any year this century and the biggest social housing programme in many decades. We are seeing the impact of that. The number of people on the housing lists is going down and house prices are stabilising and even starting to fall in the city of Dublin, which is no bad thing.

In relation to the €2 million threshold, the briefings I am given by the Minister are that, even though they can proceed with their own projects under €2 million, a large number of local authorities do not take up that option. They choose otherwise and go through the Custom House procedure. When one goes over a certain figure, issues arise whether we like it or not.

**Deputy Micheál Martin:** No, the Government agreed this.

**The Taoiseach:** It is the case that the Secretary General of the Department of Housing, Planning and Local Government is the Accounting Officer, is responsible to the Committee of Public Accounts and is responsible to the Comptroller and Auditor General. There has to be accountability for taxpayers’ money. That is what it boils down to.

**Deputy Micheál Martin:** I am intrigued that the Taoiseach is disowning the deliberate briefing by his Ministers to the *Irish Independent* this morning.

**The Taoiseach:** Is there any Minister quoted in it?

**Deputy Thomas Byrne:** No, as usual.

**Deputy Micheál Martin:** I suspect that the *Irish Independent* will be amazed as well that the Taoiseach is disowning the article.

**The Taoiseach:** I did not write it. I can hardly own or disown it.

**Deputy Micheál Martin:** I would like the Taoiseach to disown this morning’s briefing to the *Irish Independent* formally.

**Deputy Dara Calleary:** He is doing a lot of disowning today.

**Deputy Micheál Martin:** This is the classic way the Government operates. Government members were in Cork last week with the hard hats and the vests.

**Deputy Charles Flanagan:** That is what is behind this.

**The Taoiseach:** That is the problem.

**Deputy Micheál Martin:** Four of them had shovels. They were digging up the old site.

**The Taoiseach:** I was in Cork at the weekend and now the Deputy is irritated.

**Deputy Margaret Murphy O’Mahony:** They did not knock on any door.

*(Interruptions).*
Deputy Micheál Martin: We are well used to that.

Deputy Margaret Murphy O’Mahony: Knock on the doors, Taoiseach.

Deputy Tony McLoughlin: Deputy Martin did a fair bit of shovelling in his own time.

(Interruptions).

An Ceann Comhairle: Allow Deputy Micheál Martin, please.

Deputy Micheál Martin: This is no smiling matter, Taoiseach.

Deputy Alan Farrell: The facts are getting in the way again.

Deputy Micheál Martin: I ask the Taoiseach and the Minister, Deputy Eoghan Murphy, to knock on the doors in Cork North-Central, as I have. They will really feel the anger then. There is real anger on the doorsteps because people do not believe the Government’s bluster and spin. They might believe its candidate, Ms Verona Murphy, who said that the Minister had a let them eat cake attitude. Her words, apparently, were: “His attitude is let them have cake.” The Taoiseach might comment on that.

Deputy Brendan Howlin: Marie Antoinette Murphy.

Deputy Micheál Martin: The real issue is that the people out there are very angry. Parents are angry that their children have no prospect of owning a home. Homelessness is rising. People are ashamed of the fact that this country has such a high level of homelessness and that young children are still in hotels and emergency accommodation. All they get is a briefing to a newspaper this morning blaming the councils. The Taoiseach’s attitude to these issues is-----

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

Deputy Micheál Martin: -----that we will blame everybody else but ourselves. That is his approach to housing and the other key issues facing this country.

Deputy Simon Coveney: Nonsense.

Deputy Micheál Martin: He agreed that the €2 million would go up to €6 million. Is he seriously suggesting-----

An Ceann Comhairle: Deputy Martin, please.

Deputy Micheál Martin: -----that he cannot trust local authorities to build more than ten houses without having to get sanction from some official in the Department of Housing, Planning and Local Government? Is that why we are paying the CEOs of councils large salaries? Is the Taoiseach stating that it would be reckless to allow the councils to spend more than €2 million on projects involving 20 houses?

An Ceann Comhairle: The Deputy is are way over time. He should conclude.

Deputy Micheál Martin: That is what is delaying the delivery of housing. The Taoiseach has no sense of or feel for how people are suffering out there because of the lack of housing.

Deputy Patrick O’Donovan: Fianna Fáil is not taking any responsibility.
Deputy Simon Coveney: Deputy Micheál Martin should look at himself in the mirror and at his own performance when he was in government.

(Interruptions).

The Taoiseach: This is just more of the same from Deputy Micheál Martin. I was in Cork at the weekend, turning the sod on a development of 120 homes, a mixture of affordable and social housing.

Deputy Margaret Murphy O’Mahony: Did the Taoiseach knock on any doors?

The Taoiseach: I met lots of people. I was in Blackpool shopping centre and in Blarney too, where I got a very good reception. The Deputy is clearly irritated about that and------

(Interruptions).

The Taoiseach: -----has returned to his usual display of outrage and faux anger. If he wants a classic example of local authorities not fulfilling their responsibilities, Fianna Fáil councillors in Galway city only the other day voted against 20 social houses in Ballybane. That is a classic example of local authorities turning down money from central government and voting against social housing.

Deputy Dara Calleary: What about Senator Noone, who also objected to social housing?

The Taoiseach: That is an example of it. I am really curious to hear------

(Interruptions).

The Taoiseach: There is something I would like to say because I think it is important, so perhaps it may be possible to do so without interruption. I am really curious to hear Fianna Fáil Deputies raising the housing issue this week. I did not think they would do so, particularly in view of the absolutely paper-thin, nonsensical housing policies put forward by Deputy Micheál Martin at the Ógra Fianna Fáil conference in recent days. Some 600 days ago, we were promised a comprehensive housing policy by Fianna Fáil but we did not get it. What did we get? We got a made-up proposal in a Sunday Independent interview in respect of a different VAT rate for certain types of housing-----

(Interruptions).

The Taoiseach: -----even though anybody who has served in government and anyone in this Chamber should know that this is contrary to the EU VAT directive. What do we get at the Fianna Fáil Ógra conference? A promise to instruct the Central Bank to change the macro-prudential rules.

Deputy Micheál Martin: The Taoiseach said the same thing.

The Taoiseach: Deputy Micheál Martin knows that is not possible because the Central Bank is independent. He also called for an affordable housing scheme that already exists and under which houses are already being built at Boherboy in Cork. What we have from Fianna Fáil, 600 days after promising a comprehensive housing policy, is a proposal on VAT that is against EU law, a proposal to undermine the independence of the Central Bank and a proposal to do something that we are already doing.
Deputy Thomas Byrne: We have no houses from the Government.

The Taoiseach: Anyone who thinks that Deputy Micheál Martin or the Fianna Fáil Party have any alternatives when it comes to housing must really see through them at this stage.

Deputy Dara Calleary: The Taoiseach wanted it all reviewed last summer.

(Interruptions).

An Ceann Comhairle: I suppose it would be a futile request on my part to ask Deputies to leave the campaigning outside the Chamber. I doubt that is going to happen. I call Deputy O’Reilly.

Deputy Louise O’Reilly: I am reminded of the old advertisements for Daz and Surf, but I will leave that where it is.

I am sure the Taoiseach will join me in expressing shock and frustration at the reports in the media today which suggest that a large number of previously missed abnormalities have been uncovered in the course of the Royal College of Obstetricians and Gynaecologists’ review the results of smear tests carried out under the CervicalCheck programme over a period of ten years. Notwithstanding the limitations of a review which is not blind, these reports are very worrying. The Royal College of Obstetricians and Gynaecologists was supposed to report on this over a year ago, as the Taoiseach will be aware. However, this review has been dogged by difficulties and delays and it is only today that any light has been shed on what was uncovered but even today, we do not have the full picture. The initial reports in The Irish Times this morning are quite worrying in that sources have indicated that “a large number” of previously missed abnormalities have been uncovered during the review. A large number, possibly hundreds, have been uncovered but we do not know the details as yet. If these sources are to be believed, it is possible that a significant number of women screened under the CervicalCheck programme were told that they did not need follow-up smear tests but later developed cancer. One such woman is Fiona Prendergast, whose case has been covered in the media previously. I am sure it is very difficult for her widower, children, family and friends to read this news today. They have been advised of the result and they are coming to terms with it, but leaks like this do not help to give them any comfort. On the day the Taoiseach issued an apology in this Chamber, they received a letter about Fiona, who sadly died in 2015, telling them that had a referral to colposcopy been made in 2009, it is likely the cancer diagnosed in 2014 would have been prevented.

I want the Taoiseach to know they are watching today, just as they watched his apology last month. As public representatives, we have a duty to uncover the truth about what went wrong with the CervicalCheck programme, but we also have a duty to ensure confidence is maintained in public health services such as the current cervical screening programme. To do that, we need to be briefed on this report as a matter of urgency. It is important for the women and their families that this report is published in full without delay.

Will the Taoiseach request that the Minister for Health publishes this report today and briefs the Opposition on its contents? Will the Taoiseach take immediate steps to ensure that he, the Government and the screening service address the need to restore confidence in the screening programme? Women using this service know, and I know, that no screening programme is perfect but they deserve to have confidence in that service. Will the Taoiseach join me in calling for the leaking of sections of this report and the drip-feeding of this important information into the public domain to stop immediately? It is not fair to these families to have this information
Dáil Éireann

Drip-fed into the media. We have had numerous apologies and assurances this would not happen again and here we are and it has happened again.

The Taoiseach: I am sorry to hear about the experience of the family the Deputy mentioned. I am not familiar with the case and I do not want to comment on it for those reasons, but I extend my condolences and sympathies to the family she mentioned. The Royal College of Obstetricians and Gynaecologists, RCOG, audit report has not been shared with Government as of yet. I have not seen it and it is not with Government. I agree with the Deputy that we should condemn any leaking of documents such as this to the media. We agreed with the patient advocates and with the 221+ support group that this report would be handled differently from the CervicalCheck audit. Therefore, what is happening at the moment is individual women are being told about their individual results and they are being offered meetings. Some have accepted meetings and others have been happy to receive the information by writing. We agreed that this report would not be published and would not be made available until each of those women had the opportunity to have that meeting first because they are the ones who should hear it first. It should not go to politicians or the media first. We do not have the report and it will not be published until every woman has had the chance to hear about her own results and to have a meeting if she wants one. Once that has been done, it will go to the Minister for Health and then it will be published. At that point a briefing will be provided for the Opposition parties.

It is important to point out a few things about the screening process once again because this will require a lot of explanation and interpretation. We have all heard in this House on many occasions and we all understand that cervical screening is not diagnostic. We all know that but I am not sure we all fully appreciate what that means in practice. In practice that means that if 1,000 healthy women are screened, roughly 12 cases where there are abnormalities will be picked up. In roughly eight cases those abnormalities will be missed and that is to be expected. What happens with the 12 cases is they get early diagnosis and treatment and that is a good thing. What happens with the eight cases of missed abnormalities is they do not get early diagnosis and treatment. They get picked up on a subsequent screen or they get picked up when they have symptoms. That is how screening works. It is a lost opportunity that in those cases it was not picked up earlier but it is not in itself a failing in the screening programme or negligence. That has not fully come across even two years later. In any screening programme, even the best in the world, there will be a very high number of false negatives and abnormalities missed. It does not mean the screening programme is inferior to any other screening programme in the world or lesser. That needs to be explained again and again because I am not sure it is always fully understood.

Deputy Louise O’Reilly: It does not need to be explained to me. It was me who explained to the then director general of the HSE that the leaflet it issued was somewhat misleading in that it said no screening programme is ever 100%. What does that sound like to the Taoiseach? The leaflet said there may be a small occasion for error. I say the following as a woman who uses the service. When a woman goes to have a smear test done, she talks to her doctor, who explains it. We understand that no screening test is perfect, that no screening test is 100% accurate and that women are waiting on the letters to come, as are families who are grieving. They will have read in the newspaper today that possibly hundreds of people are affected by this. That is an insult to them and their grief. I fully appreciate that the Taoiseach is a doctor and that he understands this. I use the service and I understand it, and if the other women who use the service did not understand it, they understand it now because they have had it explained to them on many occasions. I am talking about the potentially hundreds of women, as mentioned in the newspaper,
who are waiting on the letters.

Can the Taoiseach do anything to accelerate the process? Will he talk directly to those affected? Fiona’s widower, friends and family are watching the debate and want to know what will be done to get the information into the public domain in the proper way, and not drip-fed or leaked. We were told that would not happen again but it has happened today.

**The Taoiseach:** This will be put into the public domain but not until every woman who agreed to participate in the audit has had the chance to get her results, the offer of a meeting has been made, and the meeting has happened. I think the Deputy will agree that is the way it should happen. That is why the Government has not received the report----

**Deputy Louise O’Reilly:** It is on the front page of the newspaper today.

**The Taoiseach:** We have not received it and it has not gone to the Government. We will not receive it until each of the women has had an opportunity to hear the results for herself. After that, it will be published, but only at that point. Of course, a briefing will be made available for Deputies.

I sincerely hope that, given that this is the second audit and is different from the previous audit, we will all handle the matter better this time, and I count myself among those who need to handle it better this time. When we say it is not 100% or perfect, that does not fully explain a screening programme. For every 100 healthy women who are screened - not just for cervical screening but for other programmes, too - in approximately 12 cases, anomalies will be picked up and can be followed up, while approximately eight will be missed. If looked at it again, those eight cases might be picked up. We expect to see a high level of discordance and of false negatives. It should not be a surprise or shock at this stage for anyone following the issue that there are hundreds of cases of discordance, because there will be. That is not at all the same as negligence or a flawed programme.

**Deputy Bríd Smith:** Last night, I attended the campaign launch of the People Before Profit candidate in Wexford, Cinnamon Blackmore. It was a good meeting, with many women there, and I heard about the issues that affect the people of Wexford. What jumped out at me was the complete lack of mental health services for children, and the crisis that most of the women in the room had experienced or their families had touched on, a fact that the former Deputy, Mick Wallace, consistently raised in the Chamber. It also jumped out at me that for ten years, until earlier this year, not a single council house had been built in the entire county of Wexford. A third thing was that parents are not able to find secondary school places for their children in Gorey and its environs. The level of homelessness is rising throughout the county of Wexford and tents are appearing outside Aldi and Lidl shopping centres, wherever people can get a bit of shelter.

Fine Gael’s candidate in the by-election, Verona Murphy, has doubled down on the hateful rhetoric we have heard from her in the media. Today in the *Wexford People*, she is quoted as claiming that addiction and homelessness are the result of bad choices. Not only does she blame the poor for poverty, but she also blames migrants for every other crisis that exists. She blames migrants for everything and stated ISIS is infiltrating this country in large numbers, without knowing that the lowest number of migrants and refugees who come to this country come from the Middle East. Her statements are absolutely incendiary and are not just made to get attention. She is playing the racist card, which has a double impact. It deflects from the
things I have mentioned, namely, the crises in health, homelessness and mental health services for children, which will go under the radar because the Fine Gael candidate is playing the race card.

That is compounded by the visit the Minister for Justice and Equality, Deputy Charles Flanagan, took Ms Murphy on to a centre for asylum seekers outside of her constituency. I happened to visit that centre about 18 months ago when I travelled on the greenway in Waterford. I knocked on the door and was told I could not come in. I produced my identification to show I was a Teachta Dála and, after a long argument with the manager, I was allowed into the reception to talk to a limited number of families. How does a candidate who is not a Teachta Dála have automatic access to a centre like that? Is this about her being able to say, “I’m sorry; I didn’t mean it”? If she is sorry and did not mean it, what else has she said that she did not mean? Are we going to engage in the type of electoral politics where the race card is upfront and apologies from both sides of the House are given and accepted left, right and centre? The Taoiseach described the candidate as an outspoken, independent woman who does not toe the party line. How high does the Taoiseach’s bar go? When will he address this issue and deprogramme and deselect this candidate? If he does not do so, the increased use of the race card will be on his shoulders, as the leader of this country.

The Taoiseach: I thank the Deputy. I am glad she was able to gain access to the reception centre in Clonea to meet people and talk to them about their lived experiences. If she had rung ahead, she may have found it even easier to get in. I imagine in the case of Ms Murphy a call was made in advance to ask whether a visit was possible-----

Deputy Paul Murphy: The Minister did the ringing.

The Taoiseach: -----and people were told they could visit.

I read the article in the Wexford People and I do not think the Deputy characterised Ms Murphy’s comments on homelessness exactly as they were described. In fact, in the article she described her experience of being homeless. I do not know how many people in the House have had that experience, but she has. She described how she left home very early, became homeless, fell out with her family and slept on a couch for a period of time before emigrating to the UK. She went on to describe how, later in life, she did her leaving certificate, studied at night to do a law degree and built her business. That is the story she told and I do not think that came across in the way the Deputy described it. However, when it comes to what Ms Murphy said about migrants, as I said before, and I mean this, what she said was very wrong. Her comments were ill advised, misinformed and absolutely wrong, and do not reflect the position of my party. It is right that she has retracted those comments and apologised for them.

Deputy Bríd Smith: I asked a question which the Taoiseach did not answer, namely, how high his bar is when it comes to his candidate playing the race card. In the same interview, Ms Murphy claimed that ISIS may have infiltrated three year olds who come to this country. My nieces and nephews live in the Taoiseach’s neck of the woods and do not experience racism in their schools in Mulhuddart and Blanchardstown. The race card will be played in order to deflect attention from the mortal sins of the Government, which has made a complete hames of the housing crisis and has utterly failed to address the health crisis. People are screaming for mental health services and places in schools. We have never had as much wealth in the country. Ireland is the fastest growing economy in Europe, and this issue is being used to deflect attention from the Government side of the House. I again ask the Taoiseach how high his bar
is when it comes to his candidates using racist language. Would he not immediately say that this is not on and that the candidate has been deselected? Furthermore, Ms Murphy needs to be deprogrammed, which will take longer than the two weeks which will elapse before the by-election takes place. What Ms Murphy said is utterly shameful. I have listened to and appeared on television programmes with her. When it comes to the Irish Road Haulage Association she is forensic in her information, thoughts and ideas.

**An Ceann Comhairle:** Thank you, Deputy. The time is up.

**Deputy Bríd Smith:** Now she is spouting lies which will scapegoat minorities. Should that escalate, as leader of the country, it will be on the shoulders of the Taoiseach. I ask him to please answer my question. How high is his bar against racism in his party?

**The Taoiseach:** I thank the Deputy. I probably know a little bit more about experiencing racism than perhaps Deputy Smith does. I do not know if the Deputy is saying my bar is high or low, but it is certainly not something tolerated in the party I lead. I rang her yesterday-----

**Deputy Martin Kenny:** Well, now.

**Deputy Bríd Smith:** That is tolerating it.

*(Interruptions).*

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

**The Taoiseach:** I rang Ms Murphy yesterday and spoke to her about this issue. I told her that what she said was not on. She reflected on that and at that stage she had already withdrawn the comments and apologised for them. We know in this House that there are hundreds of thousands of people in this country who are migrants. They make our economy stronger, help run our public services, and enrich our society and culture. A very small number come from Iraq and Syria, and most of those-----

**Deputy Paul Murphy:** Why is she still a candidate? Why has she not been deselected?

**The Taoiseach:** -----are much more likely to be fleeing ISIS than having anything to do with it. Ms Murphy understands that a bit better now than she did a few days ago.

**Deputy Bríd Smith:** Shame on the Taoiseach for not deselecting this woman. It is outrageous what she is doing.

**An Ceann Comhairle:** Please, Deputy. I call Deputy Joan Collins.

**Deputy Joan Collins:** Does the Taoiseach agree that the situation with the redevelopment of O’Devaney Gardens, a former council housing estate, is a fiasco? It was a fiasco from the start and it a fiasco now. It is an incredible situation given the scale of the housing and home-less emergency we face. This site, with 14 acres of prime land owned by the State and suitable for up to 800 housing units, has been left derelict for more than ten years. The original public private partnership, PPP, project collapsed when the developer realised that the €100 million in anticipated profit would not be guaranteed given the collapse in house prices after the 2008 crash.

The PPP model failed because it was based on the premise of massive profits for private developers. It is this failed model, however, that the Taoiseach’s Government and the Minister
for Housing, Planning and Local Government, Deputy Eoghan Murphy, are insisting on imposing not just on the city council but on the community from O’Devaney Gardens still waiting for the redevelopment of the area they want to live in as council tenants. Make no mistake, the problem here is the Minister’s right-wing, neo-liberal bias against public housing.

The Minister wrote to Dublin City Council in October threatening to withdraw State funding for the project unless councillors voted for a deal with a developer, Bartra, that would give 100% of public land in return for 30% of public housing. Rather than stand their ground, councillors from Fianna Fáil, the Labour Party, the Green Party and Social Democrats have effectively caved into the Minister’s blackmail and tried to repackage the deal with Bartra as something it is not. Let us be clear what this means. This is the same deal that for the developer means 14 acres of prime land, close to the city centre and a Luas line, for free. The State will pay for infrastructure, a saving of €10 million for Bartra, while the absence of development levies will mean another €5 million saved. If the State came up with the €120 million for the 30% of the developer’s 70%, which is highly unlikely now having listened to the Minister’s comments, the total cost to the State would then be in the region of €250 million.

The sum of €250 million is what council officials estimate it would cost to build 100% public housing on the site, with cheap loans from the European Investment Bank, EIB. There is something seriously wrong here. Is it plain stupidity? I do not think so. Is it corruption? That was certainly a feature of the past, but not today. To me, that leaves ideological bias and political cowardice. Meanwhile, 10,000 people, 4,000 of whom are children, are living in homeless accommodation and thousands upon thousands of people are waiting for housing in this country.

The Taoiseach: I thank Deputy Collins for raising this important issue. We have a housing shortage and everyone knows that. The solution to the housing shortage is to build more homes-----

Deputy Louise O’Reilly: Eight years.

The Taoiseach: -----of all forms. These include private houses for people to buy, because most people want to own their own home, and that is a good thing; houses for people to rent, because some people need or have to rent at various points in their lives; and social housing for people on the housing list and who need social housing. This is a perfect site for that type of housing. It is very near the city centre and places of work, so it makes sense that that site should be made available-----

Deputy Joan Collins: Free.

The Taoiseach: -----to all of the public for a mix of housing, and that is what is planned. There is no ideology from this side of the House regarding housing. We want more housing of all forms. Those who are ideological about housing are those who vote against housing developments for one reason or another, such as there being too much of this type of housing or too little of that type of housing. They are the ones who are ideological, the people who vote against housing. On this side of the House, we want housing of all forms-----

Deputy Dara Calleary: Tell that to Senator Catherine Noone.

The Taoiseach: -----and lots of it and as soon as possible.
Deputy Aengus Ó Snodaigh: Worse than the Travellers now.

The Taoiseach: We are focused on delivery, while the Deputy is focused on ideology. What is planned in the O’Devaney site has now been adopted by Dublin City Council by 38 votes to 19. Nearly 800 new homes will be built on this site, 50% of which will be homes for people to buy, 30% of which will be social housing for people on the housing list and 20% of which will be affordable purchase units. That is going ahead.

Deputy Dara Calleary: The Minister is trying to stop it.

The Taoiseach: My understanding is that in advance of the vote some councillors, representing the so-called “Dublin Agreement” group of Fianna Fáil, Labour, the Social Democrats and the Greens, entered into a side agreement with the developer to purchase 30% of the units at O’Devaney Gardens at a market price for affordable rent. However, that deal had no status and no validity. What the local authority has done is voted to go ahead with a scheme of 800 new homes involving a mix of private, affordable and social housing. I hope they go ahead with that as soon as possible because people need those houses.

Deputy Joan Collins: Why would the Taoiseach not want more houses when he can give over to a developer public lands and have that developer potentially selling those homes in the private market for €420,000? This is public land.

It all sounds very good but the fact of the matter is the Government’s policies on solving the housing crisis are simply not working. The dogs in the street know that the Government cannot solve the problem unless it engages in a major programme of public housing. We are in a housing emergency. We have debated time and again in this House the crisis that people are facing.

I had a young couple in yesterday. Living separately, they have a young son of three years of age. They are living separately because they are trying to save for a mortgage. They are finding it very difficult to do that. They cannot get private rented accommodation. It costs approximately €2,000 per month for a two-bedroom house in the area. They cannot afford a mortgage. They are still separated as a family because of that.

As the Taoiseach will be aware, there needs to be a major programme of public housing to solve the problem. The Government’s plan is not working. We have sufficient public land to build 100,000 public housing units. There can be mixed tenure and mixed income with traditional public housing and the European cost rental model giving people affordable rents and long-term security. That is the mix we need. From my point of view, it is not an ideological issue. We need housing that people can afford and the Government is not providing it.

The Taoiseach: I believe that public lands should be used for the benefit of the entire public, not just for social housing.

Deputy Joan Collins: They are private developers.

The Taoiseach: It is an ideological view that public lands should only be used for one form of housing, ie, social housing. I believe that public lands should be used for the benefit of all of the public.

Deputy Joan Collins: That is where the ideological difference is.

The Taoiseach: Yes, for social housing for people on the housing list but also private hous-
Deputy Paul Murphy: That is an ideological position.

The Taoiseach: ----and also affordable housing and cost rental as well. That is our position - delivery of all forms of housing on public land.

Deputy Paul Murphy: The Government is giving away land.

The Taoiseach: The ideological position is only to build one type of housing for one group of people.

Deputy Bríd Smith: It clarifies that it is a personal issue.

The Taoiseach: To reassure the Deputy, and as I informed Deputy Micheál Martin earlier, this year between 10,000 and 11,000 homes will be added to the social housing stock in Ireland-----

Deputy Dara Calleary: How many will be built?

The Taoiseach: ----with two thirds to three quarters of those being new builds. More homes will be added to the social housing stock in Ireland than in any year this entire century. During the boom, during the bust, we did not build as many social houses as we are now. This is the biggest social housing programme in a generation.

Deputy Micheál Martin: It is not.

Deputy Joan Collins: It is not.

The Taoiseach: It is.

**An tOrd Gnó - Order of Business**

Deputy Hildegarde Naughton: The business this week shall be as set out in the report of the Business Committee dated 14 November 2019.

In relation to today’s business, it is proposed that No. 13, Motion re Supplementary Estimates, leave to introduce, subject to the agreement of No. 13, No. 14, motion re Supplementary Estimates, referral to committee, No. 15, motion re proposed approval by Dáil Éireann of the Horse and Greyhound Fund Regulations, referral to committee, No. 16, motion re re-appointment of Ombudsman and No. 17, motion re re-appointment of Information Commissioner be taken without debate, and any divisions demanded shall be taken immediately.

In relation to Wednesday’s business, it is proposed that there shall be no oral Taoiseach’s Questions pursuant to Standing Order 38(1) and the sos, in accordance with Standing Order 25(1), shall take place on the conclusion of Questions on Promised Legislation; and in relation to No. 42, statements on Mental Health, the statements of a Minister or Minister of State and the main spokespersons of parties and groups, or a Member nominated in their stead, shall not exceed ten minutes each, with ten minutes for all other Members and a five-minute response from a Minister or Minister of State, and all Members may share time.

372
19 November 2019

Regarding Thursday’s business, it is proposed that No. 17a, motion re Supplementary Estimates, leave to introduce, and subject to the agreement of No. 17b, motion re Supplementary Estimates, referral to committee, be taken without debate and with regard to No. 43, statements on supporting children out of emergency accommodation and into homes, that the statements of a Minister or Minister of State and the main spokespersons of parties and groups, or a Member nominated in their stead, shall not exceed ten minutes each, with ten minutes for all other Members and a five minute response from a Minister or Minister of State, and all Members may share time.

An Ceann Comhairle: There are three proposals to put to the House today. Is the proposal for dealing with today’s business agreed to?

Deputy Eamon Ryan: The event held here last Friday, the Youth Assembly on climate change, was a great success and it presented the Government with a set of projects that it believes this House should progress. The Business Committee met last Thursday so obviously we have not had time to discuss it, but is it planned to have a debate in response to the proposals from the Youth Assembly?

An Ceann Comhairle: That will be addressed at the Business Committee’s meeting next Thursday.

Deputy Eamon Ryan: Perhaps it could be.


Deputy Micheál Martin: For the information of the House, on 26 July, at the MacGill Summer School, the Taoiseach raised the prospect of changing the Central Bank’s rules on mortgage lending, particularly for those paying high rents while also saving for a mortgage deposit. He attacked me earlier, but he specifically raised it.

The Taoiseach: On a point of information, will the Deputy give way?

Deputy Micheál Martin: With regard to the Road Traffic (Miscellaneous Provisions) Bill, will the Taoiseach confirm the views of the Fine Gael candidate in Wexford, Ms Verona Murphy, that the Road Safety Authority should be abolished, notwithstanding the incredible work the authority has done in saving lives and reducing injuries on our roads? There is no doubt that Fine Gael is a safe house for right-wing politics. Is Fine Gael proposing the abolition of the Road Safety Authority and does the Taoiseach agree with that? Also, will there be a reversal of the drink driving laws the Government introduced?

An Ceann Comhairle: The Deputy is only allowed one question.

Deputy Micheál Martin: The Fine Gael candidate is openly saying that they have decimated rural Ireland, and apparently-----

An Ceann Comhairle: Your time is up, Deputy.

Deputy Micheál Martin: -----the enforcement is always on Irish individuals, whatever that means.
The Taoiseach: I can assure the Deputy that we have no proposals to abolish the RSA, nor will we be repealing any of the legislation we introduced over the past seven or eight years, which has been successful in reducing the number of deaths and injuries on our roads.

On a point of information, there is a big difference between talking about the Central Bank amending its macro-prudential guidelines and creating the false impression that a Government can ensure it would happen, which is what the Deputy said. It demonstrates the extent to which Fianna Fáil’s policies on housing are so bankrupt, empty, without substance and paper thin.

Deputy Michael Healy-Rae: They are keeping the Taoiseach in a job.

The Taoiseach: It is pretending that it can intervene and tell the Central Bank what to do when it comes to macro-prudential guidelines-----

Deputy Dara Calleary: The Taoiseach should read his article in The Irish Times in July.

The Taoiseach: -----pretending that it can ignore EU law by changing VAT law and then calling for a scheme that already exists. What a lack of substance. It is just unbelievable.

Deputy Louise O’Reilly: I see that Daz and Surf are at it again, a Cheann Comhairle. My question is in respect of the programme for Government commitment to alleviate pressures affecting household budgets in the area of childcare. I note the launch of the new national childcare scheme this week and the concerns that many vulnerable babies and children will miss out due to gaps in funding. My constituency of Dublin Fingal is the fastest growing area in the State and has the youngest population. Despite this, it faces an ongoing crisis in childcare provision and the reality that the Government has failed to get to grips with it. There are not enough places in Fingal. Many crèches will not take babies until they are a year old, which is impacting on women’s ability to return to work. Having secured a place, families then face the equivalent of a second mortgage or second rent in fees. All the while, staff in the early years sector face low wages and job insecurity. The current system is broken. It is unsustainable for staff and financially crippling for many parents.

An Ceann Comhairle: Thank you, Deputy.

Deputy Louise O’Reilly: It requires a radical overhaul. Will the Taoiseach agree that wholesale change is long overdue in this area? We must put children’s interests front and centre by prioritising quality and improving working conditions-----

An Ceann Comhairle: Your time is up, Deputy.

Deputy Louise O’Reilly: -----while at the same time cutting childcare costs for parents. Will the Taoiseach also address the concerns of One Family, a support organisation for lone parents, which runs an early years service for very vulnerable babies and children and states that it is years away from receiving the amount of funding necessary?

The Taoiseach: The national childcare scheme comes into effect on Wednesday. I encourage people to apply. People who already receive childcare subsidies will see their subsidies increased and some parents will qualify for childcare for the first time. We will have to see how things pan out in the next couple of weeks. As the Deputy’s queries are very specific, I suggest she raise them directly with the Minister for Children and Youth Affairs.

Deputy Brendan Howlin: I have repeatedly asked the Government to be open and clear
on its decision to impose VAT on food supplements. The Minister for Finance has repeatedly hidden behind the Revenue Commissioners on this but, as I have said repeatedly, Revenue does not make policy but implements policy determined by this House. The health food industry is worried about the Minister for Finance’s repeated statements that food supplements are not food. In fact, food supplements are recognised as food under Irish and European Union law. Under the food supplement directive, as transposed into Irish law by SI 506 of 2007, the food industry is required to adhere to all food regulations to ensure quality and consumer safety. Will the Government confirm that food supplements are defined in Irish and European law and will it accede to the industry’s request that the existing legal definition of foodstuffs be included in the Finance Bill currently before the Dáil?

**Minister for Finance (Deputy Paschal Donohoe):** Far from hiding behind anyone on this matter, I participated in a lengthy debate on it on Committee Stage of the Finance Bill in the week before last. There will be an opportunity to continue that debate on Report Stage. The Revenue Commissioners have confirmed to me that the current status of food supplements cannot continue. In the absence of the action being taken in the Finance Bill, the VAT rate on these same supplements would increase to 23%. As a result of the action I am taking, which I hope the House will support, the VAT rate on them will move to 13.5%.

**Deputy Richard Boyd Barrett:** There are many disgraceful aspects to the Government’s ideological determination to force local councils to privatise public land and hand it over to developers who helped bankrupt this country, but the aspect of this on which I would like the Taoiseach to comment is the price the State will pay. The Minister for Housing, Planning and Local Government, Deputy Murphy, speaks of stripping councils of their powers. Has the Taoiseach looked at the price we will pay to the private developer to whom we have transferred land at O’Devaney Gardens, and the private developers to whom the Government plans to transfer hundreds of other sites, to buy the units back at market prices? I saw the guidelines issued by the Department of Housing, Planning and Local Government which show that the top prices the State will pay can be up to €526,000 for a two bedroom house, €584,000 for a three bedroom house, €704,000 for a four bedroom house, €289,000 for a one bedroom apartment and €335,000 for a two bedroom apartment. Those are the figures in the guidelines issued to Dublin City Council by the Minister at the beginning of the year. Is the Taoiseach seriously suggesting that is good value for money for public land that the Government is handing over-----

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

**Deputy Richard Boyd Barrett:** -----to these developers who wrecked the country only ten years ago?

**An Ceann Comhairle:** Is the Taoiseach taking this question?

**The Taoiseach:** The Deputy is referring to a document which I do not have before me. My understanding is that we are not proposing to buy these homes at market price from the developer. However, as this is a detailed question about a particular scheme, I will ask the Minister for Housing, Planning and Local Government to come back to the Deputy on the matter. I think he may have mixed up the Dublin agreement deal with the thing that actually happened.

**An Ceann Comhairle:** A parliamentary question might elicit the information the Deputy seeks.

**Deputy Richard Boyd Barrett:** If the Taoiseach sends me his mobile number, I will text
Deputy Michael Collins: I raise a matter that has been raised at my constituency clinic every week for the past 12 months, namely, the roll-out of 5G and the apparent dangers surrounding this to our people’s health and well-being. Is the Taoiseach aware that the Government of Belgium has halted the 5G roll-out saying that the people of Brussels are not guinea pigs whose health can be sold for a profit. A legal opinion in Denmark stated the rolling out of 5G is illegal under EU and international law and concluded that establishing and activating a 5G network would contravene current human and environmental rights enshrined in the European Convention on Human Rights, the UN Convention on the Rights of the Child, the EU regulations and the Bern and Bonn conventions. An EU report admits that 5G is a mass experiment and laments that it is not possible to accurately stimulate or measure 5G emissions. The health effects of the higher 5G frequencies, known as millimetre waves, are unknown. These wavelengths have never been tested for safety according to industry testimony to the United States Senate in February. I am truly no expert and I seek the Taoiseach’s advice.

Deputy Thomas Byrne: The Deputy is right about that.

Deputy Michael Collins: The people of Ireland and the world are saying “No” to 5G and are extremely concerned about the dangers of this technology.

Deputy Thomas Byrne: Does the Deputy not want it?

Deputy Michael Collins: Will the Government draw up a report to consider the genuine concerns that are out there with 5G?

Deputy Thomas Byrne: It is just a scare story.

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): We get independent advice about the safety of any mobile network we roll out. The advice we have is that this is robust and safe. If the Deputy wishes to bring evidence to the authorities for assessment, that can be done. Our advice is that this is a safe network. However, it will take considerable time to roll out. While I am on my feet, I should take the opportunity to say that we have today committed to rolling out rural broadband and the Deputy’s constituency will be a very substantial beneficiary of that.

Deputy Thomas Byrne: He does not want it now.

Deputy Eamon Ryan: The programme for Government indicates that the Government supports the introduction of cost-rental housing, which is a critical element in tackling the most acute form of housing crisis that we have, namely, that in the rental sector. It brings down the cost of market rents and provides housing for all our people. The Minister is refusing outright to consider that at the O’Devaney Gardens development. He has overseen absolutely nothing happening at St. Michael’s Estate in Inchicore, which was meant to be the first flagship project to show how this will work. When and where, and under what conditions, would Fine Gael ever consider rolling out cost-rental housing as a way of tackling the housing crisis in this city? The party is acting ideologically about this by refusing to allow it in O’Devaney Gardens and by sticking the St. Michael’s Estate plans into bureaucratic glue.

The Taoiseach: The Deputy asked about when and where this would be rolled out. The Enniskerry road project is under construction and the Deputy can take a look at it now.
**Deputy Eamon Ryan:** It is tiny.

**The Taoiseach:** It is a cost-rental scheme under construction. If the Deputy wants to see a large one, the Emmet Road project at Inchicore is an example.

**Deputy Eamon Ryan:** It is going nowhere.

**The Taoiseach:** Those are two projects the Deputy can visit, either now or whenever he wants, in order to see cost-rental being delivered. The scheme at O’Devaney Gardens will be 50% private, 30% social and 20% affordable purchase. My understanding is the Green Party councillors on Dublin City Council voted for that. If the Deputy has a problem with it, he should speak with his party’s councillors.

**Deputy Michael Healy-Rae:** I bring to the Taoiseach’s attention a matter I raised before regarding operation of the GP service, or how it cannot operate in many cases. On Sunday night last, in the great town of Milltown, we had a public meeting that was attended by 360 people. The purpose of the meeting was to discuss the crisis facing them because it is not sustainable for a GP to provide a service in Milltown. It is a great and fast-growing town in the heart of Kerry and its plight is reflected in places elsewhere, not just in Kerry but across the country. GPs are genuinely finding it hard to continue to provide services. With the costs involved in running a service, they are finding it genuinely financially difficult to set up a new general practitioner service, which we all know is so important for older, middle-aged or younger people in our population. Will the Taoiseach tell us what steps the Government will take to create a better environment for GPs to operate in rural areas in particular?

**Deputy John Brassil:** The meeting on Sunday night highlighted Milltown and I ask that the Department of Health and its Minister engage with the community and local politicians to resolve the matter. We had a meeting yesterday in Killarney and that proposal has been progressed somewhat. It is part of the Sláintecare objectives to roll out primary care in every community and Milltown is just an example of one of many rural towns and urban areas that are finding it very difficult to maintain and replace retiring GPs. The matter must be tackled and financial emergency measures in the public interest, FEMPI, cuts affecting GPs must be reversed. There is also a need to look at the wider area of supports from the Health Service Executive to encourage GPs to take up contracts. Without primary care services or GPs operating in every town and village, the recovery of the health service will be almost impossible.

**Deputy Danny Healy-Rae:** I want to add my weight and call on the Government to ensure people in places like Milltown can have a GP service. To give the Taoiseach an idea of the area, there are 8,000 people in that catchment area and Milltown is the heart of mid-Kerry. If we cannot keep a GP in Milltown, there is no hope that outlying places around the coast of Kerry will have a GP of their own. The Government’s policies are wrong. It is not being supportive of GPs who want to operate a practice in these kinds of areas. In Rathmore, where we have ended up with half of a GP service, if people get sick, they have to travel all the way to Millstreet. That is not acceptable. If only half a service is being provided, it means the Government is saying to people they can only get sick when the GP has a clinic.

**An Ceann Comhairle:** We will get an answer for the Deputy now.

**Deputy Danny Healy-Rae:** We need a full-time GP service in Milltown, full stop.

**The Taoiseach:** I thank the Deputies for raising this important issue. I acknowledge there
are some rural areas, and also some urban areas, where we are struggling to recruit GPs. Often, individual circumstances are the reason that is the case. Much of this has to do with the fact that the world has changed and GPs are much less willing to be single-handed in the way they were in the past. They want to work in group practices and to be able to share weekend and night cover. That makes it much harder to provide a GP everywhere because GPs now tend to work in groups. Notwithstanding that, there are now more GPs in Ireland than ever before, more GPs on the specialist register than ever before-----

Deputy Danny Healy-Rae: Where are they? Are they in Dublin?

The Taoiseach: -----and more GPs have contracts with the HSE than ever before. What are we doing about it? We have increased the rural practice allowance and made it easier to qualify for that. A sum of €2 million has been set aside for a particular effort to recruit and retain GPs in urban areas. We have an agreement with the Irish Medical Organisation, IMO, to reverse the reductions in fees, that is, to reverse the financial emergency measures in the public interest, FEMPI. We are also increasing the number of training places. I was delighted to see just a few days ago that a record number of young doctors applied for the GP scheme. Never before have so many GPs applied to get on the GP scheme. We will have to increase the number of places again. That we have the highest ever number of applicants for the scheme shows that confidence is returning to general practice, and that is a great.

Deputy Danny Healy-Rae: The Taoiseach is wrong.

The Taoiseach: The Deputy is entitled to his opinion but there is only one set of facts.

Deputy Declan Breathnach: Page 110 of A Programme for a Partnership Government contains a commitment that farm families and rural communities “must feel the effects of positive economic and social change.” Oireachtas Members, including my office, have been inundated with calls from farming families who are currently experiencing extreme hardship due to the non-payment of funding under the basic payment scheme, BPS, and areas of natural constraint, ANC, scheme. In excess of 2,500 farmers are awaiting payments and their farms have not been inspected to date. This is not acceptable. I ask the Minister to introduce a mechanism whereby at least 80% of this funding will be paid to alleviate farmers’ credit rating difficulties well in advance of any inspection. If there are breaches of rules, there can be a subsequent clawback. Farming families are in serious difficulty trying to meet their payments. We need action on this matter.

Deputy Eamon Scanlon: This is an issue I have raised a number of times. Yesterday morning, between 9 a.m and 10.30 a.m., I received calls from four farmers who are desperately waiting for payments. It is six months since farmers applied for payments, which are being held up by satellite inspections. In 99% of cases, these inspections do not make any difference and there is no change. I ask that advance payments in these schemes of 85% and 70%, respectively, be made to farmers. If a deduction has to be made afterwards, there are sufficient funds available for those deductions. These people are desperate. They have bills to pay and we are approaching the Christmas period. When I rang the Department of Agriculture, Food and the Marine yesterday, I was told no further payments would be made until 2 December. If these people do not get their payments on that date, the payments will not be made until next year and they will pay double tax next year because they did not get their money this year.

An Ceann Comhairle: Is the Minister of State, Deputy Doyle, dealing with this matter?
Minister of State at the Department of Agriculture, Food and the Marine (Deputy Andrew Doyle): My information is that payments under the beef basic payment scheme are ahead of where they were last year. Based on the figures, there are no delays. As usual, herd numbers are being randomly selected for inspection as demanded by the European Court of Auditors.

3 o’clock

These are being expedited. As I said to the Deputy last week, if he knows of specific cases, he should send the details on to the Department. We will then see if there are hold-ups but my information is that there are not.

Deputy Lisa Chambers: Between 2014 and 2019, we have seen a 1,700% increase in the numbers of people presenting as homeless in Mayo. A problem that never existed in the area now very much does. We met 47% of our home-building target last year. Mayo built just 38 homes and acquired just 15 last year. In the first six months of this year, 15 homes were built and only ten acquired. We can all agree that this rate of building and acquisition is not at the required level. I have seen a considerable increase in the numbers of people presenting to my office who cannot find rental accommodation because the stock is so low, or who are homeless, particularly in the past year and a half to two years. What is the Government going to do to address the homelessness and housing crises in rural Ireland?

The Taoiseach: Deputy Chambers’s question jars with the remarks her own party leader made not too long ago. She is critical of Mayo County Council for underdelivering on its housing targets. Central government is putting the money in place. The budget for housing was €2.6 billion this year.

Deputy Lisa Chambers: That is not what the council is saying. Funding is not------

The Taoiseach: Between 10,000 and 11,000 homes will be added to the social housing stock this year, more than in any other year this century. If Mayo is not delivering, the Deputy needs to take this up with her councillors and party leader.

Deputy Lisa Chambers: It is the Department.

The Taoiseach: Some 11,000 homes are to be added. Why are there none in Mayo?

Deputy Lisa Chambers: That is a good question.

Deputy Imelda Munster: Last week I raised the issue of funding for the port access northern cross route in Drogheda. The application was under appeal because the initial application for this vital piece of infrastructure, which would also free up land for housing development, had been rejected. On the very day that I raised the issue of the appeal, the Department of Housing, Planning and Local Government notified Louth County Council that this appeal had also been rejected. A reason for this was not even offered. The Minister says that a new round of funding is to open shortly. Having rejected Louth County Council’s application twice, the Government now wants it to apply a third time. I sincerely hope it will be, and it had better be, a case of third time lucky. Will the Taoiseach request that the Minister for Housing, Planning and Local Government and officials from his Department meet officials from Louth County Council to resolve any previous issues to give the council the best chance of success in its application for the next round of funding? That is not too much to ask. I hope the Taoiseach will agree to do so.

The Taoiseach: It is not too much to ask but there is little point in asking me about it. If the
Deputy wants to organise a meeting with the Minister for Housing, Planning and Local Government, I suggest she contact him directly.

**Deputy Imelda Munster:** Does the Taoiseach agree they should meet?

**Deputy Charlie McConalogue:** I hope there is some point in asking the Taoiseach my question. He and his Government have given several commitments with regard to the need for immediate assistance for the approximately 5,000 homeowners in Donegal who are waiting on a Government scheme to help them fix their homes, which were affected by defective blocks containing mica, but they have not followed through on those commitments. Last year, the Taoiseach made a commitment that the scheme would be published by the end of 2018 and that work to fix homes would start by the start of 2019. He has visited these homes and given these commitments himself, and yet here we are, just four weeks from Christmas 2019, and the scheme has still not even been published. Will the Taoiseach update me on the status of that scheme? Will he commit to it being published before Christmas? Will he give a commitment that work to fix those homes will commence in the first months of 2020?

**The Taoiseach:** The budget for 2020 includes €40 million for measures relating to pyrite and mica. The full terms and conditions of the scheme are being finalised. The process has to take account of GDPR requirements with regard to data processing arrangements and the Department’s current engagement with Donegal and Mayo county councils, which will operate and administer the scheme. The aim is to complete the outstanding work without delay to ensure the scheme can get under way as soon as possible.

**Deputy Mary Butler:** According to the INMO there are 534 patients on trolleys in hospitals throughout the county. We have learned that, up until October of this year, in excess of 13,500 people over 75 years had spent more than 24 hours waiting to access a bed. Yesterday, some of my Oireachtas colleagues and I visited the University Hospital Waterford. We were informed by the manager that the hospital has 21 late discharges. These are people who are in acute hospital beds and who need timely discharges but, unfortunately, they have not been not able to avail of them. Simultaneously, there were 23 people on trolleys in the hospital. This is an issue I have been raising for the past year. Would the Government consider adopting a targeted approach that would look at each CHO and at the people who need timely discharges from care and to be provided with either home care support or access to nursing homes? Some people have very complex needs and it is not as simple as just delivering home care hours. If we look at the number of individuals who are awaiting discharge, however, we will see that it is always in or around 600. The number for those on trolleys is very similar. A adoption of a targeted approach would be a good development.

**The Taoiseach:** The Deputy is correct. A lot of what she referred to is being done. She will be aware, on foot of the winter plan published last week, that additional resources are provided for home care, for the fair deal scheme and for aids and appliances. This will enable more people to get home from hospital and more people to be discharged sooner, thus freeing up hospital beds for patients who are acutely ill. As Deputy Butler recognises, there are often complicating factors. Families are allowed a choice of nursing home and this can cause delays. Some patients are wards of court and cannot consent for themselves. Some patients have very complex needs and require an individualised package to be put in place. The Deputy’s point is very well made.

**Deputy Bernard J. Durkan:** The criminal justice (money laundering and terrorist financ-
19 November 2019

ing) Bill 2019 is promised legislation. Given some of the issues that have been raised in recent times, is it intended to bring the Bill before the House without delay?

The Taoiseach: I can confirm that the legislation, which relates to the fifth EU money laundering directive, is due to be introduced during this session.

Deputy Michael Moynihan: Following on from Deputy Butler’s question and the Taoiseach’s reply, and in light of a question I raised here some weeks ago on home help, I refer to a patient who has been trying to get some home help in order to be discharged from the National Rehabilitation Hospital in Dún Laoghaire in recent weeks. The HSE is not engaging with the family in the context of putting a home care package in place, even though the HSE in Dublin is looking at the case, has costed it and has given it to HSE South. I appreciate that the Taoiseach does not have the facts in front of him, but it is a very genuine case. The family want to get out of the health system and get their loved one home over the next couple of weeks. I gave the file to the Minister some weeks ago and I appealed to him to look at it. I ask that he look at the case to see what he can do from his side and from the Government’s side.

The Taoiseach: As Deputy Michael Moynihan stated, I do not have the details of the case in question, but I am sure the family would like to have their loved one home before Christmas. That is what the HSE and the Government would like too. Under the law, the Minister is precluded from making directions in individual cases. If, however, the Deputy passes on the details to him, he will certainly make inquiries.

Deputy Michael Harty: Will the Taoiseach comment on remarks made by Dr. Gabriel Scally at the weekend to the effect that Ireland’s adversarial system for dealing with medical error is not fit for purpose? Dr. Scally has suggested the introduction of a no-fault compensation scheme, particularly to deal with screening errors but also with rare serious vaccination consequences. People present for screening or vaccination voluntarily for their own good and also for the common good. Will the Government consider the development of a no-fault compensation scheme to avoid costly litigation and extremely distressing legal proceedings?

The Taoiseach: Dr. Scally was correct in his remarks. The programme for Government contains a commitment in respect of the introduction of a no-fault vaccination compensation scheme. Mr. Justice Charles Meenan is looking at those issues and we expect his report in the coming weeks. It would make a lot of sense to have a no-fault scheme, as many other countries do, for errors where very often there is no fault, for example with screening errors, vaccine errors and cases such as cerebral palsy. We should not be naive to the limitations, however. Often the facts are disputed and once facts are disputed one gets involved in hearings and once there are hearings, lawyers become involved. It can be hard to avoid that once facts are disputed. Under the Constitution, people always have the right to go to court. Where these no-fault schemes exist in other jurisdictions the kinds of awards given are very modest and are a fraction of what is given in Ireland’s courts. There is a high probability that such a scheme may not have a high take-up in Ireland because people may get much larger awards in our courts.

Broadcasting (Television Licence Fees Recovery) Bill 2019: First Stage

Deputy Sean Sherlock: I move:

That leave be granted to introduce a Bill entitled an Act to provide for the provision of
data by television broadcasting service providers for the purpose of assisting in the recovery of television licence fees; and to provide for connected matters.

In its 2018 report and recommendations on the five-year review of public funding conducted under section 124 of the Broadcasting Act 2009, the Broadcasting Authority of Ireland, BAI, highlighted the very difficult situation faced by public service broadcasters and urged the Government to take urgent, decisive and substantive action. Specifically, the BAI found that public service broadcasting and public service broadcasters faced critical and urgent challenges and it was clear the current funding situation was not sustainable. It found that, at a minimum, RTÉ should receive an increase in its annual public funding of €30 million with immediate effect on the basis that the broadcaster met certain conditions, which were strategic in nature, and had audiences at the core of its consideration. It also found that there should be an increase of €6 million per annum in public funding for TG4 over and above its 2017 public funding provision, with full effect from 2018 and onwards over the period of TG4’s strategy.

In response to the BAI report, the Government has announced the TV licence fee funding system will be replaced by a device independent broadcasting charge, which will take account of technological change and will enable the sustainable funding of public service content in the longer term. However, this will take time to develop and implement and in the interim the current TV licence collection contract will be retained and is to be put out to public tender for a five-year period.

The TV licence fee evasion rate is difficult to quantify. A rate of between 12% and 14% is generally accepted. In 2018, €221 million in licence fees was collected, of which €189 million was received by RTÉ and the rest supported other public service broadcasters and independent producers. In the same year, RTÉ made a loss of €13 million. It seems clear that a more efficient collection system could increase licence fee revenue by between €25 million and €30 million, which is more than double the amount of RTÉ’s annual losses. Without prejudice to any preferred permanent funding solution, data sharing between An Post or any future licence fee collector and the current TV service providers would reduce evasion rates. A simple cross-checking of lists of licence fee payers and subscribers to Sky, Virgin and others would identify those who should be paying for a TV licence but are not.

The purpose of the Bill is to confer statutory authority for such data sharing. The Bill is, by its Long Title, an Act to provide for the provision of data by television broadcasting service providers for the purpose of assisting in the recovery of television licence fees and to provide for connected matters. Section 1 inserts a new section 145A in Part 9 of the Broadcasting Act 2009. This new section is under a heading regarding the collection of licence fees and the provision of television service subscription lists. The section provides that, on being requested to do so by the TV licence issuing agent, which is currently An Post, a TV broadcasting service provider must make available such data, or information extracted from that data, as the issuing agent may reasonably require for the purpose of assisting in identifying persons who may have TV sets not authorised by a licence, and for the performance of other functions conferred on the issuing agent under the legislation. The section specifies that data made so available by the issuing agent may be processed by it for the purposes referred to in the section. The section specifies that data made so available to the issuing agent may be processed by it for the purposes referred to in the section.

Section 2 provides in standard form for the Short Title of the Bill.
An Ceann Comhairle: Is the Bill opposed?

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

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

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

Question put and agreed to.

Civil Liability and Courts (Amendment) Bill 2019: Referral to Select Committee [Private Members]

Deputy Michael McGrath: I move:

That the Bill be referred to the Select Committee on Justice and Equality pursuant to Standing Orders 84A(3)(a) and 141.

Question put and agreed to.

Supplementary Estimates: Motion

Minister for Finance (Deputy Paschal Donohoe): I move:

That leave be given by the Dáil to introduce the following Supplementary Estimates for the service of the year ending on the 31st day of December, 2019:—

Vote 6 — Chief State Solicitor’s Office (Supplementary Estimate).
Vote 7 — Finance (Supplementary Estimate).
Vote 20 — Garda Síochána (Supplementary Estimate).
Vote 24 — Justice and Equality (Supplementary Estimate).
Vote 28 — Foreign Affairs and Trade (Supplementary Estimate).
Vote 29 — Communications, Climate Action and Environment (Supplementary Estimate).
Vote 31 — Transport, Tourism & Sport (Supplementary Estimate).
Vote 32 — Business, Enterprise and Innovation (Supplementary Estimate).
Vote 35 — Army Pensions (Supplementary Estimate).
Vote 37 — Employment Affairs and Social Protection (Supplementary Estimate).
Vote 40 — Children and Youth Affairs (Supplementary Estimate).

Question put and agreed to.
Supplementary Estimates: Referral to Select Committee

Minister for Finance (Deputy Paschal Donohoe): I move:

That, subject to leave being given to introduce the following Supplementary Estimates for the service of the year ending on 31st December, 2019, the Supplementary Estimates be referred to the following Select Committees, as appropriate, pursuant to Standing Orders 84A(3)(c) and 182(3), which shall report back to the Dáil by no later than 12th December:—

Vote 6 — Chief State Solicitor’s Office (Supplementary Estimate) — Select Committee on Finance, Public Expenditure and Reform, and Taoiseach.

Vote 7 — Finance (Supplementary Estimate) — Select Committee on Finance, Public Expenditure and Reform, and Taoiseach.

Vote 20 — Garda Síochána (Supplementary Estimate) — Select Committee on Justice and Equality.

Vote 24 — Justice and Equality (Supplementary Estimate) — Select Committee on Justice and Equality.

Vote 28 — Foreign Affairs and Trade (Supplementary Estimate) — Select Committee on Foreign Affairs and Trade,

Vote 29 — Communications, Climate Action and Environment (Supplementary Estimate) — Select Committee on Communications, Climate Action and Environment.

Vote 31 — Transport, Tourism and Sport (Supplementary Estimate) — Select Committee on Transport, Tourism and Sport.

Vote 32 — Business, Enterprise and Innovation (Supplementary Estimate) — Select Committee on Business, Enterprise and Innovation.

Vote 35 — Army Pensions (Supplementary Estimate) — Select Committee on Foreign Affairs and Trade, and Defence.

Vote 37 — Employment Affairs and Social Protection (Supplementary Estimate) — Select Committee on Employment Affairs and Social Protection.

Vote 40 — Children and Youth Affairs (Supplementary Estimate) — Select Committee on Children and Youth Affairs.

Question put and agreed to.

Horse and Greyhound Racing Fund Regulations 2019: Referral to Select Committee

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): I move:
That the proposal that Dáil Éireann approves the following Regulations in draft:

Horse and Greyhound Racing Fund Regulations 2019,

copies of which were laid in draft form before Dáil Éireann on 15th November, 2019, be referred to the Joint Committee on Agriculture, Food and the Marine, in accordance with Standing Order 84A(4)(k), which, not later than 3rd December, 2019, shall send a message to the Dáil in the manner prescribed in Standing Order 90, and Standing Order 89(2) shall accordingly apply.

Question put and agreed to.

Reappointment of Ombudsman: Motion

Minister for Finance (Deputy Paschal Donohoe): I move:

That Dáil Éireann, noting that the Government on 19th September, 2019, nominated Mr. Peter Tyndall for reappointment by the President, as Ombudsman, recommends, pursuant to sections 2(2) and 2(4) of the Ombudsman Act 1980 that Mr. Peter Tyndall be re-appointed by the President to be Ombudsman, who shall hold office for a further term of six years from the date of his re-appointment 3rd December, 2019

Question put and agreed to.

Reappointment of Information Commissioner: Motion

Minister for Finance (Deputy Paschal Donohoe): I move:

That Dáil Éireann recommends Mr. Peter Tyndall for re-appointment by the President, to be the Information Commissioner.

Question put and agreed to.

Ceisteanna - Questions

EU Meetings

1. Deputy Mary Lou McDonald asked the Taoiseach if he will report on his recent communication with the President of the European Council. [45284/19]

2. Deputy Micheál Martin asked the Taoiseach if he has spoken with other EU leaders since the last European Council meeting on 17 and 18 October 2019. [45497/19]

3. Deputy Joan Burton asked the Taoiseach if he will report on his most recent conversations with the President of the European Council. [46442/19]

4. Deputy Brendan Howlin asked the Taoiseach if he will report on his recent discussion
5. **Deputy Micheál Martin** asked the Taoiseach if he has spoken to European leaders since the last European Council meeting on 17 and 18 October 2019. [46659/19]

6. **Deputy Richard Boyd Barrett** asked the Taoiseach if he has spoken to European leaders since the last European Council meetings on 17 and 18 October 2019. [47381/19]

**The Taoiseach:** I propose to take Questions Nos. 1 to 6, inclusive, together.

As the House is aware, I attended a meeting of the European Council on 17 and 18 October at which I engaged with the leaders of other member states and of the EU institutions. We were briefed by the new President of the European Parliament, Mr. David Sassoli, and the incoming President of the European Commission, Ms Ursula von der Leyen, on their respective priorities.

On 23 October, I spoke to the President of the European Council, Mr. Donald Tusk, regarding the United Kingdom’s request for an extension of the period under Article 50 to 31 January 2020. I confirmed the Government’s support for his proposal to grant the extension.

I welcomed President-elect of the European Council, Mr. Charles Michel, to Government Buildings last Friday. Our meeting was an opportunity for the President-elect to set out his approach to his new role. I gave him a sense of Ireland’s EU priorities, including on Brexit and the future EU-UK partnership. Among the issues we discussed were the agenda for the European Council meeting in December, including the multi-annual financial framework, the EU’s seven-year budget and climate change. We also exchanged views on how to ensure the most effective operation of the European Council.

I was last in touch with the British Prime Minister, Mr. Boris Johnson, on 27 October, after the withdrawal agreement Bill had passed Second Stage in the House of Commons but the programme motion for the further passage of the Bill had been defeated. I also spoke to him on 19 October about the state of play regarding Brexit legislation in Westminster at that time. We also exchanged messages on Friday.

Later today, I will travel to Croatia where I will meet the Prime Minister, Mr. Plenković, and the President, Ms Grabar-Kitarović. I expect that our discussions will focus on issues to be discussed at next month’s meeting of the European Council, as well as priorities for Croatia’s Presidency of the Council of Ministers in the first half of 2020.

**Deputy Martin Kenny:** I acknowledge Donald Tusk’s support for Ireland throughout the Brexit negotiations. It has been vital and one of the shining lights in Europe in this respect. His efforts to uphold the Good Friday Agreement and protect the all-island economy have been constant. No doubt the past three years will be helpful to Mr. Tusk in his new role as president of the European People’s Party, EPP, not least in deciding the fate of the Fidesz party’s membership of the EPP. It is our hope that Fine Gael MEPs will continue to push for its expulsion. That would be an important signal at an opportune time that there is no place for Fidesz’s far-right and fascist views.

The Taoiseach noted during his joint press conference last Friday with the incoming European Council President that Ireland’s contribution to the EU’s budget might increase by 60% in 2021. Has the Government provided for this expected increase in its own multi-annual budgets? Also during the Taoiseach’s meeting with Mr. Charles Michel, they discussed the latter’s
views on the EU’s foreign policy direction. Like the Commission President-in-waiting, Mr. Michel appears to be advocating for enhanced defence spending and capacity. We have great fears in that regard. Mr. Michel wants the EU to be more self-confident and to avoid becoming “collateral damage” in the US and China’s fight for international influence. Is the Taoiseach concerned with this language and does it indicate a renewed drive by European leaders towards a more hawkish policy and increased spending on defence initiatives?

Deputy Micheál Martin: It is important to put on the record our appreciation for Mr. Donald Tusk as President of the European Council. When Fianna Fáil was in government, we found him to be a strong partner for Ireland during his time as Prime Minister of Poland. As Deputy Enda Kenny will confirm, we spoke in favour of the proposal that the previous Government support his appointment as President of the Council. He has been highly effective. Most importantly, he has spoken up in favour of common values in the face of governments either undermining them or being silent. On Brexit, he welcomed contact from all sides in Ireland and never ceased to make the central point that Brexit was bad for everyone. We wish his successor, Mr. Michel, well, but it is important to say that the agenda that he has set out so far is unclear in terms of where the urgency is and how he sees his role as the guardian of certain core values.

One of the most urgent tasks is undoubtedly to address core weaknesses in the monetary union. It was reported last week that Germany was considering dropping its objections to a eurozone deposit insurance scheme. The absence of such a scheme has been identified by every study of the financial crisis and the great recession it caused as a critical weakness within the eurozone. Is Ireland supporting renewed efforts to create a eurozone deposit insurance scheme?

Another identified weakness in the eurozone is the absence of a credible fiscal capacity. Unfortunately, Ireland has publicly aligned itself with the hardline stance of trying to prevent the creation of a eurozone fund large enough to make a difference in the early stages of recessions. Why is Ireland working against something that is so manifestly in the interests of the eurozone?

Deputy Joan Burton: The immediate focus will be on the likely change in the EU’s relationship with the United Kingdom. It is now inevitable that, one way or another, there will be a significant change in that relationship. While Mr. Michel was anxious to state that the EU was ready to negotiate a free trade agreement with the UK, it also wants to promote a level playing field. Has the Taoiseach a sense of how long such a free trade agreement would take to negotiate? There are many suggestions going around that much of this agreement could be done in a year, but international experience suggests that it will take a long time to negotiate, given that there are so many detailed chapters.

Does the Taoiseach know whether Mr. Michel is minded to support a common approach to social insurance throughout Europe? Many workers are on the move across borders and there are small protections in certain areas, for example, pensions. Should someone fall ill or become unemployed, however, there is little cross-EU social insurance protection. Various Commissioners have mentioned this as an objective. Fine Gael’s EPP is dominant. Does it agree with the common protection of standards for workers throughout the EU who become unemployed, disabled or ill?

Deputy Brendan Howlin: I wish to put on the record of the House my own and my party’s appreciation for the understanding and solidarity we have received as a nation from the outgoing European Council President, Mr. Donald Tusk. The clarity of his utterances, sometimes regarded as less than absolutely diplomatic, were helpful during a period when issues of fun-
Dáil Éireann

damental importance for this country were at play. He was opposed in his reappointment some
time ago by his native Poland because of the clarity of his stance on the diminution of European
standards. He has always been one who seeks to maintain the highest level of standards within
the EU and our understanding of what it is to have European values.

My question relates to the Taoiseach’s discussions with Mr. Michel, Mr. Tusk’s successor,
who will take up office on 1 December. The Taoiseach had discussions with him in Ireland and,
presumably, Brussels. Does President-elect Michel have the same nuanced understanding of
Ireland’s Brexit concerns as his predecessor? Has the Taoiseach conveyed to him the complex-
ity and importance of our position? Is the Taoiseach as confident of the same level of support
and solidarity as we got from President Tusk?

Regarding concerns about the new policy of the UK to move further away from common
standards in the EU, will it have an impact on the attitude towards completing a trade agreement
in the timeframe as set out?

Deputy Richard Boyd Barrett: What action, if any, does the Taoiseach believe the EU
should take in the face of the latest assault by the US-Israeli axis on the rights and lands of the
Palestinian people? The decade-long assault on the Palestinian people by Israel has taken a
worse turn since the coming to office of President Donald Trump, be it the recognition of Jeru-
salem as the capital of Israel through moving the US Embassy or the support for the obnoxious
nation state law, which grants only Jewish people the right to self-determination and denies it
to Palestinians. The latest nasty twist is the statement by US Secretary of State, Mike Pompeo,
that the illegal settlements on Palestinian land by Israeli settlers are not really illegal at all,
which backs up the Netanyahu plan for what is effectively the ethnic cleansing of Palestinian
land, which is land designated under international law for a Palestinian state, and the extension
of the apartheid policies whereby once that land is annexed by settlers, walls and fences are built
around it to deny it to Palestinians forever. At what point will the EU stand up, do something
about this and take meaningful action to vindicate the rights of the long-suffering Palestinians?

The Taoiseach: I thank the Deputies for their questions. Regarding the EU budget, which
was the first item I was asked about, our contributions are going to increase over the next couple
of years. They are linked to GNI, the size of our economy.

Deputy Micheál Martin: That is not what I asked.

Deputy Martin Kenny: I did.

Deputy Brendan Howlin: Motor on.

The Taoiseach: I might get into it if Deputy Micheál Martin gives me more than ten or 20
seconds. I am sure somebody asked me about that. It is very difficult to write down the ques-
tions as quickly as they are asked, so my apologies if I picked up anyone’s questions wrong. I
was not able to write them all down, so I beg Deputies’ forgiveness and forbearance for that.
I was asked if it was factored in. I do not even think the question was from Deputy Martin. I
think somebody else asked it.

Deputy Martin Kenny: It was me.

The Taoiseach: Deputy Martin did not even ask the question. I am actually responding to
Deputy Kenny, so perhaps we could have a little less irritability from him on this one. Deputy
Kenny asked me about the EU budget and he is correct to say that the contributions will increase as our GNI increases over the next couple of years. That is factored into our multi-annual projections and is referenced in our summer economic statement, where we set out our rough projections as to where the budget will land, as it were, over the next couple of years.

On EU defence, Ireland is neutral and is not going to be joining any military alliances. We do not support the establishment of an EU army but we do recognise that many other countries do support that. Most EU countries are members of NATO and are integrated into that organisation. That is the realpolitik of the situation.

Deputy Martin Kenny: Is the Taoiseach concerned about that?

The Taoiseach: However, we do support the permanent structured co-operation, PESCO, to which we have signed up. This House voted by a very clear majority in favour of Ireland joining PESCO. That involves security co-operation and there is lots of scope for greater EU security co-operation. Operation Sophia, under which our navy participates in operations in the Mediterranean is one example, as is the EU Training Mission, EUTM, Mali. We see the possibility of our Defence Forces drawing down funds from any EU defence instrument, recognising that we are already involved in EU operations in places like the Mediterranean and Mali.

Deputy Martin’s question was about the European deposit insurance scheme. He asked if we support it, which we do. We think it would be of benefit to savers and could make financial services more portable, available and affordable. However, we need to make sure that the proposal is right and is properly de-risked. We have concerns that there are banks and banking sectors in other parts of Europe that may not be as robust as ours, and we want to make sure that if we sign up to a European deposit insurance scheme, the banks covered are well regulated and stable. We do not want to find our taxpayers on the hook.

We have not ruled out supporting a eurozone fiscal instrument. We have reserved our position on it but again, the devil is in the detail. Ireland is a wealthy country and we have a budget surplus. If a eurozone fiscal instrument is established, we will be net contributors and are unlikely to have to use it. When we were in the position of relying on European aid, it was in the form of ,loans which we had to pay back with interest. It was not in the form of a fiscal instrument that is not repayable. It is all about the detail and we are open to considering proposals.

Deputy Micheál Martin: It is really about the principle of monetary union.

The Taoiseach: On the question of how long it will take to negotiate a future trade agreement between the EU and the UK, it is hard to know. Nobody can know for sure how long it would take to negotiate such an agreement. Of course, there is a difference between negotiating a future trade agreement and actually ratifying it. We may well be able to negotiate it in a short period of time, but it would have to be ratified by member state parliaments and possibly even some regional parliaments, which could take some time. If the new future trade agreement is very close to the status quo, it could be negotiated very quickly, but the more the UK chooses to diverge from the acquis and from the status quo, the longer it is going to take to negotiate an agreement. The negotiation is going to be all about the difference, so it is impossible to predict. It would be ambitious to have it done in 2020, but that is what we are going to try to do.

In terms of whether we are supportive of common protection for workers and people with disabilities across the EU, as a Government we have not seen any proposals on that from the Commission but we would have to have regard to what a common proposal would actually
mean. During the discussions around the Gothenburg Declaration, I noted that the countries that were most suspicious of any common EU protection systems for workers, disabled people or the unemployed were the Nordic countries because they were concerned that it could result in a diminution of their welfare states. A common policy could mean some countries moving up while other countries move down. As a country with one of the highest weekly social welfare payment rates, one of the most generous carer’s benefits means tests and one of the highest minimum wages in the European Union, we would want to ensure that any common European system for welfare or the minimum wage would not result in us reducing our rates or lowering our standards. There would have to be a minimum floor and that would be our approach to it.

**Deputy Richard Boyd Barrett:** What about the Palestinians?

**An Ceann Comhairle:** Does the Taoiseach have anything to say in response to Deputy Boyd Barrett?

**The Taoiseach:** I have two more questions to answer and am happy to do so.

**An Ceann Comhairle:** Is it agreed that we will take time from later slots? Agreed.

**The Taoiseach:** On the Israeli settlements in the West Bank and the Golan, the Government’s position is, as it always has been, that we consider them to be illegal. We do not recognise Israel’s attempt to annex any of the territories occupied in 1967 or thereafter. According to the current treaties, however, the EU can only act on foreign policy matters by unanimity. There is not a unanimous position in Europe on this but if we were to move towards qualified majority voting for foreign policy, that would enable the EU to act in way that it does not do at present.

The incoming President of the European Council, Mr. Charles Michel, has a very good understanding of Brexit. We have a very good personal relationship and have been working together closely for more than two years. He probably does not have as detailed an understanding of Brexit as Mr. Donald Tusk would have, because it has not been his main work, but he will be up to speed on it very quickly. Mr. Michel, apart from being like-minded on many issues, is Belgian and so understands the impact that Brexit can have on the economy. Belgium is next door to the UK just as we are and Mr. Michel has a good understanding of that. Being Belgian, he also has some interesting insights about Northern Ireland. Coming from a country that is a bi-national state with two languages and many devolved legislatures, he is very interested in and has a good understanding of some of the challenges that arise in that scenario.

**Climate Action Plan**

7. **Deputy Micheál Martin** asked the Taoiseach if he will report on the launch of the first progress report on the Climate Action Plan 2019. [46413/19]

8. **Deputy Joan Burton** asked the Taoiseach if he will report on the role of his Department in the context the Climate Action Plan 2019. [46443/19]

9. **Deputy Mary Lou McDonald** asked the Taoiseach if he will provide a progress report on the Climate Action Plan 2019. [46522/19]

10. **Deputy Michael Moynihan** asked the Taoiseach the role his Department plays in the
11. **Deputy Richard Boyd Barrett** asked the Taoiseach to provide a progress report on the Climate Action Plan 2019. [47382/19]

**The Taoiseach:** I propose to take Questions Nos. 7 to 11, inclusive, together.

The Climate Action Plan 2019 was published on 17 June 2019. The plan contains 183 actions, broken down into 619 individual steps, which Ireland needs to implement to meet our EU 2030 targets and achieve our long-term low-carbon transition objective. Delivering such an integrated set of actions requires a deep level of collaboration across Government. The plan outlines significant new governance structures to ensure that climate policy is implemented. This includes the establishment of the climate action delivery board within my Department to hold each Department and public body accountable for the delivery of actions set out in the plan. A climate action unit has also been set up in my Department to assist the delivery board and the Cabinet committee on the environment to monitor and drive implementation of the plan.

There is a strong focus on accountability in the climate action plan, including a commitment to publish progress reports quarterly, the first of which was produced on 31 October. The first progress report shows that 85% of the actions due for delivery in quarter two and three of this year have been delivered, incorporating 149 measures across various sectors. Accountability for the delivery of the remaining 27 delayed items will be pursued in forthcoming quarters. Several key milestones have been delivered to date under the plan, including a new scheme for up to 1,200 on-street public charge points for electric vehicles, led by local authorities and funded by central government. We delivered a climate action focused budget, with a commitment to increase the price of carbon to €80 per tonne by 2030 and to ring-fence proceeds from the carbon tax for climate action and a just transition.

As already referenced, a climate action delivery board has been established, led by my Department. A retrofitting model task force has been established to deliver our new national retrofitting plan. We have accepted the advice of the Climate Change Advisory Council to ban all new oil exploration in Irish coastal waters. The first trams for capacity expansion on the Luas green line have been delivered. We have devised new requirements to ensure that all new homes are nearly zero energy building, NZEB, standard, and a new local authority climate action charter has been signed by 31 local authorities. We have made a commitment to a just transition plan with €31 million secured in budget 2020 for new actions under this plan. We have also devised new rules for public procurement, which will mean that €12 billion of State investment each year will now be invested sustainably.

**Deputy Micheál Martin:** I join others in welcoming last week’s Youth Assembly on the issue of climate action. It was a very positive and constructive occasion. We should also acknowledge the ongoing work of Comhairle na nÓg and Dáil na nÓg, which this network convenes. We should all value the fact there are so many young people out there - we meet them in our constituencies - who are willing to spend time on constructive and focused discussions regarding issues that are central to today and the future.

On the climate action plan, suspicions that the Government was primarily interested in rolling out a pre-election marketing effort rather than showing genuine urgency have unfortunately been proven correct. A party that formally abandoned ambitious climate plans eight years ago has made a deathbed conversion and is investing heavily in trying to convince people that it is
Dáil Éireann

paying attention. The plan was launched close enough to the election in order to have claims made about what is being done but without enough time to find out if this is yet another area, like housing, in respect of which there is a systematic failure on the part of Ministers to deliver on clear commitments. The obsessive party politics and manoeuvring and campaigning the Government is driven by were obvious recently with the visit of the Minister for Finance, Deputy Donohoe, and other Ministers to the midlands, during which he and Fine Gael candidates used official meetings to promote the just transition fund as if it was their own. I recall the Taoiseach arguing strongly against the idea of having a ring-fenced fund at all. The exclusion of Deputy Cowen, whose work and perseverance on the issue of a just transition fund is one of the key reasons it was created in the first instance, reflects badly on the Government and on its style and approach. This is a reminder that, throughout its time in office, there are examples of Fine Gael breaking all established principles on the barriers between public events and party activity.

I have asked the Taoiseach directly on a number of occasions about the climate action plans relating to the electric vehicles that will be on our roads by the end of the next decade. He has always brushed the issue off but a range of independent commentators have stated that if the target in this regard is to be met from next year onwards, we would have to have a situation where nearly every new car sold would at least be a plug-in hybrid. Can the Taoiseach tell us whether he has reviewed this criticism of the target relating to electric vehicles? Does he reject or accept the analysis that the target will not be met without some, as of yet unannounced, dramatic initiative? If the Taoiseach accepts the analysis, can he outline his proposals to deal with that issue? Nobody believes that it is a realistic or achievable target.

Deputy Joan Burton: The Taoiseach referred to county councils earlier. In the context of climate change, does he share the views recently attributed to the Dublin City Council manager, Mr. Owen Keegan, that if he had his way, he would cut down all the trees on streets in Dublin that are traversed by buses. That would be a radical action in the context of our climate. What was stated shows how difficult it is, notwithstanding 300 to 500-point plans, to get real coordination and leadership in the context of institutions such as county councils. I was among many who attended the Youth Assembly that took place here courtesy of the Ceann Comhairle. It was a good initiative. I was interested in the Taoiseach’s comments praising the young people to the sky. The young people are practical. They want forests and trees to be planted, not cut down as suggested by the manager of Dublin City Council. They also want deciduous trees to be planted, not just Sitka spruce. Forests containing the latter species are subject to permanent darkness. The young people who attended the assembly also want action on public transport and, in particular, improvements in air quality, a matter in respect of which the Government has failed. The Government is still failing to take on the smoky coal merchants, ban what they are selling and give relief to towns such as Enniscorthy, in which the air is badly polluted. We know about the success of clean air policies in Dublin city and in all the other major cities. In the context of his comments on young people, what does the Taoiseach plan to do that will follow up on some of the heartfelt comments they made here last Friday? The Taoiseach praised them to the sky but did not mention any specifics.

Deputy Martin Kenny: Like others, I commend the Oireachtas and RTÉ on last week’s Youth Assembly on climate action. There was some disappointment that RTÉ would not facilitate the participation of young people from the North, but it was an important event and the people who participated so fully did their communities proud. As the Taoiseach knows, the challenge of climate change is unlike anything we have faced before. As a small, wealthy and developed country in a union of 27 other wealthy countries, we have to act and think big in re-
spect of this matter. The climate action plan is praiseworthy. Incorporating a quarterly review regarding its implementation is good practice but it is on the acknowledgement of the scale of the change and the integrity of the ambition that our children and grandchildren will judge us. The Government has indicated that it is phasing out oil exploration in Irish waters, yet we are bringing fracked gas from the US to Ireland. This smacks a little of hypocrisy. Many of the Government’s listed achievements relate to low-hanging fruit such as new energy requirements and regulations for homes that have yet to be built, increased carbon taxes that have not changed behaviour and that will impoverish working families and a borderline obsession with electric vehicles. The reality is most people cannot afford electric vehicles because they are way too expensive. There needs to be a major review of how the initiative in this regard will work.

The Government is still viewing climate action through the prism of something for the individual to do rather than as a matter in respect of which society must take action. As my colleague, Deputy Cullinane, has stated, there is an assumption within this plan that small, individual actions alone will save the day. Earlier this month, the Minister for Communications, Climate Action and Environment, Deputy Bruton, confirmed that the Government has no plans to expand the rail network outside the existing network, save for a paper review in respect of the western rail corridor. That review should have been carried out years ago. I have raised the western rail corridor several times with the Taoiseach. Will the Government reconsider the decision in this regard and look at rail again? The Taoiseach knows that rail has an important role to play in lowering carbon emissions. Similarly, the Government has refused to contemplate free public transport. It wants to keep people in cars while climate action demands that we get them onto public transport, particularly in urban areas, as quickly as possible.

**Deputy Richard Boyd Barrett:** One of the central demands of the young people who have led the fight for radical climate action is to keep fossil fuels in the ground. Scientists have indicated that we must keep 80% of known reserves in the ground if we are to have even a chance of not passing the tipping point as regards the climate overheating. The Government has tried to justify its decision to block People Before Profit’s Planning and Development (Climate Measures) (Amendment) Bill 2019 by stating that gas is a transitional fuel. It has also used that rationale to justify promoting the liquid natural gas terminal at Shannon as one of the European projects of common interest. Does the Taoiseach have a comment on the fact that at the end of last week, the European Investment Bank, in contrast to the Government’s approach to this matter, made a decision to stop financing all fossil fuel energy projects from 2021 including, importantly, those involving gas? It did so despite lobbying from a number of European Governments to the effect that a restriction on gas should not be imposed. The European Investment Bank is listening to the young people and the scientists and saying that we have to stop taking all fossil fuels out of the ground, stop exploring for them and stop building infrastructure, as the Government is proposing to do, to lock us into their use for years to come. Could the Government at least come up to the level of the European Investment Bank when it comes to seriously tackling climate change and fossil fuel use?

**Deputy Brendan Howlin:** I join others in congratulating the Ceann Comhairle and RTÉ on facilitating real innovation in the form of the Youth Assembly on climate action, which has presented a challenge to all of us. The Ceann Comhairle wants to bring forward the conclusions of that assembly for action. The recently introduced climate action plan contains a target to retrofit 50,000 homes per year by 2021. This is essential, particularly when one considers that half of our housing stock was built before the energy efficiency regulations were introduced.
Irish homes are emitting 104% more CO2 than the EU 27 average. At the same time, we are in a housing crisis. We need to do two things, namely, build new houses and retrofit the existing housing stock. We need people if we are to do both. The problem is there is a skills shortage, particularly in the construction sector. In 2015, fewer than half the number of builders identified staff shortages as a problem, whereas now the figure is 86%. Last year, there were just 127 apprenticeships in bricklaying and stonemasonry, while only 30 people registered as plasterers. Has the Taoiseach a plan to address the growing skills shortage, which will make the achievement of our objectives of solving the housing crisis, retrofitting houses and addressing the energy crisis, impossible unless we act decisively?

**The Taoiseach:** I join Deputies in welcoming the youth climate assembly, which was held in the Chamber last Friday. I recognise, in particular, the Ceann Comhairle and the team around him for taking the initiative and making it possible. Around the world, especially on Fridays, students have protested outside parliaments, and I am sure they will continue to do so. It is good that we were the first parliament in the world to invite in young people and students to make the recommendations they did. They made ten recommendations in total, which I have read. They were received personally by the Minister for Communications, Climate Action and Environment, Deputy Bruton, last Friday. The Government will examine them and respond to them in a reasoned and serious way. That will involve, no doubt, accepting some and implementing them, and it may involve not being able to accept others, particularly those that may not be in the competence of the Government, such as those that relate to international trade law.

One recommendation that struck me, and it was a learning for me, was in respect of refrigeration. One of the young people who attended pointed out we would never in our homes leave our fridge wide open. We have all been told since we were kids to close the fridge. We would never in our homes take the door off the fridge or leave the fridge wide open, yet we go into shops and supermarkets all the time and all we see is food on display in open fridges. That costs a great deal of money and involves a great deal of energy, which contributes to greenhouse gas emissions. That recommendation stuck out to me as an area in which, perhaps, we need to legislate to require businesses, shops and others to close fridges that are currently open.

On exploration, all I can say is what I have said before. Our policy is guided by scientific advice, specifically that of the Climate Action Advisory Council, which recommended we end exploration for oil but continue to explore for natural gas, as it is the cleanest fossil fuel part of the energy mix, probably until 2040----

**Deputy Richard Boyd Barrett:** The European Investment Bank, EIB, however, does not believe that any more.

**The Taoiseach:** ----or 2050. The EIB is a great organisation but it is run by economists and bankers, not scientists. The Climate Action Advisory Council is run by scientists. The Deputy will be aware that the Paris accords do not say we should end exploration. We do not propose to fund a liquefied natural gas terminal at the River Shannon or anywhere else. It is very much a private sector project that may or may not ever happen. On the question of electric vehicles and hybrids, it has never been suggested that it is a straight-line trajectory target.

**Deputy Micheál Martin:** We know that.

**The Taoiseach:** What will probably happen with the purchase of electric vehicles and hybrids is there will be a tipping point-----
Deputy Micheál Martin: There is no evidential basis for that argument.

The Taoiseach: We will see an increase year on year and there will be an inflection point at some stage. That will happen as prices fall, and it is evident already that the cost of electric vehicles and hybrids is falling. People see more and more sense, as they change their car, in considering an electric vehicle-----

Deputy Micheál Martin: The plan is for 1 million electric vehicles.

The Taoiseach: -----or a hybrid.

Deputy Joan Burton: What about the price?

The Taoiseach: In any given year, approximately 100,000 people buy a car or change their car. We could reach the point where more and more of those cars are hybrids or electric. Of course, there are also business vehicles-----

Deputy Micheál Martin: Every new car would have to be a hybrid from today.

The Taoiseach: -----which could be hybrids or electric. On the Dublin City Council manager’s comments on trees, I assume he did not mean them. It was probably a little flippant or figurative but I cannot speak for him.

Deputy Joan Burton: The Taoiseach disowns the comments in that case.

The Taoiseach: I cannot disown them because he is not my employee. The city council, as the Deputy will know, is controlled by Fianna Fáil, the Labour Party, the Green Party and the Social Democrats. They have an opportunity to disown him if they wish, censure him if they wish and, more importantly, if they wish, do the opposite of what he has proposed, by planting more trees rather than knocking them down, although I understand that thus far the commitment and agreement to plant more trees in Dublin has not been honoured.

It is significant that there is approximately 10% to 12% tree coverage in Ireland, which is the highest in 350 years, or at least that is what the science tells us, although it is still much lower than in other European countries. We have an ambitious plan to plant approximately 440 million trees over the course of the climate action plan and there is a great deal of money there to do that, and to incentivise landowners and farmers to do it. We need to work with them to find ways to encourage them to do it because it is hard to convince farmers and landowners to plant trees. In certain counties such as Leitrim, for very understandable reasons, people feel they have already taken their share and that more should be done in different parts of the country.

Air quality is an important issue on which we are very much working. We all need to recognise that it is about much more than smoky coal. Smoky coal is not an issue in this city, for example. The major cause for-----

Deputy Joan Burton: It is an issue in Enniscorthy.

Deputy Brendan Howlin: It is in Enniscorthy.

The Taoiseach: In this city, I said. The major cause for the air quality problem in Ireland is diesel cars, not smoky coal.

Deputy Micheál Martin: Smoky coal should be banned.
The Taoiseach: In Enniscorthy, for example, the problem is largely due to peat and briquettes-----

Deputy Brendan Howlin: And coal.

Deputy Joan Burton: And coal.

The Taoiseach: People who know Enniscorthy well will know that it has much more to do with peat and briquettes than with smoky coal.

Deputy Brendan Howlin: The Government should ban coal in that case, if it means nothing.

The Taoiseach: If we were to ban smoky coal and people changed to peat or briquettes, it would make the air quality worse.

Deputy Micheál Martin: We banned it in Dublin and Cork.

The Taoiseach: We need to look at such matters-----

Deputy Brendan Howlin: The Taoiseach announced he was going to ban it.

The Taoiseach: ----in the round. It is already open to local authorities to implement-----

Deputy Micheál Martin: The Taoiseach does not have the bottle to do it.

The Taoiseach: ----bans on a local basis if they wish to do so, subject to ministerial order. If the objective is better air quality, people shifting-----

Deputy Brendan Howlin: Everybody knows that banning bituminous coal is important.

The Taoiseach: ----from coal to peat or briquettes will make the air quality worse.

Deputy Micheál Martin: No one is saying that.

The Taoiseach: We need to fess up to that. On climate action, I agree with the comments made by Deputies. It is not, and cannot be, just about individual action. It has to be Government led. Individual action cannot change our energy systems. Only governments can do that. We have announced we will take peat out of the system in 2023, much earlier than planned. Coal will come off the grid in 2025 and there is now major investment in renewables, rising from 30% now to 70% by the end of the decade. Individuals cannot do that.

Deputy Brendan Howlin: What about apprenticeships for retrofitting?

The Taoiseach: It must be led by the Government, but businesses, too, have to act to take into account the rising cost of carbon and to change how they operate. Individuals can also make a contribution, which they want to do. People I meet want to make a contribution to reducing our emissions, and more and more people are doing that.

On rail electrification, we already have plans to electrify the railways to Drogheda, Maynooth and Kildare, and to build the MetroLink, which is an overground and underground electrified service. After that, we can certainly look at electrifying other elements of our rail network, but only so much can be done at any one time and it costs money to do such things. If we were to make public transport free, it is hard to see how we would find the money to invest
also in the infrastructure.

An Ceann Comhairle: I thank the Taoiseach-----

Deputy Brendan Howlin: What about the question on apprenticeships?

The Taoiseach: I missed the question. I am sorry I did not get the chance to respond.

Deputy Brendan Howlin: On the issue of apprenticeships if we are to retrofit houses, is there a strategy to provide the skills base? I outlined the numbers of apprenticeships in training, which are pathetic.

The Taoiseach: I will check it out but I know-----

Deputy Micheál Martin: It is a disgrace.

Deputy Brendan Howlin: There are only 30 registered plasterers, 127 apprentices in stone-masonry-----

An Ceann Comhairle: We need to move on. We are well over time.

Deputy Micheál Martin: To be fair, the answer is “No”. The Government does not have a strategy.

An Ceann Comhairle: We will now move to Question No. 12. The Taoiseach, please.

Deputy Brendan Howlin: How many minutes remain?

An Ceann Comhairle: Four minutes remain, which is just about enough time for the answer to the question.

Deputy Brendan Howlin: In that case, there is no point in moving on.

The Taoiseach: Does the Deputy not want the answer?

Deputy Brendan Howlin: I would like the answer to the question we have asked. Is the Taoiseach just going to give us an answer and not allow us to ask any supplementary questions?

The Taoiseach: The question to be asked is whether I will report on the latest meeting of the inner city forum, and I am happy to answer it.

Deputy Micheál Martin: We could do that tomorrow-----

Deputy Brendan Howlin: We have only four minutes.

Deputy Micheál Martin: -----and the Taoiseach might elaborate on the questions he did not answer in the last round.

The Taoiseach: I am in the Deputies’ hands.

Deputy Micheál Martin: We should do that.

Deputy Brendan Howlin: Only four minutes remain.

Deputy Micheál Martin: We should continue on the second group of questions. Deputy
Howlin deserves a comprehensive reply to his question.

**The Taoiseach:** That is fine with me.

**An Ceann Comhairle:** Are we moving to Question No. 12?

**Deputy Brendan Howlin:** Only three minutes remain.

**An Ceann Comhairle:** The Deputies seek more details-----

**The Taoiseach:** On what?

**Deputy Micheál Martin:** On apprenticeships.

**An Ceann Comhairle:** On the second group of questions.

**Deputy Joan Burton:** Will the Taoiseach address the apprenticeship part of the questions?

**The Taoiseach:** As I said to Deputies earlier, we have an apprenticeship strategy. There has been a considerable increase in funding for apprenticeships in recent years-----

**Deputy Brendan Howlin:** There has not.

**The Taoiseach:** ----and a major increase in the number of people taking up apprenticeships in recent years. There are many new types of apprenticeships. I do not have the numbers in front of me but I will-----

**Deputy Brendan Howlin:** There were 127 apprenticeships in bricklaying last year and 30 in plastering.

4 o’clock

**An Ceann Comhairle:** In fairness, if a question is to be asked about apprenticeships, it would need to be signalled in advance.

**The Taoiseach:** One would be forgiven for thinking the Deputies are not really interested in the answers.

**Deputy Micheál Martin:** In fairness, if 50,000 houses are to be retrofitted, there should be an analysis of who is going to do that work to determine whether the numbers are sufficient. If there are 27 apprentice plasterers, that is clearly not the case.

**Deputy Brendan Howlin:** The figure is 127.

**An Ceann Comhairle:** We cannot be divinely inspired.

**The Taoiseach:** I am sure the Deputy realises plasterers do not do retrofitting. It is a whole different thing.

**Deputy Brendan Howlin:** Of course they do.

**The Taoiseach:** I do not think they do.

**Deputy Joan Burton:** Excuse me.
Deputy Micheál Martin: Of course they do.

Deputy Brendan Howlin: They plaster walls after insulation.

The Taoiseach: Is it not a different apprenticeship?

Deputy Micheál Martin: The Taoiseach does not know-----

The Taoiseach: I promise to check it out for the Deputies.

An Ceann Comhairle: The Taoiseach will revert to Members.

The Taoiseach: I think it is a different apprenticeship.

Gnó na Dála - Business of Dáil

An Ceann Comhairle: I remind Members that Dáil na nÓg will meet in the Chamber on Saturday to discuss climate change.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Donnchadh Ó Laoghaire - to discuss Garda resources in Cork city centre; (2) Deputy Thomas Pringle - to discuss the availability of respite services in County Donegal; (3) Deputy Dessie Ellis - to discuss the normalisation of racist language towards ethnic and minority groups; (4) Deputy Stephen Donnelly - to discuss secondary school places for pupils in Bray, Greystones and Delgany, County Wicklow; (5) Deputy Catherine Murphy - to discuss the permissions needed by some medical professionals when moving into self-employment as general practitioners; (6) Deputy Peter Burke - to discuss extending the register of beneficial ownership deadline for some small and medium enterprises, SMEs; (7) Deputy Darragh O’Brien - to discuss funding issues around the O’Devaney Gardens site; (8) Deputies James Lawless and Bernard J. Durkan - to discuss the lack of secondary school places in Kildare North; (9) Deputy Denis Naughten - to discuss home care funding which causes delay in discharge of patients from the National Rehabilitation Hospital; (10) Deputy Danny Healy-Rae - to discuss provision of a permanent GP service for the people of Milltown, County Kerry; (11) Deputies Richard Boyd Barrett and Paul Murphy - to discuss the United States policy on Israeli settlements; and (12) Deputy Mattie McGrath - to discuss the status of the national broadband plan.

The matters raised by Deputies Lawless and Durkan, Burke, Darragh O’Brien, and Boyd Barrett and Paul Murphy have been selected for discussion.
30. **Deputy Thomas Byrne** asked the Minister for Education and Skills if he is satisfied that there is now no school-based oral examination of the Irish syllabus at junior cycle. [47776/19]

**Deputy Thomas Byrne:** Táim ag ardú ábhar tábhachtach maidir le scrúdú béil na Gaeilge sa teastas sóisearach. Tá sé imithe ach beidh a fhios ag an Aire go bhfuil conspóid ann faoi láthair maidir le cé chomh crua is atá an páipéar Gaeilge agus maidir leis an easpa scóip le béalthuisint a thaispéinte do scrúdaitheoirí. Tá múinteoirí Gaeilge ar fud na tíre ar buille maidir leis seo. Tá siad buartha go gcuirfidh an scrúdú seo, an deacracht a bhaineann a bháis leis, agus an easpa scrúdú béil daltaí as a bheith ag foghlaim na Gaeilge. Ceapann siad gur dáinséar don Ghaeilge é.

**Minister for Education and Skills (Deputy Joe McHugh):** Gabhaim buíochas as an cheist. Chuala mé an díospóireacht thar na coicíse faoin chonspóid agus chuala mé an díospóireacht agus an comhrá faoi na deacrachtaí. Tá an scrúdú nua le teacht isteach don chéad uair in 2020. Beidh imní ar dhaoin faoin am atá ann chun é a chríocnú. Beidh cruinniú agam le mo chuid oifigeach agus leis an State Examinations Commission Déardaoin seo chugainn faoi na rudaí sin.

The development of students’ oral language skills is to the fore in the new specifications for Irish at junior cycle. The previous oral examination was optional and was taken by approximately 40% of students. The new assessment arrangements, on the other hand, require all students to engage in an assessment of their oral skills through classroom-based assessment. This gives a greater opportunity for all students to develop and enhance their oral language proficiency skills over the three years of the junior cycle and to foster their ability to use the Irish language. The assessment of these skills forms an integral component of the overall language learning experience and occurs in a number of ways.

As well as the completion of tasks where students use and demonstrate their oral language skills to achieve specific learning outcomes, their oral language skills are also formally assessed through the two new classroom-based assessments. The second classroom-based assessment, in particular, is entirely based on students’ oral language competence. It is linked to ongoing classroom exchanges and represents a more authentic reflection of students’ interests and competence levels in Irish. Importantly, the oral skills of all students will now be assessed in classroom-based assessments and formally reported upon in each student’s junior cycle profile of achievement.

My Department remains committed to encouraging the use of spoken Irish. The development of the new curriculum specifications for Irish at junior cycle was informed by research and extensive consultation with the education partners, including practising teachers and students. Extensive continuing professional development is being provided to teachers and is complemented by a range of other supports. The new approach gives better recognition to the
development of students’ oral competence, including their ability to speak Irish, over the three years of the junior cycle.

**Deputy Thomas Byrne:** Gabhaim buíochas leis an Aire. Le roinnt seachtaine anuas, tá múinteoirí ag cur glaoch orm maidir leis an easpa scrúdú béal agus le cé chomh deacair is atá an páipéar. Tá an tAire ag rá go mbaineann an obair béal i rith an chúrsa, na CBAs, le fiosrshaol na ndaltaí. Tá na múinteoirí ag rá an mhalairt. Tá siad ag rá go bhfuil an páipéar nua ródheacair. Bhéadh roinnt de na ceisteanna deacair ó thaobh an Bhéarla nó an eolaíochta freisin. Caithfidh na daltaí aistí ar roinnt de na hábhair sin a scríobh as Gaeilge.

In recent days, I have been inundated with calls from teachers who have raised serious issues about Irish at junior cycle. I am raising this issue in the context of the lack of oral work, which is at the heart of this. The Minister referred to classroom-based assessment being in place in order to develop Irish language skills, but I am not sure that will work because while he said that will be more authentic, the sample examination paper which has been provided to schools is completely inauthentic in terms of the day-to-day lives of students. It is really difficult and some of the terminology is new to me and to some teachers. It refers to descriptive imagery and so on, which is difficult not only in Irish but also in English. There are ways of doing this properly, but the danger is that, following the removal of oral Irish as an examination component and the introduction of a difficult Irish exam at that level, we run the risk of turning people off the language, which would be very unfortunate.

**Deputy Joe McHugh:** I appreciate the Deputy raising this issue because this is a subject area which requires deliberation. We have introduced interventions in the Gaeltacht area, including the tumoideachas, the Gaeltacht recognition scheme, which is working well. It is hard to believe that even in recent years some Gaeltacht schools taught through the medium of English. That has all changed and there is now 100% take-up at post-primary level and 80% take-up at primary level. We have to get to a position in our English medium schools whereby we can examine what is working. A lot of good stuff is working and many teachers have been very creative in bringing the love of the Irish language into the classroom.

The motivation behind the new curriculum is to try to ensure more communication at junior certificate level and continuity in the transition from primary to secondary level. That is why I initiated the content and integrated language learning, CILL, pilot project which involves ensuring that young people are learning Irish through physical education, mathematics and other subject areas. I take on board the Deputy’s comments on difficulties raised by teachers in respect of the sample paper. I will speak to my officials on Thursday to bring these issues to the fore if there is enough time available.

**Deputy Thomas Byrne:** De ghnáth, ní bhíonn baint ag polaiteoirí leis an gcuraclam. Fágaimid é sin do na saineolaithe agus na daoine atá bainteach le forbairt an churaclaim ach, sa chás seo tá múinteoirí na tíre, na saineolaithe is tábhachtai, ag rá go bhfuil deacraítaí anseo. Táim ag súil cloisteáil ón Aire maidir le torthaí na cainteanna atá sé ag dul i ngleic le.

This is a serious issue and I am glad the Minister has an interest in it. We have a good chance to get this right and ensure that the Irish language promoted. On that note, I pay tribute to Ms Zainab Boladale from RTÉ, who has been the subject of vicious racist abuse. Ms Boladale moved from Nigeria to Ireland at the age of four. The fact that she can give an interview on television as Gaeilge is a testament to her, her family and the Irish education system. We have a national hang-up about the national language and how badly taught it is, how difficult it is,
etc. Ms Boladale can inspire all of us to use the Irish language daily and ensure that we have the level of Irish we all should have, particularly in view of the level of resources devoted to the subject. I refer to not blaming teachers or schools, I am asking what we, as a nation, are prepared to do about the Irish language. I am grateful for Irish teachers coming forward on this issue and giving up their free time to try to bring about change. Their interest is in the language and the students learning it.

**Deputy Joe McHugh:** Aontaím leis na pointí deireanach a rinne an Teachta maidir leis an bhean atá ag obair in RTÉ. Aontaím freisin faoin leanúnachas agus an diospóireacht faoin teanga. Sílim gur chóir do dhaoine tosú níos óige, roimh an scoil, agus go mbeadh leanúnachas ann tríd an bhunscoil agus an mheánscoil ina dhiaidh sin. Ba chóir do pháistí a bheith ag fóglaíonn na teanga go nádúrtha agus i mbealach sósialta, ag labhairt lena gcairde agus iad ag súgradh, lena dtuismítetheoirí sa siopa, nó lena gcomharsan trí Ghaeilge. Sin rudai nádúrtha.

Tá athbheochan ag tarlú sa Ghaeilge, agus tá suim ag daoine, tuismítetheoirí agus múinteoirí scoile inti. Teastaíonn cuidiú ó múinteoirí maidir leis na scileanna a bheidh uathu. Beidh muid ag bogadh na hárthair le chéile maidir le CLIL agus beidh acmhainní breise faoina choinne sin thar trí bliana. Tá muid ag amharc freisin ar na scileanna lán-Bhéarla agus ag iarraidh go mbeidh níos mó solúbthacht agus suntasacht acu amach anseo d’fhoghlaim na Gaeilge.

### Special Educational Needs

31. **Deputy Donnchadh Ó Laoghaire** asked the Minister for Education and Skills if the special education teacher allocation model still gives an additional weighting to gender on the basis of on the number of boys attending each school; if so, the evidence to support this approach; and his views on whether it is appropriate and necessary. [47618/19]

**Deputy Dessie Ellis:** Táim ag tógáil an cheist seo toisc nach bhfuil an Teachta Ó Laoghaire le fáil. The issue of special needs allocations affects a large number of schools and many of them feel they are not getting adequate allocations for students with additional needs. It is allowed for under circular 008/2019, as issued by the Department. Many girls’ schools are concerned about this matter and I am seeking a clear explanation of the rationale for the situation.

**Deputy Joe McHugh:** Gabhaim buíochas don Teachta as ucht a cheist. A new model for allocating special education teachers was introduced for mainstream primary and post-primary schools from September 2017. It is designed to distribute special education teaching resources fairly to schools, taking into account the profiled needs of each school. The total number of special education teachers has increased by 38% since 2011, from 9,740 in 2011 to more than 13,500 now. The manner in which the updated profiles have been developed since September is set out in the Department of Education and Skills’ circulars 007/2019 and 008/2019.

The school profiles take account of a number of components, including a baseline component provided to every mainstream school to support inclusion and early intervention, and which is based on school enrolment numbers. Also taken into account is the number of pupils with complex needs enrolled into the school, the learning support needs of pupils in the school, as evidenced by standardised test results, and the social context of the school including disadvantage and gender.

The National Council for Special Education, NCSE, working group report, ‘A New Model
for Allocating Additional Teaching Resources for Students with Special Educational Needs’, published in 2014, recommended the new profiled allocation model. The report noted that international research has shown that there is a significantly higher incidence of the overall male-to-female ratio in special education. The report cites a range of research evidence which indicates that boys predominate in most disability categories. This is particularly the case with behavioural needs. For this reason, the NCSE recommended that schools’ profiles should take some account of a school’s gender breakdown.

The percentage of the overall allocation for gender currently represents 4.35% of the profiled allocation for primary schools and 2.15% of the allocation for post primary schools. I am satisfied that the NCSE recommendation is valid. Should new research on differentials prevalent between boys and girls be published in future, this can be taken into account for the next review of the allocations.

Deputy Dessie Ellis: I appreciate what the Minister is saying. However, the circular specifically states, “the special education teacher allocation model continues to take account of gender differentials by giving a small additional weighting for gender based on the number of boys attending each school. The weighting for each school will therefore take account of the gender profile, [that is] the number of boys attending”. From talking to principals of girls’ schools, as well as teachers, they are not, generally, convinced of the basis for this policy. The reality is that girls are every bit as disadvantaged as boys and this appears to be a black and white case of discrimination. Will the Minister put forward the evidence supporting these criteria and make that evidence available for us to look at? There still seems to be confusion and the circular is adding to it.

Deputy Joe McHugh: I am happy to ask my officials to look at this issue and identify what is the most recent and up-to-date research. This evidence is based on international research dating back to 2014. If we look at the trajectory here regarding special needs provision from 2011 to this year, there has been an increase in special needs assistants, SNAs, from 10,000 up to 17,000 next September. There has been an enormous impact in the context of meeting increased demand and dealing with those capacity issues as they arise. The NCSE constantly monitors international best practice as well. As I speak, a major conference at which practices in places such as New Brunswick in Canada and Portugal are being examined is under way. The NCSE is very open to exploring what is happening at international level. If new evidence shows more of an equilibrium between boys and girls, we will be open to taking it on board.

Deputy Dessie Ellis: Discrimination in schools that is not deemed to be positive discrimination is simply wrong and unacceptable. Is there any substantial evidence to show that this discrimination is necessary? It seems archaic and not in line with modern standards. If there is proper supporting evidence, can we see it? The Minister stated that he will send the evidence to us. Could it be sent to the Joint Committee on Education and Skills and to Deputy Ó Laoghaire? This is something the Minister and his Department should review. Will he commit to holding such a review here today? This approach seems completely inappropriate and unfair to girls’ schools. I noticed the Minister mentioned that the number of SNAs will be increased from 10,000 to 17,000. If that is correct, it is a substantial increase and is welcome. I still feel, however, that it is not clear to many people, particularly in the girls’ schools, why this discrimination is still on the books.

Deputy Joe McHugh: All international evidence is pointing to this approach. I would be happy to forward supporting information to the joint committee. I have no problem doing that.
I alluded to the report from 2014, which stated:

Clear international evidence exists of a gender imbalance in the incidence of disabilities, special education enrolments and academic achievement (OECD, 2003, Mitchell, 2010, Banks & McCoy, 2011). Since the 1960s, the overall male to female ratio in special education has been 2:1 to 3:1. Reviews of US literature show boys predominating in every disability category except for deaf/blindness.

Times change, things change and statistics change. However, I am happy to go back to the NCSE to see if there is any evidence pointing to changes in the incidence in the context of boys and girls. At the moment, it is definitely pointing towards more incidence among boys than girls.

**European Court of Human Rights Judgments**

32. **Deputy Thomas Byrne** asked the Minister for Education and Skills the status of the reforms of the ex gratia scheme established in July 2015 in view of the O’Keeffe case; and if he will make a statement on the matter. [47777/19]

**Deputy Thomas Byrne:** It disappoints me that I have to raise this issue again. In the past number of years, we have had independent reviews, Dáil motions and apologies but we have never had an end to this saga for survivors, many of whom continue to seek to meet me, my party leader and probably the Minister as well. Over the summer, stinging and, unfortunately, all too predictable criticism was levelled at the scheme in the independent assessment. This had been predicted by Deputies on the floor of this House and by academic experts. We have still not reached the end of the process. The most recent response I received from the Minister indicates that only half of the offers made had been accepted and that the review undertaken by the Department with the Office of the Attorney General remained incomplete. Will the Minister provide an update and begin, on behalf of the Government, to show some compassion towards the people affected by this issue?

**Deputy Joe McHugh:** I express again my sympathy for the victims of sexual abuse and acknowledge the trauma they suffered. As the Deputy will be aware, the *ex gratia* scheme was established on foot of the specific circumstances arising from and in response to the judgment of the European Court of Human Rights, ECHR, relating to Ms Louise O’Keeffe. Ireland submits biannual action plans to the relevant committee of ministers which is responsible for supervising the implementation of the judgment of the ECHR.

The *ex gratia* scheme is not the sole vehicle through which compensation for sexual abuse in day schools has been paid out. Between 2005 and 2018, settlements involving the payment of compensation by the State to victims of day school child sexual abuse have been made to 22 claimants. Mr Justice Iarfhlaith O’Neill, acting as an independent assessor to the scheme, was asked to review the cases of 19 applicants who had not been successful in their application to the scheme. On foot of his determinations, payments are being made to a number of victims of child sexual abuse in day schools. The current position is that 16 offers of payment have been made and, to date, eight have been accepted. Further payments will be made upon acceptance of the remaining offers.

In the aftermath of the independent assessor’s determinations, my Department committed
to reviewing the *ex gratia* scheme in conjunction with the Office of the Attorney General. I am sure the Deputy will understand the complexity and sensitivity of the issues involved that require very careful deliberation before proposals can be finalised and brought to Government. However, I fully understand and appreciate the urgency involved in this matter, as noted by the Deputy. I expect my officials to present me with draft proposals in the coming weeks for my consideration.

**Deputy Thomas Byrne:** I could raise many issues during education questions but when a man tells me he was raped on a daily basis by a lay principal and other survivors of abuse tell me similar, awful tragic stories which have left their lives destroyed, I must continue to raise this issue with the Minister. The stories I am being told are nothing short of horrific. The response of the State to the decision in the Louise O’Keeffe case has been utterly inadequate. It took a long time, through pressure inside and outside the Dáil, to get the Government to at least appoint Mr. Justice Iarfhlaith O’Neill who told the Department what Members had said in the House and what Dr. Conor O’Mahony of University College Cork and others had also said, namely, that the Department’s interpretation of the decision in the Louise O’Keeffe case was wrong. Mr. Justice O’Neill stated that the qualifying requirements of the scheme required “an inherent inversion of logic and a fundamental unfairness to applicants.” The applicants are those about whom I am speaking today. The idea that this further deliberation - it is never-ending - is required does another injustice to these victims who have the European Court of Human Rights on their side. Ranged against them, they have had the legal might of the State and the slow response of the Government in dealing with the matter. This has added to the trauma they have experienced. I plead with the Minister to have the Government deal with this issue as quickly as possible.

**Deputy Joe McHugh:** I am treating this matter with the most urgent attention and I will continue to do so. I met the Attorney General earlier today on this issue and he also appreciates the urgency involved. The Attorney General also articulated the complexity that surround this issue, which the Deputy will respect. We want to get this right. We had previous decisions by Government and there has been political interaction with the Judiciary. When the High Court and Supreme Court make a decision, we work from their interpretation. An independent assessor was commissioned to do a particular job. In advance of his determination, the Taoiseach and I both stated on the public record that we would abide by and follow through on the independent assessor’s determination, whatever it was. We will continue to do that. I appreciate the urgency around this issue.

**Deputy Thomas Byrne:** I challenge the Minister on this. The High Court and Supreme Court have never stated that the previous practice in the Department was what should happen. Victims were bullied out of the High Court and Supreme Court with threats of costs a number of years ago. They were told that if they pursued their claims, costs would be awarded against them, which is what happened.

This issue needs to be dealt with urgently. If I was the Minister for Education and Skills, I would ask the Attorney General and his office, because the matter goes beyond the current Attorney General, how they got this so wrong when everybody, including the entire Opposition and outside academics, was saying what the position was. Let us be honest about this. A plain reading of the judgment in the Louise O’Keeffe case suggested that the Government was wrong. One did not have to be a legal expert to read the judgment by the court and realise that what the Government was doing was in conflict with it. I wonder how the Government got it so wrong. Its job now is to make this right by complying with the decision of the European Court
of Human Rights before another case is taken in Strasbourg and another ruling issues against 
the Government on this important issue. It must finally give justice to some of these people, 
most of whom, at least most of those I have met, are men who continue to suffer. The similarities 
between some of the stories being told by people from different parts of the country are 
striking. The State’s response has been inadequate.

**Deputy Joe McHugh:** There is nothing more horrendous than to take away the innocence 
of young people. As a society, we have had a history of that and we have to be very vigilant in 
that regard. That is why we have been insistent and have focused on ensuring we have proper 
child protection measures in place through legislation.

The Deputy stated that if he was Minister, he would implore the Attorney General to move 
on this matter as quickly as possible. I have been doing that and will continue to do so. I am 
confident we will have a report back within the next few weeks.

**An Leas-Cheann Comhairle:** We will skip Question No. 33 and return to it later.

### Third Level Funding

34. **Deputy Catherine Martin** asked the Minister for Education and Skills his plans for 
medium and long-term funding for third level education in view of the increasing demographic 
demand and the effect of substantial per capita reductions in investment in the sector in recent 
years; his timeline for receipt of the economic analysis of the Cassells report in view of the first 
funding major benchmark from the report in 2021; and if he will make a statement on the mat-
ter. [47825/19]

**Deputy Eamon Ryan:** It is more than three years since the Cassells report was presented 
to the House and we have yet to make a decision on how we properly fund third level educa-
tion, particularly in light of increasing demographic pressures. Since I tabled the question, the 
Minister has announced the successful tendering for an economic study of the three options set 
out in the Cassells. I welcome that, even if someone could have completed a bachelors degree 
in the time it has taken to commission the study. I am keen to get details on the timelines and 
how the Minister intends progressing in this vital area.

**Minister of State at the Department of Education and Skills (Deputy Mary Mitchell 
O’Connor):** I am committed to continuing the process of investing in our higher education sys-
tem and to the development and implementation of a sustainable funding model for the sector. 
The Government’s commitment to investment in higher education is clearly demonstrated by 
the scale of investment in higher education in recent years, particularly in the previous three 
budgets.

Following the further planned increases in higher education spending for 2020 announced 
in the recent Estimates, planned current spending on higher education for 2020 will have in-
creased by 25% compared with that planned for 2016. This constitutes an increase in the order 
of €370 million. This is estimated to bring current funding for the higher education sector to 
€1.88 billion in 2020, which exceeds the previous peak level of planned investment of €1.78 
billion made in the sector in 2008.

A key part of this investment is the human capital initiative, HCI, which will be a transfor-
The HCI will invest €300 million in higher education over the period 2020 to 2024. Funded from the surplus in the National Training Fund, the HCI will help to realise the objectives of Project Ireland 2040, Future Jobs Ireland and the national skills strategy. At €60 million per year over the next five years, it will form a key part of our strategic response to addressing the skills needs of the economy, mitigating Brexit risks, responding to digitalisation and the future world of work and preparing ourselves for other challenges the economy may face.

The development of a sustainable funding model for higher education is essential in light of the centrality of higher education, both in terms of human capital development and research and innovation, to underpinning the future development of Ireland as a knowledge economy against the backdrop of rapid technological change.

Additional information not given on the floor of the House

In that context, a comprehensive economic evaluation of the funding options presented in the report of the expert group on future funding for higher education is now commencing, supported under the European Commission structural reform support programme to be undertaken by an expert independent international consortium. We expect to have substantial work on this project completed by the third quarter of 2020.

The comprehensive and detailed analysis of funding options for higher education and the assessment of the appropriate balance between provision across the tertiary education system are expected to play a very important role in informing and advising Government decision making. This will provide the basis for a national consensus on the appropriate policy approach which is fundamental to Ireland’s economic and social sustainability and progress and the delivery of key policy objectives under Project Ireland 2040 and Future Jobs Ireland.

Deputy Eamon Ryan: One of the recommendations in the Cassells report was that by 2021 there would be a €600 million per annum increase in the core funding for the third level sector in comparison to 2015 levels. I realise there are many different ways one could look at this, but can the Minister of State give an indication of how we are measuring against that recommendation? What is her estimate today of what will be the increase in core funding? Will it be the full €600 million or will it be a fraction and, if so, what fraction?

Second, the Minister of State referred to the human skills fund and the need to match investment in third level education to the needs of the economy. I am deeply concerned that we have seen no innovation in the past three to four years from the Government on the changed needs of the economy, particularly when it comes to delivering the green transformation we must make. Project Ireland 2040 does not deliver it and the national development plan was made without any consideration of climate change. I will give three examples. In forestry there is a single forestry course in UCD when we need thousands of new foresters to take on that project. The retrofitting of buildings will require 20,000 skilled carpenters, electricians and energy engineers. Again, nothing is happening in that space. The third area is organic agriculture. There are no new resources, effort or training going into that critical area of applied education. When will the Government amend its education plans to meet our climate objectives?

Deputy Mary Mitchell O’Connor: We have increased funding by €370 million over the past two years and into 2020. That money is in response to the Cassells report. As the Deputy knows, we are sending that report to Europe for an evaluation. It is not just about higher edu-
We also want an evaluation regarding apprenticeships and to know about future skills needs. All of that will be evaluated and dealt with in the report we are expecting.

We launched a €500 million climate fund and much of that is aligned with what is happening in the higher education institutions. As we speak, much work is taking place in the higher education institutions in the research area. They are using education funding for that.

On organic agriculture, I have met Teagasc on a number of occasions and I am due to meet it in the next fortnight and I will refer back to the Deputy on that.

**Deputy Eamon Ryan:** It is three or four years since the completion of the Cassells report. Is this new study just starting again, in a sense? It is to examine the three funding options set out in the Cassells report, which are full State funding, increased State funding with continuing fees and income contingent loans. In the interim four-year period, has the Government formed a view on which of the three options might be preferable? Will it give a steer to the expert group now looking at the economic analysis or is it still at base one and waiting to make a decision on the strategic direction it will take?

**Deputy Mary Mitchell O’Connor:** I am sure the Deputy has read the Cassells report. What is in that piece of work is all about the lecturer and student ratio. I believe we need to make decisions for Ireland and more importantly for the students. We must look at apprenticeships, the future jobs, what is being delivered and the funding. The Deputy asked if I have a steer on it. The single steer I am giving publicly is that I do not believe that students should take out loans and then be saddled with huge debt into the future. I am not sure what the Green Party steer is on the three funding models we were given. Was it increased money from the taxpayer?

**Deputy Eamon Ryan:** It is increased funding from the taxpayer.

**Deputy Mary Mitchell O’Connor:** That is fine. That was one of the models. Another was to continue as we are, with the students continuing to pay and extra funding from the State, which we are providing. The third was the student loan.

**An Leas-Cheann Comhairle:** We will return to Question No. 33.

**Schools Amalgamation**

33. **Deputy Mattie McGrath** asked the Minister for Education and Skills the status of the amalgamation of Cahir national schools; his views on the long duration of the process; the reason for same; and if he will make a statement on the matter. [47792/19]

**Deputy Mattie McGrath:** This is about the status of the amalgamation of Cahir national schools and the Minister’s views on the long duration of the process. It is going on for almost two decades, fiche bliain ag fás. Will he give the reason for same and make a statement on the matter? Cá bhfuil our scoil? We are waiting 20 years for it. He is the tenth Minister so I hope he has good news for me.

**Deputy Joe McHugh:** The decision making authority for any amalgamation belongs to the patron or trustees of the school, and this is subject to my Department’s approval. The Department understands that the timing of the amalgamation is being considered in the context of the delivery of the building project. It awaits confirmation from the patron in this regard.
A building project to provide a new 16-classroom primary school with special educational needs base to facilitate the amalgamation is currently progressing through the architectural planning process. Statutory approvals have been obtained and the project is currently at stage 3, which is the tender stage of the architectural planning process.

Whether I am the tenth Minister, although I believe I am the fortieth Minister since the foundation of the State, I will be happy to keep progress and momentum on this to the fore.

**Deputy Mattie McGrath:** It is fiche bliain or longer since this project started. Speaking of the patron, the Congregation of the Sisters of Mercy gave the site. Bishop Alphonsus Cullinan has been more than helpful and willing. The parish priest, an sagart paróiste, and the parish council met recently and decided to gift the Minister the site, so he cannot hide behind blaming the parish, the patrons or anybody else. The site for the car park has been gifted. The Minister said something very peculiar in a previous reply to me. He said the Department is seeking rights to the site even if a school does not continue at the site in the future. Will he explain that? I do not know what type of thinking there is in the Department now.

I refer to the parent councils, the boards of management and the parents. We have many different nationalities in the school and they are very welcome. Tá fíor fháilte roimh gach éinne go dtí Cathair Dún Iascaigh. There are up to 15 different nationalities, but they are in Dickensian conditions. We cannot wait any longer. This project has been kicked down the road. I have had so many replies to parliamentary questions I could paper my bedroom with them. However, I want to see the school classrooms, not my bedroom. I do not want to hear the Minister say it is in the hands of the patrons, the boards of management and the trustees. It has been already signed off and gifted by the parish community in Cahir and Bishop Alphonsus Cullinan. The Minister should be grateful for that, acknowledge it and forget the delays.

**Deputy Joe McHugh:** The land was signed over on 9 October. Approvals have been obtained and the project is at the tender stage. Tenders are due for return by 22 November. The tender process has been extended on a number of occasions, and I appreciate the frustration that the boards of management, parents, students and teaching staff have gone through regarding the delays, but this was to allow for the resolution of some legalities relating to the site and no further extensions to the tender return date are anticipated. I do not expect any delays in the return of tenders on 22 November.

**Deputy Mattie McGrath:** I am glad the Minister cleared that up. I knew the parish community, parish council, parish priest and the bishop had signed off on it. I believe them. Of course I do. One does not get many free sites these days, and the Minister has been given a great gift from the clergy in the parish. He should be grateful for that. I was told several times previously that tenders were at the stage of pre-qualification of contracts for the project. The Minister is hiding behind every kind of an excuse. Now he has acknowledged on the floor of the Dáil that the site has been gifted to the Department, I want to see this project, because of the children - na daoine óga - and because of the parents, the parents’ council, both boards of management, several retired parish priests and principals who are patrons there, the whole community - ní neart go chur le chéile, is what we believe in Cathair Dún Iascaigh - all our newcomers, and the people to come. We want a half decent - fully decent - proper, amalgamated national school with 16 rooms and facilities for pupils with special needs. It also has to have safe parking. I must salute An Garda Síochána, the traffic warden, and of course the parents on trying to manage the situation at the school, which is very difficult at peak times. There should be no more roadblocks, fences or blaming anyone else. The Minister should just get the project under
way. We hope we can get him down as the tenth Minister to turn the sod. We will all be there and we can have a cup of tea afterwards in Cahir House Hotel. That is a great idea.

Deputy Joe McHugh: I wish to separate the amalgamation from the tendering process. The amalgamation is being considered in the context of the delivery of the building project, but we await confirmation from the patron. It is on the amalgamation that we await confirmation from the patron.

Deputy Mattie McGrath: It was the next best thing.

Deputy Joe McHugh: I also wish to put on the record that the site was not gifted. I will not go into the details of that here today.

Deputy Mattie McGrath: It was gifted.

Deputy Joe McHugh: No, it was not.

Deputy Mattie McGrath: Never look a gift horse in the mouth.

Deputy Joe McHugh: I appreciate the frustration involved in the delay of the building project and the competing demands at an educational level in this school. I will be vigilant and ensure that we keep moving forward on it.

Ceisteanna Eile - Other Questions

School Accommodation Provision

35. Deputy Charlie McConalogue asked the Minister for Education and Skills the status of a development at a school (details supplied); the funding that will be made available; the timeline of when the works will be completed; and if he will make a statement on the matter. [47496/19]

Deputy Charlie McConalogue: I seek an update on the delivery of a permanent new school building for the lower building at Moville community college. The Minister will know well that the prefabs, which are still used by 550 pupils, have been there since 2001. They very much need a new permanent school building. Some very necessary repair works were done over the summer, but we need to see the work progress to deliver the long-awaited permanent building. At a public meeting during the summer the hope was expressed that a planning application would be possible around September or October. We are now in November, so I seek an update on progress from the Minister.

(Deputy Joe McHugh): As the Deputy will be aware, the provision of a stand-alone extension project for the school to which he refers has been devolved for delivery to Donegal Education and Training Board, DETB. As Minister for Education and Skills and a Deputy for Donegal, I am delighted to report that there has been significant progress on the revised design for the project, which has been developed by the new architect. I can inform the Deputy that the main aspects of this revised design have been examined by officials and they are satisfied that it will provide for improved new building layouts for the project. The architect is now working with the rest of the design team with a view to providing my Department with a revised stage
2A submission as soon as possible and is targeting this to be done by the end of the year. The timeline for the planning process will be a key factor for determining the overall delivery timeline for the project.

The Deputy will also be aware that surveys to investigate issues with the school’s main existing building were recently carried out. An initial report was provided to my Department, on foot of which further surveys were undertaken. A final report is being prepared and this will inform a decision on the best approach to addressing the issues raised in these reports.

I am also pleased to say that refurbishment works on the existing temporary accommodation on site and access for all works on the existing main building were successfully completed over the summer. I thank the school community for its patience as we worked through the provision of this improved accommodation and the DETB officials for their hard work in delivering it.

I understand the need for this project to progress and the efforts of the school and local parents to highlight this. I have met the school and parents about this project and I am fully committed to providing the funding necessary to complete the stand-alone extension and to resolve the issues with the existing building.

**Deputy Charlie McConalogue:** This is a tremendous school that provides a tremendous quality of education, which is reflected in the pupils’ achievements. It has exceptionally good staff and management. However, it has been forced to live with substandard accommodation for the past 18 or 19 years of its existence. It has had a permanent upper building, which was delivered in 2005, but it has worked out of prefabs for the lower building since 2001. These were condemned by the Department. I welcome the work done over the summer to bring them up to a better standard, but patience has long run out around the delivery of the permanent new building. It was approved in 2014, but here we are in 2019 and we are only at the preliminary stages. The Minister and the Department made a commitment in May that they hoped that planning permission would be applied for in September or October. It is November and this has not happened yet. The timelines have slipped and the Minister is now speaking about a revised stage 2A proposal by the end of the year. We cannot afford any further slippage in the timelines on this. It must move through the processes promptly. I call on the Minister to ensure that this happens and that there are no further delays or slippage as we have seen in recent months. Will the Minister outline more clearly the exact timelines for the completion of the stage 2A proposal, moving to planning and then tender for construction?

**Deputy Joe McHugh:** It is deeply frustrating for me and the officials that there is a new building, built in 2005, on which we must go back and do a survey. That is the first frustration. The second, as the Deputy is aware, is that we had to replace the architect at the beginning of the summer. We had to go to a new architect and sit down with a new design for the building because other expressed wishes had come from the teachers and parents. We now have a new design. I expressly wanted to put the pressure on to ensure that we get it across the line as quickly as possible. There will be no stone unturned at Department level but we are waiting on the design team and architect. The matter is with them now. They have to make their observations, and as soon as they are ready, we are ready to go for approval to go for planning, so it is a question of how quickly we can get that across the line. The feedback from the Department is that the new team that is working on this has been more than diligent, co-operative, helpful and professional. It is a question of getting it right now. It is up to them to get the information back to the Department and we will move from there.
Deputy Charlie McConalogue: I know the staff, management and the team are working hard on it. I am saying to the Minister, and through him the Department of Education and Skills, that we must see this progress as quickly as possible. The patience of the staff, students, parents and management has not been rewarded in the past. It was approved in 2014, yet here we are five years later and we are not much further forward. We can have no more of that. We need to see the new permanent building delivered. It is a great school. Its development from new in 2001 was a good initiative to divide the very large numbers in Carndonagh community school at the time. However, it is a massive failure on the part of the Department that we are here without the permanent buildings finished some 18 or 19 years later. I ask the Minister and Department to give every priority in coming months to ensuring there is no slippage in the various stages of the process to getting to tender and to construction. The students, parents, teachers and management deserve to have modern facilities, including an up-to-date canteen, gym and rooms that offer good conditions for teaching and learning. It is essential that these be delivered now and without any further delay.

Deputy Joe McHugh: There is no question about the commitment relating to this project. I met the principal, Mr. Anthony Doogan, in Moville on the Monday before last. He is satisfied with the level of progress and in his leadership position within the school he must manage expectations and frustrations along the way. Nevertheless, he is satisfied with the progress being made and the work of the design team and architect. It is full steam ahead and as soon as the report comes to the Department with the required information, there will be nothing standing in the way to move this to planning. We can keep the momentum after that.

Question No. 36 replied to with Written Answers.

DEIS Scheme

38. Deputy Thomas Byrne asked the Minister for Education and Skills his plans to ensure equality of access for students of all socioeconomic backgrounds; and if he will make a statement on the matter. [47467/19]

Deputy Thomas Byrne: I was not expecting to be called so quickly.

An Leas-Cheann Comhairle: I apologise. Deputy Pringle’s question was supposed to be next but he is not here.

Deputy Thomas Byrne: I ask the Minister his plans to ensure equality of access for students of all socioeconomic backgrounds in this country and if he will make a statement on the matter. Over the past few months, Fianna Fáil, in the context of the Oireachtas education committee, has put forward a series of proposals to address educational disadvantage. The matters I have highlighted include the issue of reduced hours affecting poorer children, Traveller children and children with special needs. Time and again, socioeconomic background is cropping up as a reason for reduced access to education and we need to sort this out and ensure that the equality that is deserved is achieved for everybody.

Deputy Joe McHugh: Delivering Equality of Opportunity in Schools, DEIS, is the main policy initiative of my Department to address educational disadvantage at school level.

The DEIS programme provides for smaller class sizes and other supports, including ad-
ditional teaching posts, home school community liaison co-ordinators, DEIS grants, enhanced book grants, curriculum supports, priority access to continuing professional development and the school excellence fund for DEIS. Evidence from the evaluation of the DEIS programme to date demonstrates that it is having a positive effect on tackling educational disadvantage.

The rationale for allocating resources and supports based on a school’s level of concentrated disadvantage is based on the existence of a multiplier effect whereby students attending a school with a high concentration of students from disadvantaged backgrounds have poorer academic outcomes, even taking account of individual social background. This approach is supported by national and international research.

In the 2019 to 2020 school year there are 891 schools in the DEIS programme serving in excess of 185,000 pupils. This represents approximately 20% of the overall school population. My Department will spend in the region of €125 million in 2019 on the DEIS programme. That does not include school meals from a different Department.

My Department is now in the final stages of further data analysis on the new identification model to allow for the development of a resource allocation model to match resources to identified need.

In addition, there is a broad range of courses, programmes and supports available to increase transition to both further education and training and higher education for under-represented groups, including those from lower socioeconomic groups. These include initiatives under the programme for access to higher education, PATH, the student assistance fund and student grant schemes.

**Deputy Thomas Byrne:** The issue of language learning and education is particularly emblematic of this matter. The Department of Education and Skills has identified issues in access to learning different languages, which could act as an impediment to employment for pupils for the rest of their lives. In a post-Brexit world, Ireland should be improving access to languages rather than damaging it. In particular, a second language for less well-off students could be particularly advantageous. As I am sure Fine Gael colleagues have told the Minister, Fianna Fáil has a policy document on language learning, some of the damage done by Fine Gael and Labour while in government and how to try to rectify that damage. Education must be a level-ler so regardless of where someone is born or how much parents make, we should be striving to build an education system that allows pupils to meet their full potential. That objective is not being met in a number of areas.

I am proud that DEIS was established by Fianna Fáil to ensure everybody is looked after but we must ensure people with disabilities, asylum seekers and Travellers have access to the system. Where is the policy on the barriers facing children who are homeless while in education? That will follow them for the rest of their lives, as research has indicated. Nothing has been done by the Department. DEIS is an important policy response but there is so much more to this.

**Deputy Joe McHugh:** DEIS has been an outstanding success story and when it was introduced, there were fears around the stigma that would be associated with the programme. That was very quickly dispensed with because of the support mechanisms put in place and the progression by students, not just to third level but also to training and apprenticeships. The statistics bear that out. Disadvantage is no longer looked at on a geographical basis. Disadvantage
Dáil Éireann

can sometimes be very subtle or it can be acute. We are measuring it and taking this intensive analysis very seriously. As far as I am concerned, if we are to look at other school support systems, we must make a choice. It will be whether to put resources into this or not; I am certainly an advocate for DEIS and such a support system. I want us to continue moving towards a more meaningful and inclusive education system.

**Deputy Thomas Byrne:** I will raise two matters that are connected to DEIS in that the programme does not apply fully to some schools. Evidence gathered on the aftermath of Hurricane Katrina in America indicates that children and families were displaced for considerable periods and that children’s education suffered in the long term. In a Dáil motion, we have argued that the Department should act on child homelessness and access to education. The Irish National Teachers Organisation, INTO, developed a protocol but there has been nothing from the Department since the motion was discussed, which is a real shame. We need something to direct schools on how to deal with child homelessness in non-DEIS schools.

Some schools, such as a school whose name I will supply to the Minister in the form of a note, do not have full DEIS benefits but are in areas ravaged by gang crime. They see kids influenced or affected by gangs, and in some cases, at age nine or ten, they work for gangs or are being nurtured by gang members. I know representatives from some of those schools have met departmental officials as they want extra support from the Department. They make a very good case, although they have not gone public on this. There should also be input from the Department of Justice and Equality. There is a range of issues but schools are confident they can work with children who are affected by gang crime if given sufficient resources. I urge the Department, when it reviews DEIS, to look at this as a matter of urgency. I will give the name of the school in a note if that is okay.

**Deputy Joan Burton:** Will the Minister agree to give some information and publish details of the school planning areas, which are broad maps that apply in areas of rapid development of housing? These are really confused. People cannot go to a school that is next door or there may be no transport to an area to which they have been designated. It would be really helpful to have a consultation and information process on these mapped areas, and that probably applies to most of the country.

**Deputy Joe McHugh:** The planning areas are publicly available but I would be happy to forward the information to the Deputy.

We sit on a cross-departmental group that takes homelessness as a very specific and important issue. If Deputy Thomas Byrne wishes to raise any specific matters with me in that regard, I would be happy to take that information. I will take the note he mentioned and his comments highlight the complexity of the challenges and pressures that schools feel in different areas. That is whether they are dealing with criminal gangs, homelessness, anxiety or different coping, familial or society issues for students. The people at the coalface are the teachers and I get feedback from them on a daily basis when I meet them. It is that the challenges are changing but are very complex and evolving. We must be very supportive in that process.

5 o’clock

I reiterate the DEIS programme is a targeted supportive system. There are other schools not in the DEIS programme that I strongly believe should be in it, and that is why we are considering a targeted intervention. It will come down to the question of resources, but I am certainly
happy to support further expansion in that regard.

An Leas-Cheann Comhairle: We will now take Question No. 37. I understand Deputy O’Keeffe was delayed.

School Transport Review

37. Deputy Kevin O’Keeffe asked the Minister for Education and Skills the plans he has put in place to review the school bus transport scheme in view of the serious difficulties that arise with the scheme each year and, in particular, in the lead-up to the commencement in September of the academic year 2019-2020. [47096/19]

Deputy Kevin O’Keeffe: I was not actually. I was going by the numbers and I note another Member who tabled a question is not here. We may be entering into a period of the calm before the storm, as the Minister of State will be aware. Every year for the past few years, and even prior to my time in the House, I would say the Minister of State’s Department has been inundated with requests sought for last-minute adjustments to secure places on school buses for children who want to attend the school of their preferred choice in their catchment area. Can he not be more upfront and put a scheme in place on the basis that Bus Éireann, in conjunction with the Department of Education and Skills, would straight away seek to know the areas where it is expected there would be pupils enrolled for the upcoming 2019-2020 academic year?

Minister of State at the Department of Education and Skills (Deputy John Halligan): I thank the Deputy for his question. As I have said on a number of occasions, school transport is a significant operation managed by Bus Éireann on behalf of my Department. In the 2018-2019 school year, more than 117,500 children, including 13,000 children with special educational needs, were transported in 5,000 vehicles every day to primary and post-primary schools at a cost running at more than €200 million in 2018.

Growth in the number of children availing of special educational needs transport is a notable development in recent years. The cost of special educational needs transport has grown consistently from some €58 million in 2012 to more than €106 million in 2018. School transport provision for children with special educational needs now accounts for more than 50% of the total cost of the scheme despite catering for some 12% of the overall number of children transported.

The purpose of the school transport scheme is, having regard to available resources, to support the transport to and from school of children who reside remotely from their nearest school. Children are generally eligible for school transport if they satisfy the distance criteria and are attending their nearest school as determined by the Department in conjunction with Bus Éireann, having regard to the ethos and the language.

All children who are eligible for school transport and who completed the application process on time have been accommodated on school transport services for the 2019-2020 school year and, in that respect, no serious difficulties have arisen for those who are eligible for school transport. Children who are not eligible for school transport, as the Deputy will be aware, may apply for transport on a concessionary basis and are facilitated where spare seats exit.

I recently sanctioned an additional €1 million for the school transport budget to allow for temporary alleviation measures to increase temporarily the capacity for concessionary seats on
the post-primary transport scheme for the 2019-2020 school year. I also announced a review of the school transport scheme with a view to ensuring funds are being spent in the most effective way to meet the objectives of the scheme. The terms of reference and scope of the review are being considered by my officials and it is expected a cross-departmental steering group led by my Department will be established. I hope to meet representatives from all parties in the Dáil to talk about what we plan to do in the review of the scheme.

**Deputy Kevin O’Keeffe:** I thank the Minister of State for his interest in the matter. I acknowledge he has a budget within which he much work, but at the same time each child of schoolgoing age is entitled to have proper and fair education in a school of their parents’ choice where they believe their child can learn more. There are areas where families have an historic attachment to a school. Previous legislation changed that. For example, pupils in west Waterford might have to go another school when there is a school nearer. Families have historic attachments to schools. Also, all schools do not provide the same curriculum. Parents might want their children to attend a school because of the curriculum in place in that school.

Most schools have open days for registration for incoming pupils for the following year. Should a representative of Bus Éireann not attend those open days and spell out to parents whether their children will be eligible or considered for a school bus place, especially when they come from a rural area? Perhaps the Minister of State should consider having a representative of Bus Éireann on site in schools that have an open day for the enrolment of new students.

**Deputy John Halligan:** I wish to cover a few issues in response. I do not set out the routes nor do I designate them. The routes are set by Bus Éireann, as I do not have the capacity to do that. I would remind people there is a rural grant scheme in place for those who are eligible for school transport where a bus may not be available. The issue is very clear. When I took over as Minister of State in the Department of Education and Skills, with school transport being part of my portfolio, my job was to make sure that all eligible children at primary and post-primary level, and all children with special educational needs who are eligible for school transport, get it. Right now this month there is no eligible child, as far as I am aware, anywhere in the country who has paid on time who is not getting school transport or not getting the rural grant. Certainly, there is no child with special educational needs who is not getting school transport. I would not say the scheme is bursting at the seams but we have already invested €200 million this year. We know that next year there will be more eligible children and more children with special educational needs. The money will be made available next year for those children at a major cost again. The number of children with concessionary places prior to my becoming Minister of State was 300 and now the number is 30,000. We carry 26,000 children with concessionary places. Within the scheme, all eligible children and all children with special educational needs are being carried, which is the directive I was given. The legislation lays down that I as Minister of State do that and I am, or my Department is, doing that.

**Deputy Kevin O’Keeffe:** I appreciate the Minister of State’s response. There is another way to view this. In terms of the school building programme, his senior Minister, Deputy McHugh, would not decide to approve the building of a new school in Midleton until he knew the projected figures. The same should apply to school transport provision. In terms of projections, one route might need a bus and a minibus and two years down the road an additional bus might be needed. We should be more flexible in making buses available.

I thank Bus Éireann because it tries to facilitate its customers as much as possible within the permitted limits. The Minister of State may say everyone has been looked after but I can assure
him there are people who have not been. He will be aware I raised a Topical Issue debate matter recently in respect of the Gaelscoil in Mallow, which has been disenfranchised. I know the Minister of State managed to meet them and what they hope for the 2020-2021 academic year is that everybody will be very happy with him.

Deputy John Halligan: All children who are eligible have school transport. There is a difficulty with some children who were eligible but who did not pay on time. The difficulty is that Bus Éireann has no choice in this matter. If children do not apply on time, it fills the bus. When I referred to all eligible children, I meant all those who have paid, and I believe I said that.

Regarding new school builds, we try to project between two to three years into the future the schools that will be built in different areas and where the transport services will be needed. We speak regularly to Bus Éireann on that. If the Deputy considers schools that were built five, ten or 15 years ago or up to a few years ago, he will note buses are running from those schools. We make sure of that. It can sometimes take a little time. The Deputy must remember that not everybody who has a bus or a taxi wants to use it for school transport. Not everybody who has a taxi wants to use it to bring children with special needs to school. Every year, we spend weeks, sometimes until 2 a.m. or 3 a.m., working with officials to get carers, Garda clearance certificates and so on. My remit is to get every eligible child and every child with special educational needs a place on school transport. My officials tell me that is the case.

Oideachas Gaeilge

39. D’fhiafraigh Deputy Aindrias Moynihan den an Aire Oideachais agus Scileanna cén teagmháil a bhí aige leis an Aire Cultúir, Oidhreachta agus Gaeltachta nó leis an Roinn nó le haon Aire eile maidir leis na hathruithe ar an díolúine ón nGaeilge sna scoileanna; cén éifeacht a bheadh leo ar an Straítéis 20 Bliain don Ghaeilge, 2010-2030; agus an ndéanfaidh sé ráiteas ina thaobh [47483/19]

Deputy Aindrias Moynihan: Tá córas nua á thabhairt chun cinn ag an Aire chun díolúine ón nGaolainn a thabhairt do dhaoine. Sular tugadh é sin i bhfeidhm, cén plé a rinneadh maidir leis an éifeacht a bheadh aige seo ar an straitéis 20 bliain, ar stádas na Gaeilge, agus ar an teanga i gcoitinne? An ndearnadh plé le haon choiste? Conas a tháinig an Aire ar an réiteach sin?

Deputy Joe McHugh: Forbraíodh na ciorcláin nua maidir leis an díolúine ó staidéar na Gaeilge mar fhreagra ar athbhreithniú a rinne cigireacht na Roinne ar an mbeartas agus ar an gcleachtas maidir le díolúintí a phróiseáil agus a dheonú i scoileanna. Leagtar amach sna ciorcláin sin, a bhfuil feidhm acu maidir le scoileanna Béarla amháin, na cúinsí eisceachtúla faoianna bhféadfar díolúine a dheonú. Tá príonsaíocht mar bhonn agus taca acu agus tá sé mar aidhm acu tacú na cloisteanna chun aghaidh a thabhairt ar éagsúlacht leathan ríachtanais tríd eispéireas foghlama difréileachta a sholáthraí ar dhaltaí i dtímpseallacht uilecheimseitheach scoile. Mar atá leagtha amach sna ciorcláin, táthar ag súil le scoileanna agus spreagtar scoileanna le deiseanna a thabhairt do na daltaí uile, a mhéad agus is féidir, páirt a ghlacadh i ngniomhaíochtaí Gaeilge agus cultúrtha ar leibhéil a oireann dá ríachtanais foghlama, lena n-áiritear na leanaí sin ar deonaíodh díolúine dóibh.

Maidir le cumarsáid a rinneadh, chuathas i gcomhairle leis na hAirí go léir, lena n-áiritear an Aire Cultúir, Oidhreachta agus Gaeltachta, maidir le mo thograi trí mheabhrán don Rialtas. Bhí cumarsáid ar leibhéil oifigiúil idir mo Roinn agus an Roinn Aire Cultúir, Oidhreachta agus
Gaeltachta. Rinneadh é sin sa bhreis ar an gcomhairliúchán poiblí a réachtáladh lenar tugadh deis do gach duine mo thográra b hreithniú.

Sainaithnitéar sna ciorcláin an stádas speisialta atá ag an nGaeilge, tacaíonn siad le múineadh agus foighlaim na Gaeilge le haghaidh na nunscoile agus na hiarbhunscoile agus dearbhhaíonn siad tacaíocht an Rialtais d’fhóirbairt agus do charaontú na Gaeilge de réir na straitéise 20 bliain.

Deputy Aindrias Moynihan: Tuigim go mbeadh díolúine riachtanach do roinnt daoine nó go mbainfidh siad tairbhce as. Go n-éirí leo. Tá rud faoi leith ann ar a theastaíonn uaim dar dhuine a d'fhéadfadh an gcomhairliúchán poiblí a bhreith. Tuigim go raibh próiseas comhairliúcháin poiblí ann. Rinne cigirí an Aire féin scrúdú ar an ábhar. Ar mhol an chigireacht an cósar atá ann? Tuigim go raibh na cigirí ag dul i dtreo eile ar fad. Nach bhfágadh ag rá nach raibh bunsí eolaíochta leis an gcóras atá nóta? Cén plé go séarachadh de gneartadh leis na hAirí eile? Nuair a cheistiodh ar an tAire Stáit ar a bhfuil freagracht don chomhairle a d'ólightear sa Gaeilge, nuair a bhí an gcóras agus na nOileán, d'áirigh sé nach raibh sé pásairteach i náisiúin a bhíodh maidir leis an Gaeilge. Ar bhraith an tAire a d'easpaí téacsú é seo salach ar an straitéis 20 bliain? Tá sé ag laghdú an lion daoine a bheidh ag staidear ar Gaolainne. Ag an am céanna, tá sé sa straitéis atá leagtha sios do dteastaíonn an Rialtas linn na ndaoine a ardú. Cén plé a dhéantar mar an éifeacht a bheidh aige sin ar an straitéis 20 bliain?

Deputy Joe McHugh: I dtús báire, tá sé soiléir go raibh comhairliúchán cuimsitheach i gceist. Ghlac níos mó ná 11,000 duine páirt sa chomhairliúchán cuimsitheach agus thug síd a dtuairim mó idir náisiúin. Ghlac a lán daoine páirt roimh Nollaig. Sin an féidir gur chuir mé breis am ar fáil don chomhairliúchán. Bhi níos mó daoine ag iarraidh páirt a ghlacadh. Bhí formhór na ndaoine ag an am sin ag rá go raibh athrú de dhíth maidir leis na dlíomuinti. Thaingi siad isteach ná 1990í agus bhí chinneadh nó mhóra de dhíth. Ó thaobh bealaí foirmiúla maidir leis an chomhrá idir na hAirí, tá próiseas ann. Tá dualgas orainn, próiseas réachtúil agus foirmiúil a réachtúil trí an Roinn Rialtais. Chuala mé smaointe ón Teacha ó thaobh plé leis an choisteachach bhi cuid mhóir diospóireachta ann ag achan leibhéal. Tháinig tuairiscí i gcomhairle eile agus bhí formhór na ndaoine agus an duine a bhí sa chumhacht. Táim ag fanacht ar na sonraí, níl sonraí aige leis an fhorbairt de réir na straitéise 20 bliain. Cén plé a d'fhéadfadh sé bheidh aige sin ar an straitéis 20 bliain?

Deputy Aindrias Moynihan: Fillfidh mé arís ar an gceist mar gheall ar plé leis na Ranna agus Airí eile. Nuaíra a phléamar é sin i Chomhoiste agus Gaeilge, nuair a bhí an gcóras a bhí ina dhiaidh leis an Gaeilge, Eilelearn, d'áirigh an tAire Stáit nach raibh sé páirt sa chomhairliúchán. Bhi níos mó daoine a d'fhéadfadh leis an Gaeilge. Mar sin, cé hiad an duine a d'fhéadfadh leis an Gaeilge? An ndearadh plé a d'fhéadfadh an gcéad chumhacht leis an Gaeilge? An ndearadh plé a d'fhéadfadh leis an Gaeilge? An ndearadh plé a d'fhéadfadh leis an Gaeilge? An ndearadh plé a d'fhéadfadh leis an Gaeilge?

Deputy Joe McHugh: I dtús báire, tá sé soiléir go raibh comhairliúchán cuimsitheach i gceist. Ghlac níos mó ná 11,000 duine páirt sa chomhairliúchán cuimsitheach agus thug síd a dtuairim mó idir náisiúin. Ghlac a lán daoine páirt roimh Nollaig. Sin an féidir gur chuir mé breis am ar fáil don chomhairliúchán. Bhi níos mó daoine ag iarraidh páirt a ghlacadh. Bhí formhór na ndaoine ag an am sin ag rá go raibh athrú de dhíth maidir leis na dlíomuinti. Thaingi siad isteach ná 1990í agus bhí chinneadh nó mhóra de dhíth. Ó thaobh bealaí foirmiúla maidir leis an chomhrá idir na hAirí, tá próiseas ann. Tá dualgas orainn, próiseas réachtúil agus foirmiúil a réachtúil trí an Roinn Rialtais. Chuala mé smaointe ón Teacha ó thaobh plé leis an choisteachach bhi cuid mhóir diospóireachta ann ag achan leibhéal. Tháinig tuairiscí i gcomhairle eile agus bhí formhór na ndaoine agus an duine a bhí sa chumhacht. Táim ag fanacht ar na sonraí, níl sonraí aige leis an fhorbairt de réir na straitéise 20 bliain. Cén plé a d'fhéadfadh sé bheidh aige sin ar an straitéis 20 bliain?
Bhí comhairliúchán cuimsitheach ann leis an phobal agus bhí rudái foirmiúla ó thaobh teagmháil idir oifigigh agus idir Ranna ann freisin.

*Question Nos. 40 and 41 replied to with Written Answers.*

**Schools Building Projects**

42. **Deputy Joan Burton** asked the Minister for Education and Skills the reason for the delay in building a permanent school on the Phoenix Park racecourse site for a college (details supplied); when construction of the new permanent school building will commence; and if he will make a statement on the matter. [47484/19]

**Deputy Joan Burton:** I ask the Minister about Edmund Rice college, which has been established in temporary accommodation at Blanchardstown in Dublin, and the site for its permanent building on the Phoenix Park racecourse on the Navan Road. The completion of this permanent building has now been put back by a further year, to September 2021, much to the intense disappointment of parents and students. This delay is also causing significant difficulties for the school, which was a huge waiting list for enrolments. Will the Minister see if he can do something to bring the completion date of the school forward?

**Deputy Joe McHugh:** Gabhaim buíochas le Teachta Burton as an cheist. The permanent project for the school referred to by the Deputy is being delivered under my Department’s design and build programme.

Key factors that can impact on the timeline for any new school project are the availability of a site and the planning permission process for the new school building.

A site was identified and will be available for this new school. This has enabled the design process for the new school building to be undertaken. Pre-planning meetings have been held with the local authority. The latter has requested a further meeting to review the proposed drawings prior to submission of the planning application. This meeting took place yesterday, 18 November, and it is envisaged that a planning application will be submitted shortly. The planning permission process will be a key factor for determining the timeline for the delivery of this project.

My Department’s officials have kept the school authority fully briefed in relation to this project and the anticipated delivery timelines in respect of same.

Along with the Taoiseach, my Department is working to have the first phase of the school’s permanent accommodation handed over by September of 2021 with phase 2 to follow in a matter of months. The delivery date of September 2021 for phase 1 is dependent on no delays arising during the planning permission processes.

**Deputy Joan Burton:** More than 500 people attended the recent open evening for those interested in having their children attend the school. The school now has 230 applications for 2021. I do not know if the Minister is aware of the site on which the school is currently located. I am sure the school community would welcome a visit from him if he is going out of the city via the Navan Road. Essentially, the school is not going to be able to accommodate those children with the delay of a year unless it is really facilitated by the Department in having further temporary accommodation on the site. The school is very successful. It has a very good com-
munity of parents, teachers and students. We are, however, experiencing a massive population increase of children of secondary school going age, and the Minister will be aware there is also an increase in the numbers of children who are of primary school going age. We have a real crisis on our hands in Dublin 15 around the number of school places available. Will the Minister confirm that the temporary accommodation will be provided by his Department?

**Deputy Joe McHugh:** We are in the middle of a process to get to September 2021, but whatever availability or demand there is, we have an obligation to do that, and we do it. I have visited the different parts of the more pressured areas. I was in Lucan yesterday and I know there is a question tabled for today in respect of north Kildare. I am aware of the enormous pressures that exist. There are new planning permissions coming on stream and there is more and more demand for places. The best approach to all of this is to ensure that we get things right, that we are in the right place and that we identify where the demands are. With a very important project such as this the planning permission will determine the timeframe. Unfortunately, this is something over which I do not have any control but I assure Deputy Burton that once we get through this process and get through the planning process, nothing will be left behind in the context of the sense of urgency relating to this matter.

**Deputy Joan Burton:** There is extraordinary population pressure. The Government has referred to demographic factors underlying significant parts of the budget for 2020. This school is an example. Earlier, I asked the Minister about the maps of school planning areas, which very few people from the area - including myself - can actually understand. The maps contain area names that I do not associate in any way with the areas designated on the maps. Deputy Durkan is nodding. These are different places to the places I know. Developers selling homes in the area are pointing across the road and saying, “Your school will be there and you will be able to enrol your junior or secondary school child in it.” That is not true. We need to get the temporary facilities as quickly as possible because this will be a fine 1,000-pupil school, but only if the Department facilitates the buildings.

**Deputy Joe McHugh:** We have a dedicated team in the forward planning section in Tul-lamore. They take into consideration existing pressures and existing levels of demand, along with future planning permissions. They work very closely with the different local authorities. That relationship is key for the forward planning and to make progress in order to ensure that we meet the demand in the future is very important. This school is important for the area and it is vital that we get it right. I hope there will be no delays with the planning process and that we will get out the other end in order to get this done on time.

### Technological Universities

43. **Deputy James Browne** asked the Minister for Education and Skills the position regarding the establishment of a technological university for the south east; and if he will make a statement on the matter. [47078/19]

**Deputy James Browne:** What is the position of the Minister for Education and Skills on the establishment of a technological university for the south east?

**Deputy Mary Mitchell O’Connor:** The establishment of technological universities, including one in the south east, is an important part of the Government’s higher education policy.
Under the statutory framework detailed in the Technological Universities Act 2018, it is a matter, in the first instance, for the relevant institutes of technology participating in a technological university development consortium to progress their plans to seek technological university designation.

In this context, Waterford Institute of Technology and the Institute of Technology Carlow, which form the Technological University for South East Ireland consortium, TUSEI, are currently working towards submission of an application for technological university designation under the 2018 Act.

In addition to the 2018 Act, the Government has put in place a number of very important supports enabling the establishment of technological universities.

The technological university research network, TURN, established by my Department completed a report, which I launched recently, Technological Universities: Connectedness and Collaboration through Connectivity. That report details the case and requirements for a State change in higher education reform whereby technological universities will assist in the delivery of national strategic objectives for regional socioeconomic development, higher education access, research and skills progression.

The report makes recommendations for the strategic development of technological universities in a structured system-wide approach and identifies the need for investment in integrated multi-campus digital infrastructure.

In response Government announced in budget 2020 the provision of €90 million over the next three years under a new technological university transformation fund to support consortia such as TUSEI to achieve technological university designation and the further advancement of established technological universities. This is in addition to the €31 million in Exchequer funding invested in technological university development to date, of which the TUSEI project has received €3.72 million.

Deputy James Browne: I thank the Minister of State. The whole concept of a technological university was - as I understand it - driven by the need for a university for the south east, which has none. It has now fallen significantly behind other regions that already have universities and that now see their applications for technological universities significantly advanced over the south east. This is causing a significant brain drain in the south east. We now have very high populations of younger and older people. Members of the in-between generation of qualified people who have third level degrees are not to be found in the south east. They are leaving to get their education and they are not coming back. More people leave the south east to get their third level education than are getting it in the region and this is having a very real impact on people. It is not just about convenience and costs - they have to travel further to get the education and it makes it more difficult to get that third level education - it also impacts attracting employment to the south east. Foreign direct investment and major international companies do not want to set up in regions where there is no university because their employees cannot get the necessary training with the accredited universities and they have to bring them there. This leads to lower job quality and a greater impact on socioeconomics. The region has the highest unemployment rate of any region and this is a direct link to the lack of a university but I am not hearing anything about driving on a university in the south east.

Deputy Mary Mitchell O’Connor: I am sorry that Deputy Browne is not hearing anything
because I am hearing a lot. As the Deputy stated, the combined profile of the two south east institutes of technology is more than 15,000 students and some 2,000 staff. Progress has been made. I was very disappointed that the Teachers Union of Ireland, TUI, branch members of IT Carlow voted in June to reject the agreement reached with other TUI colleagues at the Workplace Relations Commission on the technological university of south east Ireland.

I am aware that it is the nature of major changes such as the technological university process that industrial relations issues will arise. I am hopeful that in the first instance Institute of Technology, Carlow and the TUI will work to resolve these issues through normal industrial relations processes. I did just tell the Deputy a few minutes ago that a substantial amount of money was launched, as it were, last week. A total of €90 million is absolutely ring-fenced for the development of technological universities. The Government has put money towards what we want to happen in the various consortia.

**Deputy James Browne:** We need to see more leadership from the Government on this in terms of bringing together the institutes of technology and ensuring that a technological university for the south east is developed. It is a major region without a university and this is impacting dramatically. We have one of the worst socio-economic areas in the country with persistently high unemployment and persistently high levels of low-quality jobs, which is reflected in the tax returns. A study on this was done in Waterford Institute of Technology with regard to the south east. Until we have a university in the south east, it will not be empowered to help itself alleviate its own socio-economic problems. We need to see greater leadership in bringing on the university. It is five years since we heard how a campus in Wexford would be attached to the university. This still has not been provided. It has also fallen by the wayside. Land was supposed to be acquired for a campus for this university in Wexford but this still has not happened. We are very concerned in Wexford and in the south east. We have been hearing talk there about a university for a long time and it has fallen behind again.

**Deputy Mary Mitchell O’Connor:** The Deputy knows how difficult it is to ensure there is a strong budget behind what we hope to do. The huge amount of €90 million shows our intent and the Government’s policy. We will continue to put money towards the development of technological universities. As Minister of State, I have visited Waterford at least four times and the same with Carlow. In the interim, they have also visited the Department and been with my most senior colleagues. We are waiting for the crucial piece where the TUI in Carlow votes to accept the agreement that was reached in the Workplace Relations Commission.

**An Leas-Cheann Comhairle:** For the next question I ask Deputy Moynihan to forfeit his 30 second introduction. The Minister will give his reply and Deputy Moynihan will have one supplementary question.

### Schools Building Projects Status

44. **Deputy Aindrias Moynihan** asked the Minister for Education and Skills the status of the redevelopment project at a school (details supplied); and if he will make a statement on the matter. [47482/19]

**Deputy Joe McHugh:** The Deputy is aware that a building project for the school to which he refers is included in my Department’s capital programme to be delivered as part of the national development plan. The project brief is being finalised and this is expected to be com-
completed shortly. The patron, Cork Education and Training Board, recently provided additional information sought by my Department to facilitate this process. My Department will be in further contact with the patron when the project brief process has been completed.

Deputy Aindrias Moynihan: In 2016, there was a commitment to extend Coláiste Choilm in Ballincollig. It is a growing school in a growing area. Between them, Coláiste Choilm and Ballincollig community school serve a population of more than 18,000. The school is very much oversubscribed again this year. There appears to have been very little progress in getting the development up and running. In the meantime, there is a proposal to bring on another greenfield site with a brand new school, which would be a third secondary school for Ballincollig. A number of people are concerned this will cut across redeveloping Coláiste Choilm. Will the Minister clarify there is no conflict and that he will progress as quickly as possible with the redevelopment of Coláiste Choilm and, at the same time, bringing on the brand new greenfield project? We also need to get the process up and running on that new school.

Deputy Joe McHugh: I assure the Deputy there will be no delay. The project brief is being finalised and it is expected to be completed shortly.

Written Answers are published on the Oireachtas website.

Message from Select Committee

An Leas-Cheann Comhairle: The Select Committee on Housing, Planning and Local Government has completed its consideration of the Housing (Regulation of Approved Housing Bodies) Bill 2019 and has made amendments thereto.

Saincheisteanna Tráthúla - Topical Issue Debate

School Accommodation Provision

Deputy James Lawless: The Minister is familiar with the rapid growth of the commuter belt in north Kildare in particular. We have discussed schools in Naas, Maynooth and elsewhere where demand has greatly outstripped capacity. This situation is repeating itself in Scoil Dara, which is a secondary school in Kilcock in my constituency. It is under severe pressure because enrolment numbers cannot cope with the demand and the number of children presenting. The official number allocated to the school is 875 but at present 923 pupils are enrolled because the principal and management are doing their very best to manage the numbers.

In September 2020, there will be only 150 places available for the school year but more than 236 applicants are looking for those 150 places. A very well-attended public meeting was held last Thursday evening. I attended, as did Councillor Paul Ward from Kilcock and many concerned parents who are at their wits’ end trying to understand how the children can be accommodated in the school next year. Not only is Kilcock a vibrant, busy and well-populated town with more and more houses being built every week, there is also a very large rural catchment area. Approximately 12 primary schools feed into Scoil Dara. There are 12 rural and urban primary schools competing with each other for the 150 places available in the school.
A project is under way, and I hope the Minister will tell us more about it, to extend the school. An extension is in the works. My understanding is that it is some time away. The first solution must be to fast-track the extension because 12 primary schools into 150 places do not go. It is not fair to tell any of the schools their pupils cannot attend Scoil Dara. What is important is that we increase the 150 places to 250 places or whatever the number needs to be. The extension in the works needs to be fast tracked. The Department needs to work with all of the stakeholders to get the extension open as soon as possible.

Deputy Bernard J. Durkan: I thank the Ceann Comhairle for allowing me to raise the issue of the need for a forensic assessment of the educational needs of Scoil Dara in Kilcock, County Kildare and its implications for other schools in north Kildare affected by a dramatically expanding population, thereby highlighting the demand for preschool, primary, post-primary and special needs requirements in the general area. This is necessary and I ask the Minister to have a very careful look at an assessment that has not been done before in an area that is now experiencing an unprecedented population increase. Parents are concerned that siblings of children already in the school may not be able to join them. The indications so far are that the school will not be capable of meeting demand in the area, as has been set out by my colleague, and I also attended the public meeting to which he referred.

There is a danger this could become a rolling issue that gains momentum as time goes by and that public confidence in the ability of the system to deal with the expanding population and school enrolment requirements might create an unnecessary problem. There is a suggestion that in a year’s time or more, the Gaelscoil in Maynooth and the proposed school in Enfield, the patronage of which has not yet been agreed, will relieve the pressure but, unfortunately, that will be too late. There is an urgent need to look now at the entire Kildare North constituency with a view to averting the type of problem emerging in Kilcock and likely to emerge elsewhere.

Minister for Education and Skills (Deputy Joe McHugh): I thank the Deputies for raising this matter as it provides me with an opportunity to outline the Department’s position regarding secondary school places in Kildare North. I happened to speak to a principal of a primary school in Kilcock yesterday on another matter. There is a Donegal connection there. She clearly outlined the future pressures in the area, and it was good to hear that analysis.

Deputy Durkan is seeking a forensic assessment. We have a diligent team working in every school planning area and much of the work has already been looked at. In order to plan for school provision and analyse the relevant demographic data, my Department divides the country into 314 school planning areas - in north Kildare, there are six such areas, including Kilcock - and uses a geographical information system, which utilises data from a range of sources, to identify where the pressure for school places across the country will arise. With this information, my Department carries out nationwide demographic exercises to determine where additional school accommodation is needed at primary and post-primary levels. Where data indicate that additional provision is required, its delivery is dependent on the particular circumstances of each case and may be provided through one, or a combination of, the following: utilising existing unused capacity within a school or schools; extending the capacity of a school or schools; and provision of a new school or schools.

The question of enrolment in individual schools is the responsibility of their managerial authorities. It is their responsibility to implement an enrolment policy in accordance with the Education Act 1998 and the Education (Admission to Schools) Act 2018.
My Department has other major projects ongoing at post-primary schools in north Kildare, including a new 1,000-pupil school for Celbridge community school. This school is currently in interim accommodation pending a new permanent school. The project is at site purchase phase. A new 1,000-pupil school for Maynooth community college is expected to be completed for the 2020-2021 school year. A new replacement school for Maynooth post-primary school is also expected to be completed for the 2020-21 school year. The project to expand St. Farnan’s post-primary school in Prosperous to cater for 1,000 pupils was recently devolved to the Kildare and Wicklow ETB and a design team was recently appointed.

To address the issue of a school raised by one of the Deputies, my Department has approved an additional school accommodation project for Scoil Dara in Kilcock. This will deliver five new mainstream classrooms to allow the school to expand to 1,000 pupils. This project also includes the provision of additional specialist rooms. My Department is assessing an application from Clane community school for new specialist rooms and the replacement of existing temporary accommodation.

Deputy James Lawless: I thank the Minister for those details. My reaction to them is bittersweet, particularly as I was already familiar with many of the projects involved. I welcome that a number of projects are commencing, but parents become enraged when they see statistics of this kind. For example, a new eight-classroom primary school for Naas will be established in 2021. Building the school that was promised in 2014 would have been a start. The diggers are literally going to the college today to prepare the foundations. Sites have to be acquired, planning permission has to be obtained and the tendering and multi-stage design processes have to be gone through, so we could be talking ten years for some of these schools. Parents like those at Scoil Dara are wondering where their children will go to school next September. When this project was announced a few months ago, the reaction was not particularly positive. It would be great if it came true, but prior experience has shown us that, since such projects take so long to deliver, many children will be out of the school system by the time it does.

The Minister mentioned that the Enfield school was due to open in 2020. That it is at such an advanced stage is welcome. If the patronage could be announced between now and Christmas, it would help with appointing a principal, which would then help with some of Scoil Dara’s surplus children moving to the Enfield school. That could be done immediately.

An Leas-Cheann Comhairle: The Deputy to conclude.

Deputy James Lawless: Given that we will not have additional capacity ready in time, perhaps the school could be provided with prefabs in the short term to alleviate some of the distress being felt.

An Leas-Cheann Comhairle: Deputy Lawless is eating into Deputy Durkan’s time.

Deputy Bernard J. Durkan: I thank the Minister for his reply. I do not want to upset anyone, but I have a little experience with what happens in communities when children do not gain access to the school of their choice and may have to move to a different school than their siblings. It is the perfect storm and the one thing I would ask the Minister to try to avoid. In particular, will he send an emissary immediately to each of the schools affected with a view to determining what local management thinks about the situation and what its fears are and examining what is likely to emerge over the next 12 months? The population is increasing at a more rapid rate than we expected thanks to the extra houses in the area. The town of Kilcock and the
other towns concerned are located adjacent to a national rail route, which creates the kind of pressure we are discussing. Will the Minister ensure that contact is made with all of the schools involved, in particular Scoil Dara, as a matter of urgency?

Deputy Joe McHugh: I again thank the Deputies for raising this matter, since it gives me an opportunity to talk to my officials about long-term planning in particular areas. Without going over what has been said about additional accommodation for Scoil Dara, I wish to tell the Deputies and parents who are concerned about what will happen next September that there are solutions that we can, and will, put in place. If that means providing additional temporary accommodation at Scoil Dara long before next September, we are prepared to do that. The Deputies might use their communications and networking with the school authority to encourage it to submit an application to the Department for temporary accommodation in order to get us over the vacuum of uncertainty. That vacuum drives parents nuts because they do not know the score as to when something will happen. We need a temporary solution for next September. Let us get that sorted.

There was a suggestion about Enfield’s patronage. We will keep the process moving.

The preliminary stage for acquiring additional accommodation at Scoil Dara has been devolved to the school. I am happy to provide assistance to the school, but let us keep this moving. Parents and the wider community attended the public meeting. Public meetings can be heated and become forums for expressing frustration, but whatever needs to be done to ensure that students are sitting at desks next September will be done.

Company Registration

Deputy Peter Burke: I thank the Ceann Comhairle’s office for selecting for debate this important matter and the effect it can have on SMEs throughout the country. SI 110 of 2019 set a date for the legal obligation to file beneficial ownership information with the Central Register of Beneficial Ownership of Companies and Industrial and Provident Societies, or the register of beneficial ownership, RBO. There may be more than 300,000 companies operating in Ireland. All of them, including friendly societies and various other configurations, are obliged to file with the RBO by this Friday, 22 November.

Consider the trajectory that the Companies Registration Office, CRO, has set. We were advised that the portal would be up and running in April to file the returns required by the statutory instrument. It had not happened by May. We were then advised that it would be up and running by the end of May. June came, but it was still not up and running. It was not until 29 July that the portal to make these returns went live on the CRO’s website. Tax practitioners complete company returns and company accounts, and directors of small family businesses up and down the State rely on them to ensure compliance. Essentially, from September until the first week in December, they are at capacity. The corporation tax deadline falls in the middle of September and approximately 55,000 companies have to file their returns then. The income tax deadline must be met by every company director in the State at the end of October or, if using the online system ROS, by the middle of November. Then we have the annual returns for those companies with December year-ends which must be filed by 25 November. A huge body of work must be completed by accounting practitioners over that period of time and they do not have the capacity to comply with a new requirement.
I have no objection to the requirement itself in terms of what it seeks to do and am not looking for legislative change. I am simply asking that a reasonable approach is taken so that ordinary businesses can comply because the penalty for non-compliance is very severe. It is €5,000 on summary conviction but has the potential to run to €500,000 on indictment. The CRO has opened a Twitter account on which it has admitted that its website is not working. The website is not compatible with Microsoft Internet Explorer but the CRO is working with its IT department to resolve this issue. Four days ago it admitted that there were issues with the website. There is a huge amount of traffic to the Twitter account with people asking what is happening. In its last update, which was 48 hours ago, the CRO said it was working on the issue with its IT staff. A little more than 30% of companies have complied with the RBO at this point in time. The portal is not working properly and is either very slow or crashing and the CRO has admitted on its Twitter account this week that there are problems with it. We must be reasonable here and send a very clear signal that we are going to work with businesses on this. We must revise the deadline so that when capacity is restored to the system, we will get this information up-to-date. We want to work with businesses and individuals to ensure compliance.

On 10 October the CRO issued a news bulletin stating that in the two months since the RBO opened a high number of submissions had failed. One of the reasons for failure is the website itself while the other reason is that the data being sought is very technical and must match data held by the Department of Employment Affairs and Social Protection. We are talking here about names and dates of birth. If a middle name, for example, is spelled incorrectly or is at variance with data held in the aforementioned Department, the return may not go through. A huge body of work needs to be done here and I ask the Minister of State to be reasonable and to provide for an extension of the deadline.

Minister of State at the Department of Finance (Deputy Michael D’Arcy): I thank the Deputy for raising this important issue. The fourth Anti-Money Laundering Directive, which entered into force in May 2015, introduced the requirement for the establishment of a central register of beneficial ownership for corporates and other legal entities. The Register of Beneficial Ownership, RBO, to which corporates and friendly and provident societies now have to centrally file their beneficial ownership information, has been established in accordance with Article 30 of the fourth Anti-Money Laundering Directive, as amended by the fifth directive.

The requirements of Article 30, as they relate to corporates and friendly and provident societies, have been rolled out in two stages, precisely to allow time for small and medium enterprises to adjust to the new requirements. The first element, creating the initial obligation for companies to obtain and hold information on their beneficial ownership, was done via S.I. 560 of 2016. Consequently, companies have been in possession of much of the information required for central filing for some time and will have been aware of the requirement to eventually centrally file this information. The CRO, which oversees the RBO, kept companies updated via its newsletter and on its website on the progress of the central register and the central filing obligation. The second phase of the transposition, the establishment of a central register of beneficial ownership and the obligation to file beneficial ownership centrally to this register, was created by S.I. 110 of 2019, which entered into force on 22 March 2019. A registrar was subsequently appointed by my colleague, the Minister for Business, Enterprise and Innovation. The statutory instrument itself provided companies with five months in which to centrally file, creating the current filing deadline of 22 November.

I understand, however, from the Department of Business Enterprise and Innovation that while the register was due to go live on 22 June, this was delayed for technical reasons. The
CRO began accepting filings on 29 July. Regarding progress on filing to date, the registrar indicated that as of yesterday morning, more than 32% of companies had already done so. I am sympathetic to the challenges being faced by small and medium enterprises in meeting their filing obligations. However, my options are limited given that there are less than four days to go until the filing deadline. Taking account of the approaching deadline and having regard to our legal obligations to deliver on the provisions of the Anti-Money Laundering Directives, I hope a practical approach will be taken by the registrar to slightly late filings to the RBO.

Deputy Peter Burke: I thank the Minister of State for his reply, in which he states that S.I. 110 entered into force on 22 March 2019. However, from 22 March until 29 July, businesses could not do anything because there was no portal available through which to file their returns. There was a long period time in which businesses were sterilised and their hands were tied. I note that the Minister of State hopes a practical approach will be taken but this affects hundreds of thousands of companies, many of which will have two directors and more. Potentially, a massive number of company directors could be liable for a summary conviction. Under the law, if a company files a late return, its directors are held responsible. I plead with the Minister of State to address this using the relevant statutory instrument. We must extend the deadline in order to be fair.

I also wish to take issue with the approach of the CRO. As I said already, it has publicly admitted on Twitter that there are technical issues with the website. It is not working in many cases and is not compatible with Microsoft Internet Explorer. If someone files the data set, he or she cannot even print it off. It is impossible to know what one has filed because one cannot generate a full record of it. One can pay a fee to download a form but it is only a summary of the information filed. We must get our act together on this. We need to be supporting businesses and we cannot have these issues arising. People are trying to do the right thing but will find themselves on the wrong side of the law because of technical issues. The CRO cannot support the traffic to its website. Similar issues arose with ROS recently. We must be fair here and give people and businesses a chance.

Deputy Peter Burke: I accept the Deputy’s point about fairness. That said, making any late changes to the statutory instrument at this stage is likely to give rise to difficulties at EU level. If a pragmatic approach was adopted by the registrar of the RBO with regard to marginally late filings vis-à-vis the deadline, that would be helpful. However, I would reiterate that the register has been open for filing since 29 July, which is almost four months or 110 days ago. We have 32% of returns filed at this point. If the system has crashed or has not been operating properly, as happened with ROS recently, then that is a legitimate reason for filings being late. A little bit of common sense can and should be applied here.

Social and Affordable Housing

Deputy Darragh O’Brien: I seek an update from the Minister for Housing, Planning and Local Government on the status of the O’Devaney Gardens redevelopment project. I do so in a constructive way in an effort to move this forward. The key issue is ensuring that the O’Devaney Gardens site is restored so that people can move back into and live in the area. It is a prime site of 14 acres, adjacent to the Phoenix Park and less than four kilometres from O’Connell Street.
The Minister and I have both visited the site. There is growing frustration with the lack of progress. While I do not want to go back over old ground, some valid criticisms were made of the original deal struck between Dublin City Council and Bartra Capital, which the Minister advocated. They included the rate at which affordable purchase was set, which was approximately €400,000 in some instances. Criticism of the 50:50 split between private and public was particularly valid. Many people, including my party colleagues on the city council, Councillor Mary Fitzpatrick and Lord Mayor Paul McAuliffe, and councillors from the Minister’s party raised some serious concerns in that regard.

As the Minister will know, a new arrangement has been made. This revised deal is better than the original agreement that Sinn Féin, Fine Gael and others advocated. It will provide 30% public social housing, 20% affordable purchase housing, 30% affordable rented housing and 20% private housing. The deal the council has struck for the State-owned land on this site, which was approved by the law agents, is effectively an 80% public and 20% private split. That is a vast improvement on the 2017 deal that the Minister and Sinn Féin councillors on the city council advocated.

That aside, my concern is with some of the comments made by the Minister on this matter. The reason I tabled this Topical Issue matter is to obtain clarity on the matter. I do not want a protracted stand-off between the Department and Dublin City Council. I am sure the Minister does not want that either. I note his comments questioning the legality of the new arrangement. I am here to put on record that the law agent in Dublin City Council was consulted on the matter, as was the assistant chief executive, and it passed the law agents.

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): Can I see the documentation?

Deputy Darragh O’Brien: I will happily come back to the Minister after he responds. I saw him laughing a moment ago. It is not a laughing matter that 14 acres of prime land that could house 800 families are not being utilised. The last thing I want is to see the Minister engaged in a row or an argument that will slow the delivery of public housing on this site. The revised arrangement is a better one. The deal brokered by Councillor Mary Fitzpatrick and supported by the Social Democrats, the Labour Party and Fine Gael and Green Party councillors is a better one. The issue raised by the Minister, the one on which I am seeking clarity, relates to the funding of the affordable rental housing. Only today, in response to my party leader the Taoiseach referred to rolling out cost rental schemes throughout the country. I know we have a pilot scheme on Enniskerry Road but the serviced sites fund will finance these rental projects. Is it not the case that the affordable rental housing on the O’Devaney Gardens site would be eligible for funding under the serviced sites fund? I ask the Minister for clarity on that. Furthermore, the city council has requested publication of the guidelines for affordable rental housing. It may not even be the case that a Government subvention would be needed. The council has an agreement with an approved housing body. What are the Minister’s concerns about the revised deal, which is a better deal for the people of Dublin and prospective residents of O’Devaney Gardens?

Deputy Eoghan Murphy: I thank the Deputy for raising this matter. I welcomed the decision by the elected members of Dublin City Council on 4 November to support the resolution for the redevelopment of the O’Devaney Gardens site in Dublin 7. The council voted by a margin of 39 to 18 for a development agreement which will deliver 768 much needed new homes in this city centre location. This includes a tenure mix which is structured to ensure
community sustainability and comprises 50% private housing, 30% social housing and 20% affordable housing. This agreement followed on a previous council decision in 2017, which saw Sinn Féin, Fianna Fáil, the Labour Party, Fine Gael and the Green Party all support the tenure mix proposed.

My Department has worked consistently with the council in support of its efforts to advance its proposals for this site. This includes making over €10 million in serviced sites funding available, which will help to provide 165 more affordable homes for purchase at an average cost of 38% below open market rates. My Department will also fully fund 247 social homes on the site, including 56 units that are under construction. I am aware that a group of councillors, representing Fianna Fáil, the Labour Party, the Social Democrats and the Green Party, publicly stated on 4 November that agreement had been secured to purchase 30% of the total units at O’Devaney Gardens from the developer. It was disappointing that these councillors decided to make such an announcement without any prior engagement with me, particularly since an offer I had made to meet a delegation of councillors was not taken up prior to their announcement. As I understand it - this is an important matter so the Deputy should listen to the reply-----

Deputy Darragh O’Brien: I am listening.

Deputy Eoghan Murphy: -----this proposed side agreement has no legal standing. There is no legal or financial documentation. The details remain obscure, including on the potential role of an unspecified approved housing body. Crucially, these councillors have not identified the significant capital funding required to purchase these homes, which I believe would be acquired at full market price. No request has been made to the Department for any funding. The councillors declare the homes would be for affordable rental housing but the repayment requirements on any capital loan would likely mean rents at, or very close to, market rates.

Overall, I am pleased this important project has received formal approval by councillors that will allow it to proceed to the next phase. However, given the level of support for this project and the number of false starts, it is regrettable that some councillors have introduced distractions which have the potential to delay or even compromise this critical stage in the development process.

We are providing almost €100 million for O’Devaney Gardens between social housing and affordable housing. We had an agreement with councillors, including Fianna Fáil councillors, in 2017 as to how the mix for this site should proceed. Two years later, regrettably, we have seen a delay in the decision on the disposal of land because again, Fianna Fáil councillors leading the Dublin agreement group almost collapsed this deal because of a change of heart at the last minute. A month later, without any engagement with the Department, we secured the disposal of land, which is welcome. I am worried, however, about the manner in which that disposal took place insofar as what was said by the lord mayor and supporting councillors on a new agreement. There is no new deal here, no funding for a deal, no approved housing body involved and no legal documentation securing any new agreement for the site. We have the original proposal, which is a good proposal that Fianna Fáil originally supported. Almost €100 million will go into O’Devaney Gardens and I do not want to see the project delayed. I want it to progress and it will progress, provided the councillors act responsibly and do not allow any further delays in the progression of this important site, which will provide so many much needed homes. People have been waiting a long time for this site to be developed. It had difficulties for a host of reasons. We found a pathway forward in 2017 and my Department committed to that, as did I. We have committed the funding to that as well and it must now proceed without
any further delays from the city councillors.

**Deputy Darragh O’Brien:** I thank the Minister for his response. I will try to be constructive in my response so I will leave aside some of his political commentary.

**Deputy Eoghan Murphy:** I put the facts on record. It was not political commentary, just facts. If the Deputy is trying to be helpful------

**Deputy Darragh O’Brien:** I will try to be helpful as we always do. The Minister has been out at the site several times turning sods.

**Deputy Eoghan Murphy:** That is not the case.

**Deputy Darragh O’Brien:** He has been at photo calls left, right and centre at O’Devaney Gardens. His predecessor, the Tánaiste, did likewise. We genuinely want to see this project move forward. I am asking the Minister to look at the affordable element of the original deal from 2017, for which he advocated. While he may question whether the new deal is an agreement or a revision, the amended agreement was presented to the local authority and the law agent in the city council approved and oversaw it. When I see a cap of €310,000 for affordable purchase and affordable units priced at €240,000, it is a damn sight better than the original proposal. The Minister and I can argue the toss on that all night about whether it is better to have 80% public housing - a mix of public, affordable purchase and affordable rental housing - and only 20% private housing or a 50:50 split between public and private, as provided for in the original deal from 2017. The Minister has raised some concerns about the deal. Is he open to meeting the elected members of the city council on the issue? He should not forget that his Fine Gael Party colleagues on Dublin City Council supported the affordable rental aspect of the revised deal. They want to see affordable rental. Is the Minister willing to help to move this forward? I genuinely do not want another false dawn or delay and I am certain the Minister does not either. The problem is we have a 2017 arrangement that has been revised, irrespective of whether the Minister likes it, and it seems from his response that he does not want to hear about a revision and is putting his head in the sand. Will he meet the city council to try to move this forward?

**Deputy Eoghan Murphy:** I thank the Deputy for his reply. We need to move forward but let us do so honestly without misleading the public about agreements that have not been reached. The Deputy mentioned an amended agreement but there is no new agreement or documentation. Rather, there is an offer from the developer to sell houses to the local authority at market prices. What a brilliant offer for the developer, for whom we will completely de-risk 80% of the site. The houses are at very near the market price. Unless the local authority councillors have the figures, given that I have not yet seen them, affordable rents cannot be made to work if the houses are bought at those prices. That cannot be the basis for cost rental or affordable rental. That is why the other schemes are in train.

The Deputy commented on the price of the houses. The majority of the houses will be sold for approximately €300,000. A couple starting their careers as a teacher and a nurse, earning €55,000 together, could afford to buy a house at that price. That is what we mean when we talk about affordability. It will happen on the site. The O’Devaney Gardens project will proceed and the land disposal has been agreed on the basis of the 2017 tenure mix. That is what people voted for on the night and it was made clear to them on the night by the housing officer of the local authority. They did not vote for the new agreement. The land disposal was agreed on the
Dáil Éireann

basis of the original agreement in place since 2017 and it is now in the hands of the executive, with which I will work to progress the site and to ensure that the funding will be provided. We as a Department have committed to almost €100 million for the site alone to provide social and affordable housing.

As for meeting the councillors, I have no problem meeting a delegation, but first I want to see all the documentation that the new agreement is purported to include, because I do not believe that it exists. I do not believe that a financial document, a legal document, financial backing or an approved housing body is in place, and even if all those aspects were in place, I do not believe that affordable rents could be delivered if the homes were to be bought at those market prices. The councillors need to open their eyes. They believe they have got a better deal but they have not got a deal. They have agreed to the 2017 agreement but, unfortunately, to be able to do that, they had to pretend something new was happening. We are fully committed to O’Deveney Gardens but we are committed to completing the project honestly, without misleading the public as to what is happening.

Middle East Issues

Deputy Paul Murphy: I apologise on behalf of Deputies Boyd Barrett and Gino Kenny, who, unfortunately, are double-booked. I ask the Tánaiste, Deputy Coveney, to condemn in the strongest possible terms the decision of the US Administration to no longer consider the illegal Israeli settlements in the West Bank to be illegal. It is clear the move had no legal basis. Article 49 of the Fourth Geneva Convention is clear: “The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.” It has been recognised as illegal by a number of UN Security Council resolutions, the most recent being in 2016, and by the International Court of Justice. More importantly than it being against international law, it is clear it is against any basic element of justice and equality in the world. The settlements are built on brutal violence by settlers and the Israeli state against Palestinians, and maintained on the basis of extreme discrimination, poverty, apartheid and segregation, including through the use of separating walls, roads and so on. The act will doubtless give a green light for more violence and settlements to be built, and it will continue, as is the purpose, to block any road to a viable Palestinian state by breaking up Palestinian territory.

This is not the first move of such a sort by Trump. It is one of a series of moves in recent years, including the recognition of Jerusalem as the capital of Israel in December 2017, followed by the moving of the US embassy there in May 2018, the removal of funding from UN Relief and Works Agency for Palestinian Refugees in the Near East on the basis of its assistance of Palestinian refugees in early 2019, followed in March 2019 by the recognition of the Syrian Golan Heights as an Israeli territory, a decision that Israel was the only state to take, and now this. Each move has been calculated both to pander to Trump’s pro-Israel base domestically and to assist in propping up a deeply right-wing regime in Israel. The acknowledgment of the Golan Heights as an Israeli territory in March was immediately before the general election, and the latest move has come at a time when Netanyahu faces the possibility of losing power. In the coalition negotiations that followed the election, Netanyahu immediately took advantage. He probably knew about the move in advance, and on the final day of the campaign, he made a trip to the settlements. He has repeated the language about extending Jewish sovereignty to all the settlements, meaning the annexation of more Palestinian land.
It is not just an issue of Trump’s bad intentions. Ardent support for right-wing Israeli policy has a bipartisan consensus in the US, with the corporate Democrats and the Republicans both viewing the propping up of the racist, apartheid state of Israel as part of an imperialist strategy in the Middle East. It is clear the Oslo Agreement is dead and that it was never aimed at providing justice for Palestinians but to give limited concessions to cut across a mass movement. The redevelopment of a mass movement from below, uniting Palestinian and Israeli Jewish working-class people together in a struggle against the Israeli elite, is necessary. Their international allies are not the likes of the US or, unfortunately, the EU, which will cry crocodile tears but do fundamentally nothing about it. Instead, ordinary people, such as Palestinian solidarity activists, trade unionists, socialists and anti-war activists, will support the redevelopment of a mass movement in the Middle East.

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney): I thank the Deputy for giving me the opportunity to put the Government’s position on the record. In view of the US comments yesterday regarding the legality of Israeli settlements, I restate Ireland’s clear position on the issue. Settlements are illegal under international law. The Fourth Geneva Convention states clearly that an occupying power must not transfer parts of its own civilian population into the territory it occupies. This is also the EU position. The views of the international community on settlements have been clearly set out in UN Security Council resolutions, notably resolution 2334 of 2016.

Settlements are illegal, they actively undermine the prospects of a two-state solution, and the relentless expansion of settlements inherently involves injustice and dispossession for Palestinians. The Government remains steadfast in its support for a comprehensive two-state solution that protects the future of the Palestinian and Israeli peoples. Ireland has been a strong and consistent voice on the issue of settlements in EU discussions. I supported yesterday’s statement by the EU High Representative, Federica Mogherini, which reaffirmed the long-standing EU position that all settlement activity is illegal under international law and erodes the viability of a two-state solution. I have no difficulty stating I disagree fundamentally with the US comments on the issue. Ireland’s views on settlements have been communicated to the US Administration at all meetings related to the Middle East peace process, most recently when I met Jared Kushner in New York in September. I hope to meet the US ambassador again soon and I will also raise the issue with him.

Israel is also well aware of our position. When the Israeli Prime Minister, Benjamin Netanyahu, made comments on the annexation of the Jordan Valley during the September general election campaign, Ireland was clear that annexation of territory by force is prohibited under international law, including the UN Charter. This is a fundamental principle of the relation of states and the rule of law. My officials called in the Israeli ambassador on that occasion to ensure that Ireland’s views were directly conveyed. Any unilateral annexation by Israel of occupied territory would have no legitimacy and would not be recognised or accepted by Ireland or the international community more generally. Ireland and the EU will not recognise any changes to the pre-1967 borders, including with regard to Jerusalem, other than those agreed by the parties. Israel’s settlement policy, including in east Jerusalem, is illegal under international law for the reasons I have outlined.

I have set out my views, in both the House and international fora, that the ongoing effects of the occupation, which has continued for more than 52 years, are not conducive to a lasting settlement. I assure Deputies that circumstances in Israel and the occupied Palestinian territory will remain high on my agenda, and I hope to travel to the region again before the end of the
Deputy Paul Murphy: Does the Minister agree that this action by the US Administration is likely to give the green light for further settlements and the violence that comes with that? If he agrees with that, which is self-evident, will he do more than disagree fundamentally with the comments of the US on the issue? Will he condemn those comments? He knows what those comments are aimed at and he has to accept what the consequences are likely to be.

I welcome that the Government has restated its position that all settlement activity is illegal under international law. In that case, why does it seek to block the measure proposed by Senator Francis Black? I understand the measure, which would block the importation of goods made in the illegal settlements, to which the Government and Ministers say they are opposed, has majority support in the House. Why, then, do the Government and Minister seek to block the progress of that Bill with the use of the undemocratic money message veto? The Government will cry crocodile tears about the Palestinians, as is the position of the EU generally. However, the US Chamber of Commerce, which represents the interests of US business and which fundamentally supports the approach of the right-wing Israeli regime, lobbied on the occupied territories Bill.

I again say that the real force for peace are the ordinary working-class people in the Middle East, be they Palestinian, Arab, Israeli or Jewish. The mass mobilisations and marches that we saw on the border checkpoints give a glimpse of how a new mass movement can develop from below, along the lines of the first intifada, which can fight for democratic and socialist change to ensure resources are used for the benefit of all and the national rights of all are respected.

Deputy Simon Coveney: This is nothing to do with socialism.

Deputy Paul Murphy: I think the Minister will find it is.

Deputy Simon Coveney: Everything for the Deputy always comes back to the same issues, such as global movements, democratic socialism and all the rest of it. This is an issue of international law.

Deputy Paul Murphy: International law is-----

Deputy Simon Coveney: I have and will continue to advocate in the EU, across the UN, and bilaterally with the many countries with which Ireland has very good relationships, including the US, to express our clear position on the Israel-Palestine conflict. I will continue to advocate for a two-state solution. I will continue to visit and prioritise the region in terms of Irish foreign policy, as I have done to date.

The comments from the US make it easier for an Israeli Government to focus on expanding settlements in Palestinian territories, and to do so illegally under international law. That is why I felt the need to counter the comments and outline the Irish and EU position very clearly.

I will not support Senator Black’s Bill because I do not believe it is legally sound. I do not think Ireland has the capacity to impose what is effectively a trade sanction when the competence and responsibility for decisions on trade lies with the EU collectively. I will not commit public finances to a Bill that I know to be legally unsound. I have made that point very clearly in public and in private to Senator Black on many occasions, and she understands my position. It is a clear position, based on advice from the Attorney General. Deputy Murphy and others choose to ignore that, as if it is not the case. As a Government, we will not introduce legislation...
that is not legally sound and commit resources to do that and to fight the legal cases that will follow.

I am glad that we agree on one thing, that is, the illegality of the settlements and expansion of settlements in occupied territories. I will continue to maintain that position on behalf of the Government.

Finance Bill 2019: Order for Report Stage


Question put and agreed to.

Finance Bill 2019: Report Stage

Minister for Finance (Deputy Paschal Donohoe): I move amendment No. 1:

In page 8, between lines 5 and 6, to insert the following:

“Sea-going naval personnel credit

5. (1) The Principal Act is amended—

(a) in section 458, by inserting, in Part 2 of the Table to that section, “Section 472BB” after “Section 472BA”, and

(b) by inserting the following after section 472BA:

“Sea-going naval personnel credit 472BB.

(1) In this section—

‘day at sea’ means a cumulative period of 8 hours within any 24-hour period on patrol at sea on board a naval vessel;

‘naval vessel’ means a naval patrol vessel owned by the Minister for Defence;

‘qualifying individual’ means a permanent member of the Irish Naval Service who has spent at least 80 days at sea in a relevant period performing the duties of his or her employment;

‘relevant period’, in relation to a year of assessment, means the immediately preceding year of assessment.

(2) Where for the year of assessment 2020 an individual is a qualifying individual—

(a) he or she shall be entitled to a tax credit (to be known as the ‘sea-going naval personnel credit’) of €1,270, and
This amendment inserts a new section into the Taxes Consolidation Act 1997 to provide a tax credit for permanent members of the Irish Naval Service. Where a permanent member of the service spent at least 80 days at sea on board a naval vessel in 2018, he or she will be entitled to a tax credit of €1,270 in 2020. This is a once-off measure which is intended to apply for 2020 only. It is intended to operate as a temporary device as we prepare for other measures in the context of future discussions on public pay.

The proposed measure is based on the design of the existing fisher tax credit, which was introduced in the budget of 2017 in recognition of the hardships and dangers faced by individuals engaged in that sector. It is important to recognise the critical support of the Naval Service, the role and support it provides to the Irish fishing fleet and the parallel circumstances in which its members operate when carrying out such duties. In the circumstances, it is appropriate that this measure is being introduced at this time and for the reasons I have outlined.

**Deputy Michael McGrath:** I welcome the amendment. In his remarks the Minister said it is a temporary measure. Will he elaborate further on the reason it is intended that this will only apply for one year? If it applies for the year of assessment, that is, 2020, and given that one of the conditions is that a member of the Naval Service has spent at least 80 days at sea, I assume the credit will be claimed in 2021 in respect of 2020 where a person has spent 80 days at sea in 2020. Given that, as the Minister has acknowledged, this is an extension of the existing fisher tax credit, as it is technically called, to members of the Naval Service, why is it temporary when the conditions are the same?

I hope the Minister realises the scale of the recruitment and retention crisis across our Defence Forces, including in the Naval Service. I received information on this by way of a reply to a parliamentary question. In 2018, the number of people in the Naval Service who had to buy their way out of discharge by rank included one corporal, 62 privates and 13 recruits, who collectively paid €72,000 to the Department to exit from the Naval Service. In addition, in 2018 there were 49 voluntary early retirements and 22 other discharges, including retirements on age grounds. When those figures are compared with previous years, it is very evident that the number of paid and voluntary discharges has increased significantly because of the retention crisis. Why can the measure not be a permanent part of the tax code?

**An Ceann Comhairle:** Does any other Member wish to speak on this amendment?

**Deputy Paschal Donohoe:** I wish to clarify that this will apply for the minimum of 80 days that have been spent at sea on a naval vessel in 2019 and the amendment will allow the relief to be claimed for next year. On the Deputy’s question regarding why this is being introduced as a temporary measure, the reason is that I anticipate, in the discussions following the conclusion of the public service stability wage agreement and regarding the recommendations from the Public Service Pay Commission report on our Defence Forces, that other options will be considered that can take the place of this measure. I am aware of the difficulties with recruitment and retention faced by certain sections of our Defence Forces. I also place great value on the difficult and challenging work that our Defence Forces carry out at times. The Deputy will also be aware, however, of some changes we have made in pay for members of the Defence Forces.
Those changes apply only to members of the Defence Forces and that recognises the demands those personnel face and the need of the Defence Forces to recruit and retain staff.

I will conclude with two brief points. Many of the issues referred to by Deputy Michael McGrath are a consequence of how well the wider employment market is going and the indirect demands that places on our Defence Forces. That is also the reason we did so much work through the Public Service Pay Commission. I am aware that once defence capacity becomes depleted, it can take a lot of time and expense to rebuild it.

**Deputy Pearse Doherty:** I welcome this amendment and we will see how those pay discussions work out. In this Finance Bill, we are dealing with something available to many other public servants and, indeed, private sector employees. It is appropriate that this tax credit be made available to personnel in the Naval Service. It does raise a wider issue in that these personnel need to be seen as workers and their representative organisations need to be able to apply for membership of the Irish Congress of Trade Unions, ICTU. The working time directive also needs to cover the personnel of the Defence Forces when they are not on active service, and overtime rates should be paid.

Other issues also need to be dealt with in this discussion. With the indulgence of the Ceann Comhairle, I will point out that there has been some confusion between his office and mine, which resulted in amendments I was submitting on Report Stage falling outside of the necessary time. That was unfortunate, but we have dealt with many of them on Committee Stage anyway. I just wanted to put that explanation on the record.

**Deputy Michael McGrath:** My understanding is that, as the Minister stated, the 80 days spent at sea requirement applies to 2019 and the benefit of the tax credit can then be claimed in 2020. Does the Minister have an estimate of the number of personnel in the Naval Service who will be in a position to avail of this tax credit in 2020 and what that cost will be? The Minister is correct in stating that many of the members of the Naval Service have found the option of working elsewhere attractive because of the relatively poor levels of pay they are now receiving. The training given and skills acquired in the Naval Service are highly valued. The reality is that those personnel find themselves unable even to pay for accommodation with the current level of pay. I know this issue well because the Naval Service is based in my own area. Many of the personnel have left because they can no longer afford to stay working with the Naval Service. I would be grateful if the Minister could deal with those direct questions on the number of personnel who will benefit and the cost of the tax credit in 2020.

**Deputy Mattie McGrath:** I would also like to know what the estimated cost of the tax credit will be once it is possible to avail of it in 2020. As Deputy Michael McGrath and others did, I salute the personnel of the Naval Service and what they do. We have had great difficulties in retaining them. They have excellent training and I acknowledge the work they carried out in the Middle East and in the Mediterranean. These personnel are being headhunted, however, because they have that expertise. I am thankful that they have the skills, but it is a pity that they have to depend on the family income supplement, FIS, and support from their families. It is a sad reflection that the people who patrol our waters and protect our coastline from drugs coming in are in this situation. They need to be supported and we should help in whatever way we can.

**Deputy Paschal Donohoe:** In light of what Deputy Mattie McGrath said, in particular, I reiterate that the Naval Service is a good employer and a good place to work. Our Defence Forces seek to pay and reward their staff well for the difficult and demanding work they do. I acknowl-
edge, however, as the Public Service Pay Commission also did, that because of the strength of earnings growth across our economy at the moment and the increasing levels of employment - as acknowledged only today, with more than 2.3 million people at work - we need to plan carefully for how we can ensure our Defence Forces have the right number of personnel at their disposal. On the questions posed, we believe that 240 people are likely to qualify and apply for this tax credit. Regarding the cost, we anticipate that will be between €300,000 and €500,000.

An Ceann Comhairle: The Minister has replied, but Deputy Burton can make a contribution. The Minister will not be able to respond, however.

Deputy Joan Burton: That is fair enough. Many people serving in the Naval Service will welcome this new tax credit. It is important to establish, though, whether people in the Army and the Air Corps are going to get the same benefit. While service with the Naval Service at sea is a particular type of service, confining this tax credit to help boost after-tax pay to the Naval Service is wrong. The problem of recruitment and retention is most acute in the Naval Service. Ships are tied up and unable to go to sea because so many people are leaving the Naval Service, it is now understaffed and unable to manage the fleet.

We know the theory is that the ships not in use are meant to be in dry dock for repairs. I do not think that is true. Repairs are indeed ongoing, but some of the ships appear to have been tied up for a very long time. There is also the fact that personnel in the Army and Air Corps also go on missions to different areas. Many of those missions take place under the auspices of international bodies and there may be associated daily rates of pay. Those kinds of missions, however, may involve people being out of the country for long periods of time.

In previous discussions on the budget, I stated that we need a public commission on the future of our military. We need to decide what kind of Defence Forces we are going to have in the years to come. Are we going to have personnel serving in an extremely hierarchical model, more appropriate to about 100 years ago, or are we going to have a progressive military where opportunities for promotion to the higher ranks will not be confined to a few? In almost all armies around the world, people can enlist as ordinary personnel and then progress, if they are committed to the armed services, to becoming an officer. That is difficult to achieve in our Army, however, in the Air Corps, if slightly less, and in the Naval Service. We are in 2019 and yet people in the ranks are being treated in a far inferior way to people in the officer corps. That is simply because of a difference of two to three years’ full-time education and training compared with those who have had the opportunity of becoming a cadet. Needless to say, many working-class people only qualify to enter the enlisted ranks and not the more senior ranks. Those people do not have an easy pathway to becoming officers. What continues to be a feature of all of the services, particularly the Naval Service and Air Corps, is that personnel get excellent training which then qualifies them to take up jobs externally. What they do not have, however, is a clear internal promotional path, which means their earnings will always be low and they will never advance.

Pay needs to be addressed because some members of the Defence Forces are sleeping in cars and staying with relatives, while others are simply unable to provide for their families in the way that might be expected while they serve their country. Having Fine Gael in charge of defence for eight years has done unbelievable damage to the armed services. Many members of my family have served in the ranks. The Government must wake up and create modern Defence Forces that will be a credit to this country.
19 November 2019

I had the opportunity to meet Irish personnel serving in Africa and other parts of the world. They have served with distinction and have been a credit to this country on the various missions they have undertaken. I would like to see fair play for the Army. The only way that Fine Gael will be able to sort out some of these issues is to have a proper commission for all the Defence Forces to produce a modern blueprint and pathways for personnel to have a decent career and, if it they are interested in doing so, to go forward and serve at officer rank, having developed the skills needed to do so.

The training in the armed services, which ranges from catering to transport and a host of other areas, can be very valuable. The apprenticeship system, which the Ceann Comhairle and others will be familiar with, was an important pathway for personnel to build up careers that they could then use when they left the services. It is a pity those have also been allowed to lapse.

Amendment agreed to.

An Ceann Comhairle: Amendment No. 2 is in the names of Deputies Boyd Barrett, Brid Smith and Gino Kenny.

Deputy Richard Boyd Barrett: I move amendment No. 2:

In page 10, between lines 33 and 34, to insert the following:

“Report on special assignee relief programme

9. Within 6 months of the passing of this Act, the Minister shall produce a report on the implementation of the special assignee relief programme.”.

The Minister will be aware that I am a big critic of what I describe as tax loopholes that reduce the effective tax rate paid by big corporations on what are often significant profits and some of the best paid people working in this country. When I talk to constituents about these tax loopholes and reliefs, which they do not get but a small privileged group gets, the special assignee relief programme is the one that really irritates them. In terms of the total amount of money involved, it is not astronomical in the way that many of the big loopholes for the corporate sector are but it really gets them. It horrifies them to think that there is a tax break available only to people who earn more than €75,000. I am not easily shocked by the inequalities that exist in society because I have become so used to them but even I was shocked by the numbers of people who benefit from this relief. The earnings of these people are quite shocking. We discussed this matter at the Committee on Budgetary Oversight when we were given a table showing the figures. Unfortunately, I do not have all the figures with me but I was staggered that dozens of people in various categories, including those earning between €250,000 and €350,000, between €350,000 and €450,000, and even higher amounts, were getting this tax relief which is not available to ordinary workers. I do not know how the Minister can justify that. I do not believe that removing this relief for people earning salaries that are unimaginable to ordinary people would cause them to flood out of the country. I do not buy that proposition. This is a giveaway to already stunningly well paid people, one which lets them off paying their fair share of tax. We should get rid of this relief. However, Opposition Deputies cannot do so because any attempt to remove it would be ruled out of order because it involves money. It is important for the record to state our opposition to this relief. I am curious to hear how the Minister would justify it.
Deputy Pearse Doherty: I have opposed the special assignee relief programme for years. We were told when it was introduced that it was conditional on 20 new jobs being created for each person who benefits from it. We can see from the returns to the Revenue from the companies in question that the number of jobs created is nowhere near that figure. There is not a chance that the relief provides that type of benefit.

We do not have the latest figures on the cost of the relief. It cost €18 million in 2017 and the cost had increased in all of the previous years. If that trend continued in 2018 and 2019 and continues into 2020, the relief may cost the Exchequer anything up to €100 million. I have no idea if that is the case because we do not have the figures for 2018 and 2019 and we do not know what it will cost next year.

As Deputy Boyd Barrett mentioned, this is an issue that sticks in the craw of many workers, particularly those who face the likelihood that their pay packets will reduce on 1 January 2020 because we have a passive Government dealing with the issue of flat rate expenses. The affected workers include 80,000 retail workers on low and middle income wages, many of whom struggle to get by and meet bills such as mortgage payments, insurance costs, rent and childcare costs. They will see a reduction in their take home pay as a result of a change that will take effect on 1 January. At the same time, in the Finance Bill the Minister is throwing millions of euro at just over 1,000 people who come to this country to work. We welcome anybody who comes here to work. One of the stipulations is that these people work in a certain environment and must earn over €75,000. The tax relief applies to income up to €1 million. As I have stated previously, three individuals benefit to the tune of €111,000. As a result of this section of the Bill, one individual will pay €111,000 less tax next year than a PAYE worker earning the same salary. Three of the individuals who benefit from the relief earn more than €3 million. There is no justification for this.

I have outlined only what people can write off through the 30% reduction in their tax liability. There are, however, other measures within the special assignee relief programme. For example, private education for their children can be claimed back under this, as can flights back to their home countries twice a year, medical expenses and so forth. It is a huge suite of nice tax measures designed by this and the previous Governments that is not supposed to happen anymore. It was supposed to run out, although I never agreed with it, and the Minister is deciding to keep it. At the same time, 600,000 workers, many of them in the retail and hospitality sectors but also people such as nurses, will see an impact on their take home pay in January. I oppose this. I believe it speaks to the ideology of Fine Gael. The Minister takes great offence when I mention ideology or beliefs, passions or principles.

Deputy Paschal Donohoe: Beliefs are better.

Deputy Pearse Doherty: Whatever words he chooses, it is clear. That is the vein that runs through everything. In housing, the private sector can deal with it instead of putting the necessary resources into building houses. It is the same in health. Even with the new hospital being developed - a runaway project - it is decided to build a private hospital within the public hospital. That is the ideology. A party can stand on that platform and that is its right, but I completely oppose it. This shows clearly how the Minister, who tells us he does not have enough money to support the thousands of people who have been denied home help this year, has plenty of dosh for these guys. The Minister who tells us he does not have enough money to support children with special needs in terms of the additional resources they require has plenty of dosh for these
guys. That is the sickening thing about all of this. That is the reality.

Many sectors of our society are crying out. Respite services are closed down in south Donegal. I get so angry when I have to attend meetings of parents of children and adults with intellectual disability who have to campaign and fight for their rights or the rights of their children. When we talk to the HSE, the Department of Education and Skills or to the Minister, time and again we are told there is a finite amount of resources. There is, but the problem is that the Minister is putting them in the wrong pockets. Respite services are closed and it is ridiculous that a fraction of the money the Minister is spending on this would open them overnight. There were 51 patients on trolleys in Letterkenny University Hospital yesterday and today there were 45. It is a war zone. It is ridiculous what the staff must go through, not to mind the disrespect to the patients who are suffering. Ten beds are lying empty in that hospital. They cannot be filled because of decisions on finances. There is no money for those beds to be opened. The patients are let lie on the hospital trolleys while the nurses and doctors are let deal with the crisis because the Minister must look after this priority in this section of the Finance Bill. He must ensure that these 1,000 people, some of whom are earning more than €3 million, are looked after. That is the priority of this Government, and that is what is disgusting about the priorities of this Government.

Deputy Mattie McGrath: I appreciate that we have foreign direct investment and that we need it. My county has been privileged to have Merck Sharp & Dohme, MSD, for 40 years, Boston Scientific and many more. We hear about the cost of job creation and the costs for small businesses trying to get incentives. They cannot get any of them, but there are huge incentives for these companies to come here. Let me put it on the record that I support the current corporation tax, but this is something different. It is very hard for the ordinary working man or woman or, indeed, the self-employed people who are being persecuted by the Revenue Commissioners at present. We have these loopholes for people who earn up to €3 million. We know it is a small number but they are all quite well-to-do and have a good income. This makes it even better. Why discriminate so negatively against our own employees, employers and people, especially when we are so strapped for cash across a wide area? The Minister keeps throwing money into the black hole down the road. I do not believe he will ever make a hospital out of it. One cannot make a silk purse out of a sow’s ear. When there are bad foundations, it can go only one way.

It is time we examined some of these loopholes and incentives. Certainly, we must be attractive but do we need such inequity in the system against our PAYE workers and self-employed people? They are the people we should be seriously trying to support. I met a hotelier yesterday and he is simply browned off with all the taxes, insurance and everything else. Nothing is being tackled. There are only extra rates, water charges, the minimum wage continuously increasing and so forth. People are just walking away from being employers and from their employees. Many of them have different incomes. This provision certainly should be changed somewhat.

The Minister rails against amendments of all sorts that would bring in extra funding. I will not repeat everything Deputy Pearse Doherty said but we see the carnage in our emergency departments. There is no mental health bed in Tipperary. There is an epidemic of suicides and no services. Nurses are not approved. In fairness, the Minister of State, Deputy Daly, and many others are doing their best. The unfairness is chronic. Deputy Fitzmaurice and I tabled an amendment on Committee Stage and the Minister rejected it. It proposed a land tax on conglomerates that own more than 500 acres of land. It was laughed out of the way. These people can buy everything. They have endless money. They can control vast swathes of land, not only
in Tipperary but also in Wicklow, Kildare and throughout the country. A farmer with 500 acres should be well able to survive on a family farm that would make up five farms. The Minister turned his nose up at it. He also did so last year, the year before and the year before that. There is some inherent reason that he will not tackle or challenge these fat cats. We recognise that they provide employment too. They have excellent prowess in the racing industry. However, they should be made to pay their tax. The ordinary small farmer cannot buy a piece of land.

This is more of the same. We treat our own people with disdain but we allow these people to ride roughshod over us, day in and day out, without explanation. It beggars belief, and especially when the Minister is strapped for cash in so many areas, be it orthodontic treatment or treatment for cataracts. Deputies Danny Healy-Rae and Michael Collins brought a bus load of people to the North for treatment - “go to Belfast or go blind”. It is pathetic. The Government is on its merry way again with the broadband. It is another Ponzi scheme. It will probably end up in the courts and come crashing down around it.

I support the amendment because this is inherently unfair and is going on for too long. Surely we can make some adjustment so there can be a sense of fair play for our native workers. We are not giving this to other people who come here from different lands and are expected to work to keep our economy going. We are not giving them any such incentives. Why be so selective for one group of people?

**Deputy Joan Burton:** Most of the schemes like this are the product of various large accounting and legal firms producing packages which they can then sell around the world to people in the appropriate income bracket. That is one of the principal reasons the scheme in Ireland has failed to be capped properly and now results in a significant difference in tax treatment between somebody who is fully resident for tax purposes and somebody who is brought into this structure by an accounting or legal firm. Ultimately, many of the recruiting firms end up paying as much in service costs to the legal and accounting advisers for these schemes as the individual may end up paying in tax. However, the notion of equality in the tax system for people on similar levels of income is undermined, particularly when it goes into very high income figures as it has done now.

**7 o’clock**

Second, at the beginning of this Dáil, the Committee on Budgetary Oversight was established for the specific purpose of shining a light on the details, consequences and arguments for and against various tax arrangements. The Report Stage amendments before the House tonight contain a series of proposals for reports on areas such as the special assignee relief programme, SARP. The Government should be enabling the Committee on Budgetary Oversight and its officials, because it has an official status to carry out these reports and be clearly enabled to do so by the Department of Finance and other relevant Departments.

I have a long-standing Private Member’s Bill before the Dáil, which I would be delighted if the Government would take over, to establish a standing commission on taxation. It would examine the outcomes, fairness or unfairness, and costs of various elements of the tax code. If there was a development in the tax code, as often happens, and that development was used more or costed more than originally envisaged, there would be, as a matter of policy, an ongoing examination of its impact, including the loss of tax to the Exchequer, which means less money for education, health and the Defence Forces. This is done in many jurisdictions as a matter of policy.
The Committee on Budgetary Oversight has produced very valuable publications on the costs of various tax breaks and tax arrangements, and this has been very useful, but from an overall policy perspective, that should be built into the system. Ultimately, everyone is paying some form of tax, particularly people in the PAYE sector, and it is understandable and correct that it should be perfectly easy to analyse who is getting special deals or arrangements and, more importantly, what these cost. It is understandable that if a much sought-after employee is moving to Ireland, he or she would get some arrangements to recognise the costs of moving and establishing his or her household and so on. However, for it to go on and on over a long period is not justified. The people who sell these schemes will always want to keep them for as long as they can, and forever if possible. The details should be published in full annually, and the best way to do that would be through the Committee on Budgetary Oversight. Its officials should be given access to the information and it would be published regularly.

At one time we gave massive tax breaks to people who owned racehorses, and we have done that with all sorts of things. Gradually over a period, we decided either to eliminate or reduce these enormous blanket tax breaks. These were not small tax breaks in relatively modest levels of expenses. There is a case for permanent oversight of tax. Revenue is not the body to do this. Its job is largely the collection of revenue and the establishment of the tax base. Neither is the Department of Finance the institution to do this. Whoever is Minister for Finance has a particular vested political interest. In Ireland and many other places, there is a growing sense of inequality which undermines the very basis of our democracies. Yesterday, Lidl announced it would pay all its employees the living wage. I assume Aldi will follow.

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

Deputy Joan Burton: However, we see no sign of a move towards equalisation or equality. That is why people feel so undervalued. A teacher gets nothing like these breaks.

An Ceann Comhairle: Time is up, Deputy.

Deputy Joan Burton: A nurse does not get anything like these breaks. They often work much harder than the people who are brought to Ireland on the basis of the sale of these schemes by professional companies.

An Ceann Comhairle: If no other Member wishes to come in, we will return to the Minister to respond.

Deputy Paschal Donohoe: First, to respond to Deputy Burton, we publish a report on SARP each year that makes all the information available insofar as it can be without breaching taxpayer confidentiality. Second, I heard a figure of €3 million raised by two Deputies. I remind the House that last year I introduced a cap of €1 million. While €1 million is still a vast sum of money, I introduced a cap that will apply this year for new entrants and to existing people in the scheme from next year. While acknowledging that €1 million is still a vast amount for an individual to earn, I introduced the cap because I was aware of the concerns that citizens and Members of the House could have on tax equity. Third, the main reason I seek to maintain it in the tax code is an appreciation of the reality I see week after week, month after month, where other countries have the same scheme, but one that is significantly more lucrative and, in some cases, more attractive than the SARP scheme. Those countries use their schemes to compete for jobs, some of which are currently located in Ireland.

I understand the House’s concerns about equity and the degree of relief that is available to
Deputy Richard Boyd Barrett: The point has been made and the Minister knows we disagree. There are many talented people who have left or who are leaving this country. We need those people in our construction sector, public services and a number of other areas where there are quite serious labour shortages. The reason many people do not return to Ireland is due to the fact that the cost of accommodation or that wages are just not high enough. Where is the incentive for those individuals? We are giving this incentive to people who must earn more than €75,000 per year, excluding bonuses, commissions, etc., that they also get. A person can only get this if he or she is massively well paid. Some of these people are so massively well paid it boggles the mind. One would wonder if anybody really deserves to be paid that much. Not only are these people paid massive amounts, but we are giving them a tax relief that no ordinary worker would ever hope or expect to get. Where is the incentive for the people who earn less than €75,000, particularly when we desperately need them? The Minister argues that we need these people and that this measure is justified in order to get them. What will he do to attract the people who would earn less €75,000? What incentive is being given to them? That inequity makes this totally unacceptable. No amount of argument about the benefit arising from this or that company to the country can justify that inequity. Any point that can be made by the Minister about the contribution those companies make to this country could equally be made about all the people who earn less than €75,000. Do those who earn less than €75,000 not make an equally important contribution to this country and its economy?

Deputy Pearse Doherty: The Minister took issue with the figure of €3 million. He is correct in stating that there is a cap so this reduction will only apply on earnings up to €1 million. This is where the benefit of €111,000 arises. Perhaps the Minister does not fully understand what we are saying. In some cases, these individuals who are getting the benefit of a €111,000 reduction in taxable income earn in excess of €3 million. Our point is that some of those to whom we are referring are extremely wealthy individuals. We do not have the information indicating how much more than €3 million they earn; they could earn €10 million or €15 million or it could be a couple of euro over €3 million, but they are extremely wealthy. There are eight people earning more than €3 million according to the Revenue Commissioners’ figures.
There are 23 people earning between €1 million and €3 million. These individuals are all getting the benefit of a €111,000 reduction in taxable income under this section that they might not otherwise get.

The Minister stated that these people are associated with a country and the public good. The janitor keeping our hospitals clean and who ensures infection control because floors are mopped and utensils are clean is also providing a public good, and it is possibly a greater good. The person driving a bus, taking us on public transport from A to B, also provides a public good. The teacher teaching a child to read is also providing a public good. What is happening to them? Will they be able to write off 30% of their income against tax? Not a chance. On 1 January they are facing a flat-rate expenses change, meaning their take-home pay will be reduced. That is the reality and the problem.

Deputy Paschal Donohoe: I acknowledge the extraordinary importance of the work done by janitors and teachers. They truly are the definition of the public good and the work they do is essential to the public services provided in our hospitals and schools. I understand the clarification made by Deputy Pearse Doherty. Incidentally, I am never offended by what he says and I wish to put him at ease if that is a concern. He made reference to €3 million on many occasions and I felt it appropriate to remind him of the change I made last year when I introduced the cap of €1 million.

I can speak to the immensely important work done by janitors, teachers and nurses. We are doing this in order to be in a position where, for example, we can continue to ensure teachers are on a path to wage restoration. Janitors have already had wages restored compared with where we were in the crisis period. We must ensure we have the tax revenue to do this. Having considered this scheme in detail, I have reached the conclusion - I am accountable to the House for it - that in the absence of or significant reduction in the scheme, which the Deputy wishes to implement, as is his right, certain forms of jobs in our country would be put at risk. That could create an indirect risk that I am concerned would be big. It is my judgment after consultation with IDA Ireland and not the financial services companies referred to by Deputy Burton. I have heard all the Deputies in this House regularly give recognition and credit to IDA Ireland. I need to ensure because of the world we are in rather than the world I wish at times we were in that a scheme like this continues to be merited.

Amendment put and declared lost.

An Ceann Comhairle: Amendments Nos. 3 and 4 are related and will be discussed together.

Deputy Michael McGrath: I move amendment No. 3:

In page 11, to delete lines 16 to 21 and substitute the following:

“company, and

(b) whose business consists wholly or mainly of the holding of shares only in the following (and no other companies), namely, its qualifying subsidiary or subsidiaries and where it has a relevant subsidiary or subsidiaries, in that subsidiary or in each of them;”.

We discussed this on Committee Stage. Although I will not labour the point, I wanted to
raise it again on Report Stage to see if there has been any evolution in the thinking of the Minister or his Department. This is a technical matter relating to the key employee engagement programme, KEEP, scheme and the changes introduced as part of this Finance Bill. It is fair to say they have been broadly welcomed. The matter I raised on Committee Stage relates to the definition of a holding company.

As I pointed out on Committee Stage, it is common for a new business to start as a single trading entity and then, as the business expands into new territories or delivers new products, it can become necessary from a commercial perspective to incorporate new entities. Very often, such new entities are established as subsidiaries of the original trading companies. As that type of business grows, the original trading company remains as is and becomes both the holder of shares in newer trading subsidiaries as well as being a trader. These types of businesses do not typically put in place a company whose sole or main business is to hold shares and their stage of development may not warrant a holding company or it may not be commercially necessary to do so. The complexity and cost involved in undertaking a group restructure just to put a holding company in place would also be a factor for these types of businesses. The concern is that the restrictive holding company definition that continues in the Finance Bill as it stands will exclude some small businesses for which the KEEP scheme could be a very positive change. This is a key issue.

**Deputy Paschal Donohoe:** I thank the Deputy for raising this issue, which we discussed on Committee Stage. As he was good enough to acknowledge, the changes we made in this area were broadly welcomed by the SME sector. These particular changes followed on from consultation we had with the SME sector and that my officials had with them before the summer.

We have followed up on this issue in the context of holding companies. This amendment refers to holding companies and either it or a later amendment raises the issue about whether returns are needed to be declared by companies in order to access this relief. We have not got the feedback to date that further change is required in the Bill in the context of the areas to which the Deputy refers. However, if that were to change and if after the implementation of these changes next year, we are still not delivering the objectives we need in the KEEP scheme, I am certainly open to examining whether further change in respect of the scheme would be needed. Deputies Michael McGrath, Pearse Doherty and others made the point that access to and draw-down in respect of the KEEP scheme have fallen short of the objectives we set. We are seeking to make the scheme more open and to ensure that it is used to a greater degree. The changes we have made are going in the right direction and will deliver that objective. While we have not received feedback, we followed up on the points raised, if the position were to change, I would certainly be open to examining whether further change in the scheme is needed.

**Deputy Michael McGrath:** I acknowledge that the purpose of the changes being introduced in the Bill are to make the KEEP scheme more attractive. It provides significant potential to help smaller businesses to attract and retain key staff. That is a difficulty for them, particularly in a strong labour market where they are competing with large companies which perhaps can offer greater remuneration packages.

On the point the Minister made about the consultation day, my understanding is that the discussion centred around the issue of the number of subsidiaries and not on the question of whether the holding company could trade. If I take what he said in good faith, namely, that this will be kept under review, it is important that this will be done because the KEEP scheme, in its current form, has not worked. When we have fewer than 90 employees benefiting from
a national scheme, clearly, it has not delivered on the promise we all accept it has. I will not press the amendment. However, I will hold the Minister to his commitment to keep this under review and that if a further change to the definition, in a technical way, is required, a vehicle will be found to deliver on that.

Amendment, by leave, withdrawn.

Amendment No. 4 not moved.

**Deputy Richard Boyd Barrett:** I move amendment No. 5:

In page 15, between lines 20 and 21, to insert the following:

“Report on key employee engagement programme

11. Within 6 months of the passing of this Act, the Minister shall produce a report on the implementation of the key employee engagement programme.”

I have very little to say on this amendment other than that it has not been a particularly effective scheme. There are better ways to support SMEs. If the idea is that when shares become valuable the Government gives tax breaks for those shares, that is doing it the wrong way around but it is not really working in any event in terms of the benefits that have arisen. This is the wrong way to encourage or promote small and medium enterprise and it suffers from some of the same flaws as other tax reliefs the Government provides on the basis of either high earnings or profit. The Minister is well aware of my opinions on those reliefs. It is on that basis we should rethink this and scrap this scheme but I will not labour point.

**Deputy Paschal Donohoe:** As the Deputy was brief, I will also be brief. Given that I am sure he supports workers owning the practice and means of production, I would have thought it might be possible for him to see the attraction of ensuring workers are able to benefit from the value of the company they are in. I take his point, if I understand him correctly, on whether we need taxation to incentivise the issue of share option, I do not believe we do. I know from talking to many SMEs in the technology sector that a way in which they can ensure what they are offering their workers is competitive with what the very large companies are offering is through the development of share and share options schemes. The KEEP scheme is a support to them in doing that. However, I accept that it might be difficult to invoke Karl Marx in making an argument for share option schemes but, nonetheless, I thought I would give it a try.

**An Ceann Comhairle:** How stands the amendment?

**Deputy Richard Boyd Barrett:** I will withdraw it.

Amendment, by leave, withdrawn.

**Deputy Denis Naughten:** I move amendment No. 6:

In page 20, between lines 12 and 13, to insert the following:

“Tax credit claim

17. A tax credit can be claimed where a person works remotely.”

I tabled this amendment, the subject of which is topical today as it is the day we signed the
contract for the national broadband plan, to try to incentivise and encourage people to work remotely. There are major benefits for the economy and society if we can encourage people to work remotely. One of the key things we need to do in the current housing crisis is to try to maximise the use of the existing housing stock, the 1.7 million houses across the country. Some of those houses are not in areas of high demand. Many of them are in parts of rural Ireland, including my constituency. On the other hand, the cost to the Department of Housing, Planning and Local Government of a serviced site is €30,714. If we can get someone to move out of an urban area where there is high demand for housing into a rural vacant house, that in itself would save the Exchequer €30,714 in one less serviced site needing to be provided.

If we can encourage a person in rural Ireland to reduce his or her weekly car travel by 300 km per week, that would reduce carbon emissions by 1.7 tonnes per annum. If we were to use the Government’s public service spending code and the average cost of carbon over the next ten years, that would be a net saving to the Exchequer of €122. We need to take pressure off Dublin and relocate jobs into rural communities, taking pressure off housing, roads, schools and much of our infrastructure and at the same time we would fill a skills shortage in many parts of rural Ireland. This amendment, which encourages people to work remotely, provides for a win-win situation in taking pressure off the congested infrastructure particularly in Dublin but also in other cities.

When we discussed this topic on Committee Stage, the Minister made the point that tax expenditure guidelines issued by his Department stipulate that the key rationale for Government intervention by way of tax expenditure should be the existence of market failure and that a tax based incentive should be more efficient than a direct expenditure measure. We have market failure in terms of the housing situation. All of us in this House accept that. We need to come up with some innovative solutions that take pressure off the housing stock, particularly in our urban areas, and encourage people to relocate to rural communities. As a result of the Eir 300,000 build-out of broadband, the reality is that there are quite a number of rural villages around Ireland that have access to 1,000 Mbps high-speed broadband that have vacant houses and are struggling to maintain student numbers in local primary schools. This is a win-win situation for everyone. As the Minister indicated on Committee Stage, we should be looking at incentives that are more efficient that direct expenditure measures. The point I have made is that the Department of Housing, Planning and Local Government spends an average of €30,714 on a serviced site while there are vacant homes in communities in many parts of rural Ireland that have been denuded of their populations. Surely it makes sense to put in place an incentive to encourage people to go back to those rural communities. I accept that someone who was born and bred in Dublin is not going to relocate to rural Ireland, but I will give the Minister a practical example. County Roscommon has the highest level of participation in third level education in the whole of Ireland. Despite this, the number of graduates employed there is the lowest of any county. The objective is to put in place a clear incentive to encourage people to relocate to rural communities in order to work remotely, servicing the businesses in Dublin and the other cities. This is a win-win situation for everyone.

Deputy Paschal Donohoe: Remote working or e-working is defined by the Revenue Commissioners as when an employee works from his or her home on either a full-time or part-time basis, with the remainder of time spent in the normal place of work or working while on the move, with visits to the normal place of work. E-working involves working for substantial periods outside the normal place of work, logging on to a work computer remotely, sending and receiving email, data or files remotely, or developing ideas, products and services. E-working
does not apply to workers who bring work home outside of their normal working hours.

While working remotely does not entitle e-workers to a tax credit, there is a Revenue administrative practice, which has operated since the early 2000s, which takes account of certain expenditure incurred by e-workers in the performance of their duties of employment from home including, for example, additional heating and electricity costs. Employers can make payments of up to €320 per day to their employees without deducting PAYE, PRSI or USC. This does not, however, prevent an employee who works remotely from making a specific expenses claim to Revenue where the actual expenditure incurred is in excess of this amount. These deductions are allowed to employees under the provisions of section 114 of the Taxes Consolidation Act 1997, which provides for tax deductions incurred wholly, exclusively, and necessarily in the performance of the duties of employment. Furthermore, employers may provide equipment to an e-worker for business use without the application of benefit-in-kind where private use of that equipment by the employee is minimal. Examples of such equipment include computers, laptops, printers, scanners, telephones, broadband, office furniture, and software which allows the e-worker to work from home. If an employee uses part of his or her home for e-working, the exemption from capital gains tax regarding the principal private residence will not be affected.

Having regard to the arrangements operated by Revenue, which I have just outlined, and to the fact that the introduction of a tax credit as proposed by the Deputy could potentially increase the proportion of earners who are exempt from income tax and result in a narrowing of the income tax base, I do not propose to accept the amendment.

Deputy Denis Naughten: I listened to what the Minister said. As he knows, the Government announced earlier today that we will be creating 300 broadband hotspots across the country. These are locations from which people will be encouraged to work remotely. They are not people’s homes. They are for people who do not have access to high-speed broadband at home. In light of the savings as compared with spending on serviced sites, the reductions in carbon emissions and the reduced pressure on infrastructure in Dublin and other cities, we need to look at this again. Now that we have high-speed broadband going to every single home and premises in Ireland, we should be actively encouraging remote working. In the context of what is happening now and of looking at innovative ways to take some of the pressure of the housing, road and water infrastructure in this city, I ask the Minister to look at this issue in the context of budget 2021.

Deputy Paschal Donohoe: In truth, I do not know if will be in a position to commit to anything in respect of budget 2021.

Deputy Denis Naughten: I am not asking for a commitment but the Minister’s officials can be working on it.

Deputy Paschal Donohoe: They sure can be. The Deputy has heard my rationale for believing that this particular change is not merited. It is because of the array of supports already in place. One could go so far as to make the case, given that it has just committed to a massive capital investment programme for a national broadband plan to facilitate working from home, that the State has made the intervention required and that overlaying this with a scheme of tax credits is not required. That said, as always, we want to find ways to encourage work and entrepreneurial activity outside of our cities. The Minister of State, Deputy Moran, has reminded me of the work under way with regard to enterprise hubs. This is driven by local authorities outside of our cities. I have no doubt at all that as we complete this Finance Bill and, soon afterwards,
begin work on the next, the Department of Finance will look at any additional changes that may be needed to support jobs and economic activity outside of our larger cities.

Amendment, by leave, withdrawn.

Deputy Michael McGrath: I move amendment No. 7:

In page 20, between lines 12 and 13, to insert the following:

“Report on flat rate expenses

17. The Minister shall, within 3 months of the passing of this Act, prepare and lay before the Oireachtas a report on the review by the Revenue Commissioners on flat rate expenses and ways in which low and medium income earners can be protected from any change that may arise.”.

This amendment relates to the flat-rate expenses allowance system. We have had a number of opportunities to discuss this in recent weeks, initially on Committee Stage and then during parliamentary questions to the Minister for Finance last week. I am not sure if he has any update at this point. It is worth reminding ourselves of the scale of this system and the quantum of money involved. I know that 2017 is the latest year for which we have data. There are 53 categories of employment affected and 134 individual flat-rate expenses allowances. More than 600,000 employees currently avail of these allowances at a gross cost of €163 million. The net cost, by way of reduction of tax, is €48 million. We are talking about a wide range of workers including miners, shop assistants, nurses, firefighters, and porters. If this system changes adversely, they are looking at a potential unwelcome surprise in their pay packets come January, although we hope that will not come to pass.

I assume that Revenue, as part of this review, will take into account the fact that changing to a different system whereby employees have to submit claims individually for expenses incurred wholly, exclusively and necessarily in the performance of duties will represent a cost to it. Changing from a system of agreed allowances for particular categories to assist the people in those categories to one in which up to 600,000 individual employees will have to submit claims will involved significant costs for the public purse. We have discussed this in recent weeks and the Minister agreed to write to Revenue for an update. I hope he will provide an update to the House at the earliest opportunity. The purpose of tabling the amendment and seeking the report is really to facilitate a debate on Report Stage.

Deputy Paschal Donohoe: I have written to the Revenue Commissioners and anticipate a response from them imminently. When I get it, I will make the details from that available to the House. I am aware of the issues raised by Deputy Michael McGrath and the number of workers who would be affected by the measure. I ask the Deputy not to press the amendment. He could do this in anticipation of me making the Deputies who have raised the issue aware of the information, when it becomes available to me from the Revenue Commissioners.

Deputy Pearse Doherty: It appears that we will just be getting the information from Revenue Commissioners as to when they are going to implement this. They are saying that they will push ahead with this on 1 January 2020. The substantive issue is the impact it will have on 600,000 workers. What assessment, if any, has the Minister carried out with regard to these changes? I have said many times at the committee that I have huge regard for the Revenue Commissioners an organisation. The Revenue Commissioners operate and implement the
law as we in this House decide it should be operated and implemented. The question for the Minister and for the Government is whether they believe that the changes around the flat-rate expenses are warranted. Does the Government understand that this will have a significant effect on low-income workers and particularly in those employments, such as, for example, Tara Mines, that would receive allowances. This is a huge issue and I am sure they have contacted the Minister as they have contacted Sinn Féin and our local representatives there. The measure will also affect people working in the hospitality and education sectors, along with nurses, mechanics and plumbers. It will affect a huge number of individuals. There is a lack of awareness out there in terms of what is happening. The substantive issue I am interested in hearing about is not about whether Revenue will postpone it for a month or two. Revenue is clear on that unless the Minister has some other information that Revenue is looking not to push ahead.

The Taoiseach, when he stood where the Minister is now, in response to my party leader stated that the Government would ensure that this was fair. The Taoiseach made comments to suggest that, before any changes were to take place, the Government would ensure that any changes would be fair and looked on by it. Is that the intention or will the Minister be taking a hands-off approach to this in allowing the Revenue Commissioners to do what they want to do? It is up to us to decide on this or to amend the Finance Bill to ensure that while the regime may need to be tweaked in some areas the protections for low-income workers are there with regard to the flat-rate expenses.

**Deputy Michael McGrath:** Given that he has had direct contact from those who will potentially be affected, the Minister understands that there is genuine concern. This is an administrative scheme operated by the Revenue Commissioners. It is not legislative and we do not have any direct say. Given that there are only a number of weeks until Christmas and in view of the fact the Revenue Commissioners’ website is stating that any changes will come into effect on 1 January, I am concerned and I want meaningful engagement. I want the finance committee to have an opportunity to dig into this, to look at the report and to examine it in detail.

In his replies to parliamentary questions, the Minister has indicated that each category of the flat-rate expense allowance system is being examined separately. Given the number of categories involved, this could be a very extensive report. We are told in replies to parliamentary questions that the purpose is “to ensure that the expenses granted to each employment category remain justified and appropriate to modern day employments and work practices”. This could hit the net pay, or the take-home pay, of these workers within weeks. They will look to all of us for answers. It is important that we hear back from Revenue at an early date - within the next week or so - and that we know what we are looking at and have an opportunity to examine this. It would give the House an opportunity to bring forward any alternative proposals it might want.

**Deputy Paschal Donohoe:** I am aware of the impact that this change will have on those who are affected by it. I agree that the House needs to be informed in a timely manner on how the issue stands. I was asked if there is any plan to remove the current collection arrangements for flat-rate expenses. The answer is that there is not. While I am aware of the effect this will have on those who are impacted by the change I also need to respect the independence of the Revenue Commissioners. They are aware of the issues and concerns around how many people will be affected by this. I understand the effect it will have on take-home pay. After I have engaged with the Revenue Commissioners in respect of it and when there is information or a view on the matter, I will ensure that, either through a discussion in the Chamber or through the finance committee, the House will have time to understand what could happen.
Amendment, by leave, withdrawn.

**Deputy Denis Naughten:** I move amendment No. 8:

In page 22, between lines 37 and 38, to insert the following:

“(2) For the purpose of clarity such provisions will also apply to businesses with charitable status providing emergency medical services in the State but registered in the UK, which shall be required to re-register in the State following the withdrawal of the United Kingdom from the European Union.”.

We discussed the matter to which this amendment relates at length on Committee Stage. The issue has moved on since then but, in a nutshell, the Irish Community Rapid Response charity runs the second air ambulance service based in County Cork. The Minister will be aware that over the weekend we heard that the Irish Community Rapid Response’s spare helicopter, which is based in a hangar in Cork, will now be relocated to the midlands to provide cover for the Defence Forces and the Air Corps when the latter’s helicopter is taken out of service in order to facilitate the training of staff.

A difficulty arises whereby Irish Community Rapid Response purchased its helicopter service from a UK registered company. That is all well and good at the moment because it is currently exempt from the charging of VAT in respect of that service. If Brexit happens and the company has to re-register in Ireland, then it will be obliged to raise an additional €2 million per annum to provide the air ambulance service in the southern part of the island, which, as the Minister will be aware, fulfils a commitment that was set out in the programme for Government and which now also provides support to the Air Corps in the midlands region.

The air ambulance service has been a vital service in supporting the national ambulance service across the State. The operation in Cork has conducted 50 missions a month on average, which is a significant number of missions, since it commenced operation in Cork. All I am looking for is that the status quo would remain post Brexit and that this charity would not be put in a position where it has to pay an additional bill of €2 million for VAT as a result of the United Kingdom leaving the European Union.

**Deputy Paschal Donohoe:** I thank the Deputy for raising this matter again. I know that it is of real concern to him, to the organisation involved and, of course, to his constituents, for whom this very important service is provided.

Notwithstanding the appreciation I have for the issue and the way in which the Deputy has raised it, I have questioned it again since he raised it on Committee Stage and I cannot agree to the amendment. Deputy Naughten will know why that is the case. I cannot agree to it because were this charity to register in Ireland, it would then, for the purposes of VAT, be required to be treated differently from other charities registered here. We cannot allow that. All charities registered have to be treated in the same way by virtue of the VAT they pay on services. If I were to agree to Deputy Denis Naughten’s amendment, it would mean that if the charity was to become registered in Ireland, it would have to be treated in a different way to charities already registered here or that might register here in future. From a tax policy point of view, and a legal perspective I am sure, that cannot happen. I appreciate why the Deputy is raising the issue. This is a matter of concern to him and his constituents but the answer to does not lie in our tax code. It would be wrong of me to create the impression that it does.
**Deputy Denis Naughten:** To clarify, Irish Community Rapid Response is registered as a charity in Ireland. That is not the issue. The issue is that it buys a service from Sloane Helicopters, which is based in the United Kingdom. This operates very well and a model has been developed on this basis. After Brexit, however, in order to operate in an EU member state, Sloane Helicopters will have to be registered in an EU member state, and that member state would likely be Ireland because. It makes sense that as it is providing a service here it would be registered here. As a result, it would have to charge Irish Community Rapid Response VAT. The point I am making is the organisation is providing a service. It is a charity that is fundraising throughout the country. It provides a service that fulfils a clear commitment that was given in the programme for Government. It has not asked for any State financial contribution towards this. It is also using its second helicopter, which is based in the midlands, to support the State service to the Air Corps. As a result of Brexit, and through no fault of its own, in order for the company to be regulated and operate in this jurisdiction, it will have to re-register and charge this Irish-based charity VAT. The charity is being penalised as a result of the United Kingdom leaving the European Union. It is a charity that assists the State and the Air Corps and fulfils a commitment in the programme for Government.

**Deputy Paschal Donohoe:** I take the Deputy’s clarification. Of course he is right, it is the company. However, that just emphasises my point regarding a level playing field for companies paying tax. What the amendment is looking for is that a charity would not pay VAT when buying goods from a UK registered company that becomes registered in Ireland. How can that be fair to every other charity or company that pays VAT? We cannot provide a VAT exemption for companies just because they are no longer registered in the UK and become registered in Ireland. Were we to do this, it would ensure that there was no level playing field for all the companies that are registered in Ireland and must charge VAT on their services.

**Deputy Denis Naughten:** The point I am making is that the company will be forced to register here. It will not have a choice. To operate here after the UK exits the European Union it will be forced to do this. This is where the difficulty arises. As a result, we are looking at a charity having an additional financial burden of €2 million a year.

Amendment put and declared lost.

**Deputy Paschal Donohoe:** I move amendment No. 9:

In page 30, line 16, to delete “10 years” and substitute “7 years”.

On foot of the 2018 Indecon review of the employment investment incentive, EII, and following on from the priority package of measures I implemented in last year’s Finance Bill, I have brought forward a number of enhancements to the EII scheme to increase its effectiveness and attractiveness, at the level of the investor and the level of the company.

On Committee Stage, it was agreed to increase the current annual investment limit from €150,000 to €250,000 for those who invest for four years, and to provide for a €500,000 annual investment limit in the case of those who invest for a minimum period of ten years. Following further consideration, I am bringing forward this Report Stage amendment to provide that the new €500,000 investment limit be available to those prepared to invest for a seven year period, rather than the ten years that I announced on Committee Stage. While under the proposed new arrangements the €500,000 investment limit will provide higher tax relief up front for those who invest for the longer period of at least ten years, its utility is potentially reduced by the fact...
that an investor could get a similar benefit by making two successive investments of €250,000 over a shorter period of eight years. The amendment is intended to address this point.

For the information of Deputies, the annual investor limit for the UK investment scheme is £1 million and the equivalent German INVEST scheme has an annual investor limit of €250,000. In both cases, the investment period is a minimum of three years.

**Deputy Michael McGrath:** I welcome these amendments. The EII scheme has needed reform and improvement. It provides vital funding in the early stages of life for many businesses and it is important that we make it as attractive as possible so those businesses are given the opportunity to scale up and have access to the level of funding they require to achieve this. The changes in amendments Nos. 9 to 11, inclusive, combined with the other changes will, I hope, help to improve the overall attractiveness of the scheme. I also hope Revenue will have adequate resources to ensure the scheme can be administered efficiently. Issues have been raised with regard to turnaround times and my understanding is that they have improved. I am not getting the complaints now that I was getting 12 to 18 months ago about the administrative operation of the EII scheme. I welcome the amendments.

Amendment agreed to.

**Deputy Paschal Donohoe:** I move amendment No. 10:

In page 30, line 19, to delete “10 years” and substitute “7 years”.

Amendment agreed to.

**Deputy Paschal Donohoe:** I move amendment No. 11:

In page 30, to delete line 24 and substitute “paragraph (a),”.

Amendment agreed to.

Amendment No. 12 not moved.

**Deputy Richard Boyd Barrett:** I move amendment No. 13:

In page 32, between lines 13 and 14, to insert the following:

> **“Report on wealth and higher incomes taxes**

> 26. Within 6 months of the passing of this Act, the Minister shall produce a report on establishing a wealth tax and increased taxes on high income earners with view to achieving a more equitable distribution of wealth and income.”.

Something most people do not know, because they do not feel it in their own lives, is just how incredibly wealthy this country is. Most people are struggling on their moderate or low earnings. They find it difficult to pay their bills and their rent, to pay for childcare and to put their children to school. Most people struggle.

8 o’clock

They would hope to imagine that the way in which the economic growth that they helped generate and is at record levels would equally benefit everyone who contributed to it. That is not what happens, though. They struggle when some others are getting very wealthy.
Given that I must now move the debate’s adjournment, we will take that point up again tomorrow.

Debate adjourned.

**Personal Assistance Service: Motion**

**Deputy Thomas Pringle:** I move:

That Dáil Éireann:

notes that:

— in March 2018, Ireland formally ratified the United Nations Convention on the Rights of People with Disabilities (UNCRPD), which under Article 19 states that disabled people have the right to live in the community and have access to a range of in-home and other supports, including personal assistance to support this;

— personal assistance service is a tool that allows disabled people to live independently, providing individuals with the freedom and flexibility they need to live their lives as they choose;

— independent living means an individual can live with the freedom and control to have the same choices in life that everyone else has in terms of housing, transportation, education and employment;

— with personal assistance services, disabled people are in control and direct the personal assistant to carry out tasks both inside and outside of the home, including personal care, domestic duties, assisting in day-to-day tasks such as shopping, support in the workplace or socialising;

— personal assistants should not be confused with ‘home help’ and do not in essence look after or care for a disabled person;

— there is currently no standardised procedure in Ireland for administering personal assistance hours;

— in 2017, 84 per cent of those in receipt of personal assistance service received less than three hours a day and 42 per cent of these people were in receipt of between one and five hours a week, an average of 42 minutes a day, despite disability being a 24-hour affair;

— as far back as 1996, it was identified that an average need of ten hours of personal assistance service per person per week could only respond to essential personal care needs, not quality of life requirements, and it would certainly not enable full active participation in the community;

— 30 years on, the independent living movement in Ireland continues to strive...
for full independent living on behalf of disabled people advocating for choice and control over their lives and full participation in society as equal citizens; and

— a right to a personal assistance service for disabled people is fundamental to achieving that vision, however, currently there is no right to personal assistance in Ireland;

acknowledges that:

— no specific reference was made for independent living in Budget 2020;

— while extra home help hours is a welcome development, by focusing on home help hours over personal assistance, many disabled people are prevented from living independently in any real meaningful way;

— Sweden has long been regarded as the ground-breaking country and ‘gold standard’ for personal assistance services, and that it remains the only European country which legally confers a right to personal assistance services, and one Ireland must aspire towards in order to achieve a rights-based provision of personal assistance here; and

— legislation to some extent exists in many countries, including Denmark, France, Germany, Latvia, Norway, Serbia, Slovakia, Spain and the United Kingdom;

calls on the Government to:

— consult closely with disabled people and their representative organisations in policy development as enshrined in Article 4.3 of the UNCRPD which states that ‘In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.’;

— engage effectively with the current review of the National Disability Inclusion Strategy 2017-2021, particularly actions No. 69-71 which are nominally about independent living to ‘achieve maximum independence’ for disabled people in Ireland; and

— sign and implement the Optional Protocol of the UNCRPD to commit to expenditure on disability services like personal assistance; and

requests the Dáil to legislate to provide for the establishment of a Commissioner for Independent Living within the Department of Employment Affairs and Social Protection tasked with the following functions:

— to consult with a disabled persons’ organisation as defined by the UNCRPD to devise a universally accepted definition of the personal assistance service in Ireland and address the chronic lack of understanding of the term ‘personal assistance service’ which has led to inconsistencies in standards and quality of service provision across all Health Service Executive (HSE) areas;
— to facilitate the separation of the personal assistance service from home help hours and home care and develop a strategy to oversee the transition of personal assistance service to come under the remit of the Department of Employment Affairs and Social Protection from the Department of Health, recognising personal assistance not as a health issue but as a State service under the purview of the Commissioner for Independent Living;

— to seek an end to the practice of assigning home help hours to disabled people instead of a personal assistance service;

— to ensure individuals do not end up with a service that does not support independent living as per the personal assistance model of service and risk individuals being help hours instead;

— to establish a roadmap towards the provision of ring-fenced funding for personal assistance services to facilitate the continued investment of independent living supports in Ireland;

— to introduce a single standard assessment of need across all HSE Community Healthcare Organisation (CHO) areas, which must include the provision and support for independent assessment of need as per the Disability Act 2005, and the creation of systems that allow for portability of services across CHO areas, meeting the social, personal and employment needs of those who avail of the personal assistance service, with no bureaucratic barriers;

— to ensure that all those who could benefit are made aware of the personal assistance service in order that those who wish to live their lives independently can access the necessary supports to do so;

— to ensure that policy regarding independent living includes a comprehensive assessment of the individual’s needs to determine the amount of personal assistance an individual will receive in order that they live full and active lives in education, employment and society; and

— to ensure that any new legislation or Government policy on independent living conveys the right to access a personal assistance service in this country so that disabled people have choice, control and freedom to participate in society as equals.

I thank the Leas-Cheann Comhairle for facilitating this most important debate on the right to a personal assistance service in Ireland, a right that currently does not exist. I am proposing a motion because, after attempting to introduce legislation to the effect of putting the right to a personal assistance service on a statutory footing, it was ruled out of order under Standing Order 179 due to “significant costs” to the Exchequer. This meant that I could not even initiate the Bill. I then worked with the Independent Living Movement Ireland, ILMI, to draft a motion calling for the Dáil to legislate to provide for the establishment of a commissioner for independent living within the Department of Employment Affairs and Social Protection tasked with various functions, including overseeing the realisation of the right to a personal assistance service over time in a sustainable and cost-effective manner.

The flexibility of this motion is not for the ease of the Government to walk away from its commitments, but for all of us in the House to work together and legislate for the establishment
of an office tasked with providing a roadmap for the development of a personal assistance service that is fit for purpose and puts centre stage the right to live independently and as equals in society regardless of disability.

To clarify, the motion is calling for the establishment of a commission for independent living, with limited costs imposed on the Exchequer, tasked with the following functions: to consult a disabled persons’ organisation as defined by the UN Convention on the Rights of Persons with Disabilities, UNCRPD, on devising a universally accepted definition of a personal assistance service and addressing the chronic lack of understanding of the term “personal assistance service”, which has led to inconsistencies in standards and quality of service provision across all HSE areas; to facilitate the separation of the personal assistance service from home help hours and home care and develop a strategy to oversee the transition of the service to the remit of the Department of Employment Affairs and Social Protection from the Department of Health, recognising personal assistance not as a health issue, but as a public service under the purview of the commissioner for independent living; to seek to end the practice of assigning home help hours to disabled people instead of a personal assistance service; to ensure individuals do not end up with a service that does not support independent living as per the personal assistance model of service and remove the risk of individuals being taken off of waiting lists for personal assistance services when accepting home help hours instead; to establish a roadmap towards the provision of ring-fenced funding for personal assistance services to facilitate the continued investment in independent living supports; and to introduce a single standard assessment of need across all HSE community healthcare organisation, CHO, areas. This function must include the provision and support for independent assessment of need, AON, as per the Disability Act 2005 and the creation of systems that allow for portability of services across CHO areas, meeting the social, personal and employment needs of those who avail of the personal assistance service with no bureaucratic barriers. The commission would also be tasked with ensuring that all those who could benefit were made aware of the personal assistance service in order that those who wished to live their lives independently could access the necessary supports to do so, and that policy regarding independent living included a comprehensive assessment of the individual’s needs to determine the amount of personal assistance an individual would receive to live a full and active life in education, employment and society.

It would do us some good to acknowledge that society disables a person, not the disability itself. We must look at disabilities from the perspective of those who have one if we are to address the barriers facing disabled people in society. We must look at ourselves to see what barriers we have created, how these have affected disabled people and how we can dismantle them as architects of this unequal society. Only then can disabled people have more independence, choice and control over their lives and live independently the way we do as able-bodied individuals, which we so often take for granted.

For this reason, I am using the preferred term “disabled people”, which I know has confused some people. It is a term developed by disabled people that recognises the social model of disability and acknowledges that the barriers we have put in place have prevented disabled people from living full and active lives as equals in society. The motion was drafted and developed by disabled people, and it is their view that must be at the forefront of all contributions that will be made this evening. I thank all speakers in advance for their contributions.

In March 2018, Ireland formally ratified the UNCRPD. Under Article 19, disabled people have the right to live in the community and have access to a range of in-home and other supports, including personal assistance, to support this. Pioneered by the Centres for Indepen-
dent Living, the personal assistance service involves the employment of personal assistants by people with physical disabilities to enable them to live as independently as possible. The philosophy of independent living that underpins the personal assistance service is about promoting choice and independence for the person with the disability, known as the leader. With a personal assistance service, disabled people are in control and direct the personal assistant to carry out tasks both inside and outside of the home, including personal care, domestic duties and assisting in day-to-day tasks such as shopping, support in the workplace and socialising.

While a personal assistance service currently exists in Ireland, it is chronically underfunded, inconsistent and incomplete, restricting the lives of many disabled people and their desire for independent living. Disabled people have been witnesses to the incremental destruction of medical services for people with disabilities through years of austerity cuts, the ongoing recruitment and retention crisis in the HSE, not to mention the “non-embargo” embargo, and a gradual shift away from statutory provision of services towards an outsourcing model of service provision. Many thousands of people have access to a personal assistance service, yet many more remain without. It is useful to point out that only 0.3% of disabled people get a service. For those who do, it remains limited and access is restricted due to lack of funding. According to the Disability Federation of Ireland, DFI, there has been no additional funding for personal assistance services since 2008 and people who are on waiting lists must wait for a person to die before they can get new hours. Those hours in turn are often spread across a number of different people, thinly applying the service to recipients.

Between 2010 and 2017, there was a drop of more than 5% in the numbers in receipt of a personal assistance service and home supports combined. According to the HSE, 1.51 million service hours were delivered to 2,470 people in 2017. However, 84.44% of all leaders in receipt of a personal assistance service received less than three hours per day on average, with 44.41% of leaders in receipt of 42 minutes per day on average despite disability being a 24-hour affair. It is clear that anyone who receives an average of 42 minutes per day is not going to be able to live independently, access education or employment or become involved in meaningful social engagement. Disabled people with reduced services of this nature will become trapped in their own homes without the chance to interact and will be prone to isolation and depression.

Currently, only 5% of the HSE’s disability budget goes on personal assistance and home support services. Meanwhile, 85% of the budget is spent on residential and day services. This needs to be flipped on its head. It is costing the State more to keep someone in an institution as opposed to proving a personal assistance service so that disabled people can work and engage in society. Research in Sweden shows that the cost of a placement for an individual with extensive functional impairments in a group home often exceeds the cost of personal assistance, not taking into account the personal benefits for a disabled person able to participate in society with greater flexibility and freedom of choice.

There are significant constraints on the current personal assistance service. Delivering services is often oppressive and tied to the medical model approach as opposed to a needs basis. Those in need of personal assistance support often find the application process problematic, as there is no standardised procedure and those in receipt of this support do not have any security regarding the continuation or extent of their service due to a lack of legislative protection. A chronic lack of understanding of the term “personal assistance service” is pervasive in the HSE and has led to inconsistencies in the standards and quality of service provision across all HSE areas. For instance, the practice of assigning home help hours to disabled people instead of a personal assistance service continues today. Furthermore, individuals are also at risk of being
removed from waiting lists for personal assistance services when they accept home help hours instead. Services are only offered during certain hours, on a rigid schedule, or in time slots of less than an hour. These restrictions mean the person only receives enough time to get up, get washed and dressed which is, in essence, a home support service rather than a service that supports and enables independent living.

As far back as 1996, it was recognised that an average of ten hours of personal assistance per person per week could only respond to essential personal care needs, not quality of life requirements and it would certainly not enable full active participation in the community. More than 30 years later, ILMI continues to strive for full independent living on behalf of disabled people, advocating for choice and control over their lives and full participation in society as equal citizens. A right to a personal assistance service for disabled people is fundamental to achieving that vision but currently there is no such right in Ireland. I urge everyone in the House to provide for this rights-based agenda, support the motion and make this a watershed day in the pursuit of rights for and by disabled people in Ireland.

Deputy Thomas P. Broughan: I am delighted to speak on the motion. The Minister of State will be aware that there has been a long struggle by constituents in Dublin Bay North for the recognition of a personal assistance service, supported by the appropriate funding. He will recall, as I do, Mr. Martin Naughton of Connemara and Baldoyle and his lifelong campaign for disability rights. He did groundbreaking work with Áiseanna Tacaíochta, the Irish Wheelchair Association, IWA, and the Muscular Dystrophy Association, MDA. He was integral to the establishment of the first centre for independent living in Ireland and was involved in the DFI. Sadly, he died in October 2016 aged just 62. I had the pleasure of meeting him at the North Dublin Disability Forum event on 29 of March 2016, some months before his death. Martin’s struggle goes on. Tonight we are renewing his campaign and asking for definitive steps to be taken to ensure that this service is provided to all of our citizens with disabilities. The fight is continued now by excellent advocates such as Ms Shelly Gaynor, Mr. James Cawley, Ms Joan Carthy, the IWA, ILMI, DFI and others. Members may have read James Cawley’s opinion piece in The Journal last Saturday where he spoke about personal assistance being the “difference between existing and living”.

Personal assistants are not carers and the service should not be conflated with home help or care providers. People with disabilities who are in receipt of the personal assistance service have described in informative and moving briefings in the audiovisual room on Leinster House how their personal assistants are their “limbs”. Their personal assistants are there to assist them with everyday things such as household chores, travel, work and parenting. They assist them in living their lives which must be the ultimate objective. Sadly, on this Government’s watch, only 1.6 million personal assistance hours were delivered to 2,535 people in 2018 and 1.5 million hours were delivered to 2,470 people in 2017. HSE data on the 2017 figures show that 85% of the people in receipt of a personal assistance service on average received under three hours per day, with 45% only receiving on average 42 minutes per day. The Minister of State has delivered 42 minutes per day. That is the reality of his record in the Department of Health. Is it fair that some citizens in Ireland are only allowed have use of their “limbs” for 42 minutes per day? It is atrocious to think that people who want this service are not receiving enough time each day for it to make a material difference to their lives, allowing them to work, study, train or raise a family, to use computers and to contribute to our society.

Our motion calls on the Government to closely consult citizens with disabilities and the disability advocacy organisations on policy development as outlined in Article 4.3 of the UN-
CRPD, which we ratified in March of 2018. The convention states: “States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.” We are asking the Government to engage with the review being undertaken of the National Disability Inclusion Strategy 2017-2021. Actions No. 69 to 71, inclusive, of the strategy relate to independent living and the aim of achieving “maximum independence” for disabled people in Ireland. The Minister of State has a deep interest in this issue and every time we have an opportunity to discuss it, I ask him to ensure that the Government signs and implements the optional protocol of the UNCRPD to commit to expenditure on disability services like personal assistance. This is something that many of us on these benches have been calling for since ratification of the convention. Without the right to complain about the lack of services and, therefore, have the Government do something about it, the ratification of the convention was nothing more than a public relations exercise. The Government is not delivering.

In essence, our motion recognises that we desperately need a commissioner for independent living to be established within the Department of Social Protection who is tasked with consulting advocacy organisations to define a personal assistance service in Ireland. That commissioner should also be tasked with facilitating the separation of the personal assistance service from home help; establishing a roadmap towards the provision of ring-fenced funding for personal assistance services; introducing a single standard assessment of need across all HSE CHO areas; and ensuring that any new legislation or Government policy on independent living conveys the right to access a personal assistance service in this country so that disabled people have choice, control and freedom to participate in society as equals.

I was informed by the Minister of State on 15 January 2019 that no additional funding was provided in budget 2019 for personal assistant hours. However, he also said that the HSE’s national service plan aims to provide 1.63 million hours of personal assistance to almost 2,500 people. It was amazing to learn that the HSE was going to magically provide 170,000 more personal assistance hours even though the Minister of State did not ensure, during pre-budget discussions, that more funding would be provided for personal assistance services. It was the outstanding Ms Joan Carthy, advocacy officer with the IWA who brought this anomaly to my attention following the announcement of budget 2019 and we set about trying to get some answers from the Department and the HSE. The statistics on the number of personal assistance hours provided since 2013 are disappointing, given the number of people in need of the service. Dr. Cathal Morgan has replied to me directly in response to various parliamentary questions submitted to the Department of Health. In one such reply he said “the level of service delivered is varied to ensure that each client’s needs are reflected .. there is no average agreed number of PA hours per person”. However, he went on to say that “it is recognised that many would benefit from more support hours”. That has to be one of the understatements of the century. In a different reply, Dr. Morgan confirmed that sometimes hours will be taken away from one person to provide hours to another person because the resources for the personal assistance service are “finite”. That is a very important but disappointing word and is key to how this Government operates in the context of disability services. Research as far back as 1996 showed that an average of ten hours per week would only respond to personal care needs and not to improving quality of life or full participation in society.

The Minister of State said in response to a parliamentary question that the personal assistance service provided by the HSE adheres to the principles laid out in Article 19 of the UNCRPD. Disappointingly, he ended his reply by saying that he had “no plans for legislation
governing the rights, entitlements and operations associated with this service”. Has he not read the excellent literature and evidence-based research provided by the advocacy groups? ILMI has worked with the Centre for Disability Law and Policy in NUI Galway on extensive research around international best practice on this matter. The research examined four options to achieve a right to personal assistance in Ireland, including stand-alone legislation; a comprehensive right to community care and support; legislation for personalised budgets; and the commencement of the Disability Act 2005. The overall recommendation was to follow Sweden, as Deputy Pringle has said, as an exemplar of personal assistance services in Europe and the world, and to introduce stand-alone legislation. The research also stated significant work on eligibility, scope, access and use would need to be completed to ensure the legislation was fit for purpose, fully inclusive and accessible and not just another set of promises that have not been delivered on.

I did not get a chance to talk about the opportunities for work and education for citizens with a disability but it is disappointing when one looks at statistics that, for example, in the country reports, Ireland has one of the lowest rates of unemployment for people with a disability in the EU and one of the highest rates of poverty for citizens with a disability. This is all, unfortunately, happening on the Minister of State’s watch.

I welcome Fianna Fáil’s support for our motion and I thank Ms Jodie Neary, a parliamentary assistant in Deputy Pringle’s office, for the outstanding work she has done on it. I look forward to the debate, I hope we can move forward on this important equality and human rights issue, and I hope a properly resourced personal assistance service will be a core pillar of Ireland’s social policy as we move into the future.

**Minister of State at the Department of Health (Deputy Finian McGrath):** I thank the Deputies for tabling this motion. I welcome the opportunity to restate this Government’s commitment to supporting people with disabilities and their families and I confirm we will not oppose this motion. I welcome to the Gallery those involved in the disability organisations and those looking in tonight, many of whom I know well. I would like to acknowledge the work of the ILMI and its consistent work in trying to bring about positive changes for people with disabilities across society.

I attended the Clare Leader Forum conference in Ennis last month where we discussed the positive impact on the lives of people with disabilities and their families since the Disability Act 2005 was commenced. People with disabilities should be allowed to live an independent life of their own choosing, the same as any other person, and that is consistent with Transforming Lives, our disability reform policy.

I would like to address the points raised in this motion, and outline to the House work under way across all the different Departments. As Minister of State at the Departments of Social Protection, Justice and Equality and Health with special responsibility for disabilities, I am committed to providing services and supports that meet the needs of people with disabilities. These services and supports will empower them to live independent lives; provide greater independence in accessing the services they choose and; enhance their ability to tailor the supports required to meet their needs and plan their lives. This is Government policy and this is what I believe in. At the heart of this policy are the principles of access to mainstream services and community living. Disability is not a health issue, nor is it a transport issue, or an employment issue; it is an equality issue. We have had a whole-of-Government approach to disability for a number of years. The Department of Justice and Equality is the lead Department for policy
co-ordination on disability and equality. Ireland ratified the UNCRPD on 19 April 2018 and I was the person who drove that ratification.

Work is now being undertaken within that context to improve access for people with disabilities to essential services and opportunities. The national disability inclusion strategy, NDIS, contains a commitment to a mid-term review, which the Department of Justice and Equality is currently undertaking. Policy on disability is being advanced within the framework of the NDIS 2017-2021, based on an all-of-Government approach broadly around eight key themes, including ensuring equality; choice; the provision of services; accommodation; health; employment; transport and; education. The NDIS provides a mechanism for joined-up working to deliver on Ireland’s commitments to implementing the UNCRPD. The NDIS steering group, which oversees and monitors the implementation of the strategy, has an important role in guiding progress in this area. This group is committed to carrying out a mid-term review of the strategy by the end of this year and I emphasise this includes a number of consultations with organisations representing persons with disabilities and with persons with disabilities and their families. A refocused strategy for 2020 and 2021 will set out the policy priorities being sought by people with disabilities as well as the actions needed to enable Ireland to continue the progressive realisation of the UNCRPD.

The Government is working towards signing the optional protocol, including work to progress the required legislation, and the first national report on the convention is due to be completed in mid-2020. The Department of Employment Affairs and Social Protection, as well as providing income supports to people with disabilities, offers a range of employment support programmes, including the wage subsidy scheme, the EmployAbility Service and the partial capacity benefit scheme. The Intreo service is also available to provide employment support services for people with disabilities who wish to engage with the service on a voluntary basis. Action is currently focusing on improving the transitions for people with disabilities into education, training and employment. A collaborative project between the Departments of Employment Affairs and Social Protection, Justice and Equality, Education and Skills, and Health and the HSE is currently being developed, which will focus on supporting young persons with disabilities from second level education into further education, training and employment. Work is also being undertaken to raise awareness and to engage employers on employing people with disabilities.

Turning to health-funded services, I acknowledge the motion is correct that there is no inherent right to personal assistance or, indeed, to any other health services in Ireland. Let me explain why this is. Under the Health Act 1970, as amended, the eligibility framework places an obligation on the HSE to make a range of services available to people, rather than conferring on them an absolute entitlement to access such services. Section 7 of the Health Act 2004 states “The object of the Executive is to use the resources available to it in the most beneficial, effective and efficient manner to improve, promote and protect the health and welfare of the public.” In short, our legislation does not confer a right to particular services. Instead, persons have eligibility to access services while there is a finite budget the HSE allocates to best fit the needs of the population as a whole.

I am delighted to confirm the overall budget for health-funded specialist disability services in 2020 is in excess of €2 billion. This is an increase of more than €490 million since 2016 on my watch. The increased funding in 2020 will enable the health services to continue to provide a broad range of services aimed at improving the quality of life of people with disabilities and their families. The policy is to provide person-centred services based on need rather than
Let me explain how these personal assistance services are allocated. They are accessed through an application process or through referrals from public health nurses or other community-based staff. Individual needs are evaluated against the criteria for prioritisation for the particular services and then decisions are made on the allocation of resources. Resource allocation is determined by the needs of the individual, compliance with the prioritisation criteria and the level of resources available. The HSE provides a range of assisted living services, including personal assistant and home support services, to support individuals to maximise their capacity to live full and independent lives. From December 2018, the medical card earnings disregard for a person in receipt of disability allowance was significantly increased from €120 to €427 per week. Since 2018, medical cards have been automatically provided to persons in receipt of a domiciliary care allowance and that has happened on my watch. This benefited 35,000 families providing care for a child with a severe disability to forgo the medical card assessment process. The Department of Health is currently engaged in detailed work to develop plans for a new statutory funding scheme and a system of regulation for home care services.

The motion raises concerns regarding consistency of access. The HSE and I are committed to introducing a standardised assessment process to identify and assess the needs of people with disabilities. Work is ongoing at the HSE to select an IT-based single assessment tool, which will ensure consistency of assessments nationally. The Government is committed to protecting the level of personal assistance services and home support services available to persons with disabilities. In 2018, 1.63 million hours of personal assistance were provided to more than 2,500 people with a disability, which is more than 122,000 additional hours and 65 more individuals serviced than in 2017, a fifth consecutive annual increase. At the end of the first half of 2019, 824,467 personal assistance hours had been delivered to 2,550 people with disabilities. Personal assistance services and home supports are closely linked, given that many service users require both home support services and personal assistance. In 2018, the State provided 2.93 million hours of home support to adults and children with a disability, an increase of 180,000 hours on the 2017 target.

In my tenure as Minister of State with special responsibility for disabilities, I have sought to ensure that a greater number of people are given more personal assistance hours. In that short time, there has been an increase of more than 100 in the number of people receiving personal assistance services and there have been 129,365 additional personal assistance hours per year for people with disabilities. I am acutely aware of the value of personal assistance services to people’s lives. It can often be the final piece in the jigsaw towards living a full, independent life. In my time as Minister of State, I have striven to increase the figures, and I will continue to do so to meet the increasing demand and to allow people with disabilities live fuller, more independent lives of their choosing.

**Deputy Margaret Murphy O’Mahony:** I welcome the opportunity to speak to the motion and compliment Deputy Pringle and the Independents 4 Change on bringing it forward. I also compliment and recognise the role of ILMI in the campaign and in bringing forward the motion, and I acknowledge the presence of its representatives in the Public Gallery.

The importance of personal assistance in the lives of people with disabilities cannot be overestimated and it is almost impossible for some people to realise how difficult life can be for them. Fianna Fáil believes we must support people with disabilities to have more fulfilling lives and careers, and personal assistance hours are important in this regard. They are a crucial
way to allow people with disabilities to enjoy equal and independent lives in the same way as others. We propose at least a doubling of the 1.5 million hours over the next five years. In that context, we are happy to support the aims of the motion.

Whenever I table parliamentary questions on the provision of personal assistance hours, they are referred to the HSE, which always replies that the need for increased services is acknowledged. The HSE has indicated that no additional funding has been provided for personal assistance and home support services since 2008, and as a result, waiting lists are not maintained as a matter of course. Nevertheless, the HSE provides information gleaned from the Health Research Board’s planning analysis through databases for people with disabilities and, in line with the information available from the national disability database, reports that 291 people are listed as awaiting personal assistance services. It qualifies the figure, however, by pointing out that registration on the national disability database is mandatory and it is possible there is under-reporting of the need.

The increase in personal assistance support over the past five years has been modest, to say the least. In 2014, some 1.3 million personal assistance hours were provided to 2,186 people, an average of 603 hours per year, or 11.5 hours per week. For 2019, the HSE target was 1.63 million hours to 2,535 people, which is 642 hours per person per year, or just over 12 hours per week, the same as the upturn in 2018. According to the ILMI, however, a total of 84.44% of those who receive the personal assistance service receive less than three hours per day on average, with 44.41% in receipt of an average of 42 minutes per day. Everyone has to agree that anyone who receives an average of 42 minutes per day will not be able to live independently, access education or employment, or become involved in meaningful social engagement. People with disabilities who are subject to reduced services of this nature will become imprisoned in their homes, without the opportunity to interact, and may become prone to isolation and depression. With personal assistance services, people with disabilities get to be in control and direct the personal assistant to carry out tasks both inside and outside the home, including personal care, domestic duties, assisting in day-to-day tasks such as shopping, support in the workplace, or socialising.

A good point made in the debate was that a unique benefit of personal assistance services is that they diminish dependence on family and friends. The confidential relationship that develops between people with disabilities and their personal assistants enables disabled people to maintain a private life and their dignity. Personal assistants enable the transformation from existing to living, which is why they are so important.

It is welcome that the Government will not oppose the motion, although whether it will lead to more positive action remains to be seen. I will certainly seek action. There needs to be a decent increase in personal assistance hours in the 2020 HSE service plan, which would be welcome. I commend the motion and hope for action.

Deputy Jackie Cahill: I, too, welcome the visitors to the Public Gallery, as well as Senator Dolan, who has done tremendous work for people with disabilities during his time as an Oireachtas Member. The importance of personal assistance in the lives of people with disabilities cannot be overestimated and it is almost impossible for people to realise how difficult life can be for them. Fianna Fáil believes we must support them to have more fulfilling lives and careers, and personal assistance hours are important in this regard. They are a crucial way to allow people with disabilities to enjoy equal and independent lives in the same way as others. We propose at least a doubling of the 1.5 million hours over the next five years. In that context,
we are happy to support the aims of the motion.

The service of a personal assistant is indispensable for many people with disabilities if they are to pursue high-quality lives in society. Moreover, the service within the HSE’s disability programme reflects the modern approach to disability, embodying independent living and participation. The ILMI has been a critical part of the broader movement for disability rights. Its ethos is predicated on the principle that people with disabilities, including the most severe disabilities, should have the choice to live in their home and to participate in their community. The provision of personal assistance services is essential in facilitating an individual to manage his or her personal care, keep a home, have a job, go to school and otherwise participate in the life of the community. The HSE provides a range of assisted living services, including personal assistance and home support services, to support individuals to maximise their capacity to live full and independent lives. Personal assistance and home support services are provided either directly by the HSE or through a range of voluntary service providers. The majority of specialised ability provision - 80% - is delivered through non-statutory sector service providers.

Deputy Murphy O’Mahony outlined figures that represent the lack of resources devoted to people with disabilities. I will not repeat them but I reiterate that anyone who receives an average of 42 minutes in personal assistance per day will not be able to live independently, access education or employment, or become involved in meaningful social engagement. We have to provide more resources and it is our duty to do so. I am happy to support this motion.

Deputy Timmy Dooley: I wish to take this opportunity to thank Deputy Pringle and others for bringing this important motion to the House. I am very familiar with the issue of personal assistance and its importance to the lives of people with disabilities. I am in this position because of a very strong advocacy group that has existed in County Clare for many years. This very strong and active advocacy group, which I still refer to as the Disabled People of Clare but which has now morphed into the Independent Living Group, is very much part of the national forum. It is a wonderful group of people which campaigned as far back as 1992 to advance the lives of people with disabilities. I think of people like Ann Marie Flanagan, Dermot Hayes, Thomas Conole and my friend, the late Tom King, who put such a huge effort into advancing the cause of people with disabilities and who campaigned to demand personal assistance hours. It would be wrong not to mention the late Martin Naughton, who spent many days and nights in Clare and was a national figure in this regard. We owe a huge debt of gratitude to those who advanced this cause under the banner of the Centre for Independent Living long before it became fashionable to talk about the issue in this House.

Personal assistance hours are an essential component of the services required by people with a disability. It is about equality, respect and dignity. It is about a basic human right for people with a disability. People with a disability are not different but their needs and the services they require are different. To ensure equality in a civilised, mature and modern society, we need to provide appropriate funding for personal assistance hours.

My party has advanced a proposal to double the number of hours over the next five years, which is something we have to strive for and achieve. It is not just about agreeing a motion; rather, it is about signing up to that principle now. I would like to see us, as a Parliament, go further than that over the intervening years. We have demand-led services in this country, and I cannot think of anything more important than the provision of personal assistance hours on a demand led-basis. While I accept the financial constraints, if we can double the amount of hours available over the next five years we will have done a lot. However, we should not be
We need short, medium and long-term goals. A medium-term goal for me would be to bring personal assistance hours into a demand-led service. We cannot have situations like that to which our party’s spokesperson on disability referred, where hundreds of people are waiting. What are they waiting for? Are they waiting for somebody to die before they get hours? That is not acceptable.

In the past couple of days we have spent a lot of time talking about a Supreme Court case concerning privacy and dignity for people who are in prison and the services available to them. What about privacy and dignity for people with a disability who are attempting to live in their own homes, work and socialise? If we are serious about providing equality in society for people with disabilities we will advance this case exceptionally quickly.

**Deputy Éamon Ó Cuív:** I would also like to join in the praise for Independents 4 Change for bringing forward this motion. When the independent living movement started, the idea of a personal assistance was quite clear, that is, to give people with disabilities the freedom to live their lives to the full, whether that involved employment, moving around or generally living as best as they could compared to those without a disability. It was said recently that we are moving away from that to a system focused on compliance, regulation and bureaucracy, and that is all too true. The concept of personal assistance was not about help for less than one hour per day.

When I was in what was then the Department of Social Protection, the chief medical officer was adamant about one thing, namely, that if those with a disability were deprived of the opportunity to get involved in employment, they would face significant negative health effects that could only be remedied by giving them the opportunity to gain employment. It was for that reason that we introduced the partial capacity legislation, which allowed people to keep their invalidity pensions while still going to work. Not allowing someone with a disability to go to work due to a lack of personal assistance hours is locking them out from the ability to live a full life. Some others will not be able to get employment but still want to live a full social life. Significant damage is being caused to people who are unable to do that.

I listened carefully to what the Minister of State said. One of the disappointing things is what the Government does with most good proposals made in here at present. It is like playing handball against a haystack. The Government does not disagree with anything but the Minister of State did not say what it was going to do to address this issue. I listened to his speech very carefully. Can he tell us about the commitment to providing personal assistance hours? I do not want to hear about the millions and billions being thrown around because that does not address the problems for those with a disability.

**Deputy Anne Rabbitte:** I thank the Independents 4 Change for bringing forward the motion and our spokesperson for sharing time. I will discuss the practicalities of this issue. The Minister of State’s office and mine have communicated very well for the past number of weeks and months about this issue.

There is an issue in my local community healthcare organisation, CHO 2, at present and I know of six patients in Merlin Park, one of whom was discharged in the past two weeks and was fortunate enough to get personal assistance hours. Five other patients who have acquired conditions over the past number of weeks and months cannot be discharged because their medi-
cal practitioners have asked about the allocated hours required for them. One woman cannot be discharged because she requires 47 hours of personal assistance.

Age is an important issue that we need to discuss. Those aged under 65 years who have had an acquired brain injury, a farm accident or a life-altering experience are not acknowledged in any way on a statutory footing. They have to wait for services. The six patients I mentioned who have been left in Merlin Park are all aged under 65 years and have families at home. One woman has waited six months to be discharged. She has four young children under 15 years of age and all she wanted to do was to be at home and to have a couple of hours in which she could witness her children going to school in the morning. She was denied that because the funding basis could not be found for her. The same is the case for the other five patients I mentioned.

It costs €800 a day to keep a person in a bed in Merlin Park. Given the amount of money spent over seven days and whatever number of weeks, personal assistance hours could be provided on an annual basis for five people for an entire year if the sums were done correctly. I ask the Minister of State and his Department to review the cases of the 291 people affected because behind each number, there is a family and situation which we are being prevented from addressing.

**Deputy Michael Moynihan:** I thank Deputy Pringle and his group for bringing forward the motion. I welcome the visitors to the Gallery. This is a very important motion. A whole raft of issues around it need to be discussed. Deputy Rabbitte referred to a whole-of-government approach to this issue. She mentioned the amount of money being spent on people who could live independently if personal assistance hours, home help hours or home care packages were provided for them, compared to what it costs the State to keep them in long-stay beds or community settings. They would love to be living at home and their families would love if they could live in what would be called home. Many community initiatives have built sheltered housing, as it is known, and nearly every community in Ireland has some. Some people, however, are unable to get personal assistance to allow them live in those community settings. For all the fine words uttered during this discussion, on medical cards and everything else, if we are to be serious about people with disabilities and integrating them into communities as much as is humanly possible in a style of daily life they can undertake themselves, the issue of personal assistance has to be a priority. Each time we go to the Departmental and the HSE looking for funding, there always seems to be a block and no funding is available.

In recent weeks, I have had a situation where we were trying to get somebody home from Dún Laoghaire. We have been told, categorically, that there is no mechanism to fund that at present. That is not good enough. If one looks at what maintaining a person in a high-dependency unit like Dún Laoghaire costs the State, it would be a fraction of the cost to provide personal assistance or a home care package to person. If we are going to be serious about the content and spirit of this motion, which has the agreement of the entire House, a whole-of-government approach must be taken and there must be an examination of how much money is being put into different pockets. The word used by someone administering the funds was “silos”, as opposed to there being cross-funding.

Many of us are involved in trying to get personal assistants for people. When they start working with those people, the resulting confidence is noticeable. Some people have been able to engage in employment and others have gone back to education, including night courses, and have benefited enormously, as have their families and communities. We as a nation have also benefited. The Government, therefore, needs to look at the personal assistance scheme and
ensure proper funding is in place. It must also be ascertained that money is not being spent unwise in trying to keep people long-term in institutions, when a fraction of the cost would encourage and enable people to live at home.

**Deputy Caoimhghín Ó Caoláin:** I am sharing time with Deputy Ellis. I welcome this Private Members’ motion and commend those who tabled it. I also welcome the representatives from the Independent Living Movement Ireland to the Visitors’ Gallery, especially Shelly, James and Damien, whom I know personally.

The Oireachtas disability group, of which I am the vice chair, has been enhanced by the coming on board of the Independent Living Movement Ireland in recent months. I very much welcome its participation. In December of last year, a comprehensive guide to the legal rights of people with disabilities was launched by the Independent Living Movement Ireland in cooperation with the free legal aid centres. The guide was authored by Anna O’Duffy. Initiatives such as this have helped inform the debate on independent living, what it is and what is required. We are talking about the right of people living with a disability to live independently. It also helped frame all of this in the language of rights and, disappointingly, in terms of rights still denied.

I commend, in particular, the focus of tonight’s motion on differentiating between home help and home care provision and personal assistance provision. The ability to independently control and organise one’s life is essential to restoring dignity and hope to those living with a disability. I am worried, however, that the Government simply does not understand this important distinction or worse still, does not place appropriate value on it. The decision in July to stop the rehabilitative training allowance, RTA, showed what little value the Government places on such payments, given the meagre saving to the Exchequer that came with its scrapping. How are we to have any confidence that the Government values and will protect the right of those with a disability to live independently, if months later the RTA has still not been restored and we have no details on the training and other opportunities that were meant to take its place?

We also need to remind the Government this evening that the modest demands contained in this motion are not new. They do not represent a new ask or asks of the Government and this motion should not come as a surprise. On foot of the signing of the UN Convention on the Rights of Persons with Disabilities, UNCRPD, in March of last year and with the associated optional protocol still to be ratified, some of us knew that this act of empowerment would require resourcing, primarily through personal budgets and the employment of personal assistants directly by disabled people to allow them to carry out tasks that their disabilities will not allow them to do independently. It is an indictment of the way the Government goes about its business that it deals with disability issues in a less than thoughtful way. Opposition voices are required to submit endless parliamentary questions and table, as has happened tonight, substantial Private Members’ motions in an effort to secure provisions that should have come into effect once the main announcement was made, or shortly afterwards.

When the Minister of State responds to this debate, therefore, I ask him to approach this subject from the point of view of rights. He spoke about equality earlier, and this absolutely is about that, but it is also a matter of rights. That is how equality is upheld. This summer, I tabled a parliamentary question asking for figures on those waiting on a personal assistance service and the cost associated with providing an additional 500,000 extra hours. I was surprised to read in the response that “The need for increased services is acknowledged and the HSE continues to work with agencies to explore various ways of responding to this need in line with the
This type of language is totally incompatible with the change in attitude required when addressing the rights of people with disabilities, and which was promised in March of last year. Also, in December of last year, I hosted an information session in the Oireachtas audiovisual room. Mr. James Cawley and Ms Shelly Gaynor of the Independent Living Movement Ireland made a presentation outlining how personal assistance services have transformed the lives of those who have received them. At the weekend, in Derry, I addressed our party’s Ard-Fheis and impressed upon the delegates the need to be ever vigilant, mindful that Government promises and even declared policy regarding people with disabilities, while featuring in headline Government announcements, do not always receive the required resourcing in the expected time that follows. For example, nearly two years after legal effect was given to the official recognition of Irish Sign Language, we still have not seen the required resourcing for its full and anticipated promotion and development.

We need to see rights made real. For this to happen, however, provision and resourcing must go hand in hand with announcements held to great fanfare. Sinn Féin is acutely aware of this and, in preparing for the opportunity to make rights real, in our alternative budget for 2019 we provisioned an additional allocation of 500,000 personal assistant hours. Building on that, in our 2020 alternative budget we allocated an additional 1.5 million personal assistant hours and we demonstrated how that, and everything else contained in that document, could be funded. It can be done; all it requires is the political will. With all due respect to the Minister of State, he and his Government have the power to make rights real for people with disabilities. Despite all his earlier claims, when is he going to step up to the plate? Is he going to champion this cause? Is he that man at the Cabinet table? He has very little time left to demonstrate that he does intend to make his mark, as the general election is fast approaching.

**Deputy Finian McGrath:** Deputy Ó Caoláin should come into government and help me out.

**Deputy Dessie Ellis:** I welcome this Private Members’ motion. I thank the Independents 4 Change group and Deputy Pringle for bringing up for debate in the Dáil this important issue.

9 o’clock

I also welcome people in the Gallery from Independent Living Movement Ireland.

There are thousands of people with a disability across Ireland and some are to be found in my constituency of Dublin North-West. Many of these people face great hardships and struggles because of their disability in their home, in the community, and out and about in their daily lives. The one thing we do not need to do is to make it harder for those with disabilities.

It is difficult for many people without disabilities to lead normal and productive lives in the Ireland of today and we can appreciate the obstacles those with disabilities have to overcome in their daily lives. People with disabilities want to live independently and have the freedom to make the same decisions and choices as everyone else in society and they should be given the means to do so. People with disabilities should have the same opportunities to realise their goals and have the same level of control over their lives as everyone else.

The ability to live independently can also lead to employment options and choices giving people a sense of value as well as being important to their well-being. A personal assistant
gives people with a disability the freedom and flexibility to live their lives how they choose. Sinn Féin has been supportive of the rights of those with disabilities and we have a strong advocate for those with disabilities in our spokesperson on disability rights, Deputy Ó Caoláin.

The experts on the needs of people with a disability are those with a disability themselves and we need to listen to what they are asking for. We often take freedom of choice and self-determination for granted. People with a disability deserve the same such degrees of freedom of choice and self-determination.

People with a disability need to be fully included in the community and they should have the means and supports to enable them to be. A personal assistant allows persons with a disability to do all the tasks that they cannot do for themselves which allows them the freedom and flexibility to make their own choices as well to be full members of society.

We do not want to exclude people from our communities and it too easy to do so if they have a disability. Personal assistant services allow people to stay connected to their community and to live their lives as they choose.

I fully support the establishment of a commissioner for independent living. Personal assistant services should be a right for all those who require them, and to quote one person with a disability who uses such services, “Personal assistance is often the difference between existing and living for many of us.”

Deputy Alan Kelly: I very much thank the Independents 4 Change group for this motion, which I welcome. It is something that, I suppose, we should have discussed in detail on the floor of the House previously. I want to acknowledge the work of Senator John Dolan, my fellow county man from Tipperary who is present, for all the work he has done for persons with disabilities, but particularly on this issue, which is something he is quite passionate about, as I know only too well from sitting beside him for so long on various committees. I also want to acknowledge the visitors here tonight.

On 19 April 2018, the United Nations Convention on the Rights of Persons with Disabilities, UNCRPD, entered into force in Ireland, and yet there has been little improvement in access to personal assistance services for persons with disabilities. Personal assistant services are a cornerstone of the programme of personalised supports that will enable the convention to become a reality for many people with disabilities.

In short, the UN charter extends basic rights, rights which most of us take for granted. The charter guarantees those with disabilities the right to live where they choose, and in doing so, be fully immersed and integrated within their community.

Likewise, the National Disability Inclusion Strategy 2017-2021, as well as other domestic policies, aims to support people with disabilities to live fulfilling whole lives enabling them to participate fully in the activities of our communities. Personal assistance is vital in ensuring this right becomes a reality for those with a disability.

Approximately one in ten Irish people - 13% exactly - has some form of disability. That could be a physical disability, vision impairment, hearing impairment, intellectual disability or mental health condition. Incredibly, although many are born with a disability, the majority, to be precise, four out of five people, acquire their disability throughout their adult life. In such cases, persons with acquired disabilities would have often held employment, been active in their
community, and also had a fulfilled family life. A disability, whether acquired or not, should not stop that. That is why this motion is so important. However, the latest CSO statistics show that persons with disabilities were more than twice as likely to be unemployed than those without a disability. Even for those with a disability who are in employment, working-aged adults with a disability were 2.6 times more likely to report an unmet need than adults aged 65 and over.

The Government has stated that it aims to increase the employment rate of persons with disabilities from 3% to 6% by 2024. This is laudable but the Government, as we are all aware, often sets targets only to later shift the goalposts.

I agree with the motion that we need to re-frame how we view disabilities, and indeed the provision of personal assistance for persons with disabilities, not as a health problem but as a State service that can help them to carry out their day-to-day work, have a social life, engage in activities and participate. Giving people their dignity is what this debate is fundamentally about. They should be able to participate in every walk of life in the same way as the rest of us.

As the motion states, 84% of those with personal assistance receive fewer than three hours of personal assistance per day, while half receive on average 42 minutes each day. That is completely unacceptable, as the Minister of State, Deputy Finian McGrath, knows. I presume he will acknowledge that.

According to an ESRI report released this year, Ireland’s provision of home care services to persons with an illness or a disability is one of the worst in Europe. The level of provision for working-age families and individuals with a disability must improve. A disability is not something people play up, or put on, for a couple of hours a day, or, indeed, for 42 minutes so this needs to change.

The motion mentions Sweden as the gold standard and there are lessons to learn here. According to the same ESRI report, unmet need for home care, including those with a disability, was four times higher in Ireland than in Sweden.

Although the issue of personal assistance for persons with disabilities is distinct and different from home help hours, they share many of the same problems. They need to be dealt with.

In the time remaining, I will discuss some of the issues here. There is a deep confusion in many of the different layers in society, in government and in the Civil Service about the differentiation between home help hours and personal assistance and, collectively, we all need to deal with this. That confusion is something that only came to my attention when I was researching the motion tabled by Deputy Pringle and his colleagues. One can see it in some of the responses to questions, not only put to the present Government, by the way. We really need to absolutely distinguish between them. The Government has only a short time left and the Minister of State, despite his good intentions, cannot change the world overnight, but if he could put in place some process to ensure that happens straightaway, it would be one welcome result out of this because it is very much confused. Frankly, that confusion is insulting to those on both sides of the coin. It is particularly insulting to those who need personalised services.

An issue I want the Minister of State to deal with tonight is that when people who need personal assistance and personal assistance hours get home help hours, they are not then taken off the list for personal assistance hours and one does not graduate towards the other. That is not the way this should work. They are very distinct. When somebody gets one, the person should not be put in the position that he or she will not get the other. Unfortunately, like me, a number
of colleagues have heard that story. That is another matter the Minister of State could deal with.

There is no standard procedure for the administration of personal assistance. That is another weakness that could be dealt with easily. I fully support the call for a commissioner for independent living to give people freedom and choice. If the Minister would push to bring that about, this motion will have achieved a great deal. On that basis, I look forward to the Minister of State’s responses to this debate.

Deputy Michael Collins: I am delighted to have the opportunity to speak on and support the motion and I thank the Independents 4 Change for putting it forward. The motion will help to provide disabled people with the freedom to have the same choices everybody else has in housing, transportation, education and employment. For many disabled people, independent living can be achieved through a personal assistance service. Currently, there is no legal right to personal assistance in Ireland. There are no standardised procedures or application processes and due to the lack of legislative protection those in receipt of this support have no security regarding the continuation of the service.

In December 2017, I and my colleagues in the Rural Independent Group tabled a motion on home care packages. In the motion we called for the home care package scheme to be established in law to give everybody an automatic right to the service. We are still waiting, and many more are waiting. We talk about the UN Convention on the Rights of Persons with Disabilities, but in west Cork there is no transport service for people over 18 years of age. If their parents cannot take them to the service providers, they must stay at home. If that is what we call ticking boxes and getting things right, we are doing a very bad job for certain people with disabilities. We cannot pick out one sector and say it is resolved when another sector is suffering. People are suffering. In west Cork, volunteers and community organisations in Bandon, Goleen and Ballydehob are volunteering to provide this service. The State has turned its back on the people with disabilities who are over 18 years of age.

I have been talking about this for long enough, but nothing has been done. Money is being squandered throughout west Cork by the health service on transport, but nothing is happening on the ground. Ms Sarah Dullea was refused a public transport service by Bus Éireann. She is a wheelchair user and a beauty therapist in Dunmanway. That lady had to go through hell to get her rights. That is the situation in the State today. The rights of people with disabilities must be examined further in this country. If not, they will be let down.

Deputy Michael Healy-Rae: First, I thank Deputy Pringle and Independents 4 Change for bringing this important motion before the House. It is very important for people to have the personal assistance they require and to be given every tool they need to live independently at home if that is what they wish and what suits them. It is paramount that every person, regardless of the different issues the person must live with, is allowed to get the most from his or her life.

I thank the Minister of State for the proactive approach he has taken in County Kerry. Every time he was asked to come to Kerry, including by me, he came. He helped us with a situation in the north of the county and he is now helping with a situation in south Kerry with regard to respite services. To be blunt, he is not found wanting. The Minister of State knows that I would not heap praise on him only for the fact that I tell it as it is. He is a person who listens to us about the issues. He would be the first person to say that everything that is being done is not perfect and that we must do more, but he has done much good work in his role. On behalf
of the people who have benefitted so far from that work I thank him, but there is a great deal more to do.

It is a good day when the rights of people with disabilities and different needs are debated in the House and time is given to the subject during which Ministers must come here and be accountable for their roles and for the roles of people working in the Department. It is a good day for the people who need assistance and need us to be proactive on their behalf. I thank the people who have come to the House this evening and who were here earlier for taking the time to listen to this debate. Again, each time we approach the Minister of State for something for Kerry we will want him to listen to us as he has done in the past.

**Deputy Danny Healy-Rae:** I am glad to have the opportunity to speak on this important topic. I thank Deputy Pringle and his group for putting forward the motion for debate. I also thank Senator Dolan for all he has done in his role as a Senator and in the years prior to that to help people with disabilities to have as normal a life as possible.

I only have a short amount of time. Many people with disabilities acquired the serious disability at a moment’s notice. Ian O’Connell is a lovely young fellow in Killarney, County Kerry, who had a serious accident. He is doing his level best to maintain a normal outlook. He is continuing to go to school in Killarney and he intends to lead as normal a life as possible. The accident happened like a flash. He was on his bicycle in Killarney National Park, where one would think one would be safe. He is doing fine and we all look up to him for the courageous manner in which he is taking on his disability. People like his parents need all the support and help they can get to ensure that people like Ian can continue on a normal track and retain their dignity and pride. Whether they are pursuing job opportunities, socialising or anything else, it is important that those people retain their independence as much as possible.

I again ask the Minister of State to ensure that children with Down’s syndrome are included in the July provision. It is very important for them. They have a disability as well and they should have the opportunity to avail of the July provision. Family members take on the role of personal assistants at a moment’s notice when an accident, stroke or something else happens. We must help those family members and carers in whatever way we can. Finance should not be an issue when dealing with these people.

**An Ceann Comhairle:** Deputy Joan Collins is sharing time with a number of colleagues.

**Deputy Joan Collins:** I am sharing time with Deputies Connolly and Maureen O’Sullivan.

**An Ceann Comhairle:** Deputy Naughten also has two minutes.

**Deputy Joan Collins:** How much time do we have?

**An Ceann Comhairle:** It is eight minutes between the rest of you. Actually, Deputy Naughten has only one minute as Deputy Fitzmaurice is here.

**Deputy Denis Naughten:** That is inflation gone wrong.

**An Ceann Comhairle:** Ar aghaidh leat ar son na hÉireann.

**Deputy Joan Collins:** First, I refer to the email that Senator Dolan sent us today. It is important to record his point of view: “I have witnessed for the past 25 years the constant erosion of the practical life enhancing tool of a personal assistance service since it burst onto the politi-
cal agenda in the early 90’s under the leadership of Martin Naughton and ... People such as Dermot Walsh, Florence Dougall, Mairéad Menton ...”. The baton has been carried on by Shelly and James of Independent Living Movement Ireland. It was not until I met Dermot Walsh who was a constituent of mine in Walkinstown that I really realised what the allocation of personal assistant hours actually meant to somebody. He was very active in his community and a full-time disability advocate with Dublin Bus. His personal assistant used to get him into work in the mornings, would drive him in the car and bring him to conferences, including overseas. He had that support every minute of the day and lived independently. That is what I am talking about when I talk about independent living, not home help hours or assistance for a couple of hours a day. The Disability Federation of Ireland made these points at a briefing last year and it contradicts completely what the Minister of State told the House. It stated clearly that only 0.3% of all people with disabilities received a personal assistant service. Joan O’Connor who wrote the briefing document noted that notwithstanding the definitional issues or conflation of personal assistant and home support data, the figures showed that overall there had been a drop of over 25% in the numbers in receipt of personal assistant and home supports combined between 2010 and 2017. She noted that, in the context of the personal assistant service, the majority received assistance for between one and five hours, that is, 957, and for between six and ten hours, or 538. There was only a target of 256 receiving between 21 and 40 hours in 2017. Only 5% of the HSE’s disability budget was expended on personal assistance and home support services.

Article 19 of the UN Convention on the Rights of Persons with Disabilities, UNCRPD, specifically mentions personal assistance under section b where it states: “Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance”. This article means that a person with a disability has the right to live where they want, the right to be fully included in the community, that States must provide the supports needed to achieve these outcomes including personal assistants and that all community services should be available to people with disabilities.

There was no specific reference to independent living in budget 2020. It failed to bring a comprehensive coherent approach to resourcing the real inclusion of disabled people in Ireland despite commitments made by the Government that it would disability-proof budget 2020. I put it to the Government that it should respect and implement the UNCRPD to provide the personal assistance hours that people really need, not the home help hours or a couple of hours here or there, and comply with the article in its entirety and its precise meaning. The only way that can be done is by referring those rights to the HSE and telling them that those rights must be vindicated among citizens with disability.

**Deputy Maureen O’Sullivan:** Last week we debated progressing disability services for children and young people. A point I made was that we knew much more about people with a disability. We know what needs to be done, how and why it needs to be done. We are talking about the service and provision of supports for those with a disability that will enable them to live and support them in living fulfilling and enjoyable lives. We are also talking about supporting young people to realise their potential. We have been strong on theory but not on practice, hence the subject of this debate. Gabhaim buíochas don Teachta Pringle agus do Jodie Neary as an obair atá déanta acu don diospóireacht seo anocht.

Independent living is what it is all about. That is what will make the difference. We have been talking about this issue for a long time and it is positive that we are having this debate in order that we can see a way towards progress. With personal assistants, people with a disability are able to do the things that those of us without a disability take for granted. I met people with
disabilities with their personal assistants this evening and have met them at other times and there is no doubt about the difference it makes. It is invaluable in assisting a person with a disability to do all of the things he or she wants to do, whether it be to go to work, engage in education, go shopping or out to socialise. We have seen amazing relationships develop between a person with a disability and his or her personal assistant. As the Independent Living Movement puts it, it is often the difference between existing and living. The movement has also pointed to a 1996 survey which identified a need for a ten-hour personal assistant service per person per week, but it would just cover essential personal care needs. So much more is needed to provide for quality of life. Progress was made when the Minister of State, Deputy Finian McGrath, ratified the UN Convention on the Rights of Persons with Disabilities. We know about Article 19 which asserts the right of those with a disability to live in the community and access the services they need in order to do so. However, the motion before us deals with the reality, which is very different.

The first figure I look for in the Budget Statement every year is what is being given to people with a disability and each year it has been disappointing. There is an opportunity to correct this by supporting the motion and it is good that the Government will do so. I was emailed by Des Kenny, the new chairperson of the Independent Living Movement of Ireland, who wrote about the need to unlock the restrictive policy in the Dáil. We need to take a rights-based approach. We know about Senator Dolan’s work. He has observed how in the past 25 years he has witnessed the constant erosion of the practical life-enhancing tool of the personal assistant service. The idea had first been mooted in the 1990s.

Like others, I mention the late Martin Naughton. I had the distinction of being his teacher for a year when he came to my school. He was always ready to spend the night sleeping outside Leinster House with whoever would join him to highlight these issues.

In 2018 the HSE stated it was committed to protecting the level of supported provided by the personal assistant and home support services. However, there is the staggering statistic that 0.3% of people with a disability receive a personal assistant service. Some 5% of the disability budget is expended on that service and home support services, while 85% is expended on residential and day care services. We know the difference between it and the cost of the fair deal scheme. Ultimately, we are talking about more than economics. We are talking about the right of a person with a disability to live where he or she wants, his or her right to be fully included in the community, make decisions to have control over his or her life and live independently, as is allowed by the personal assistant system. The easy part for us tonight is to make speeches, as we have done for almost two hours. The difficult part is dealing with the realities of life for people with a disability which successive Governments have not made any easier. I hope that with Deputy Pringle’s motion we will see progress.

Deputy Denis Naughten: The vital personal assistant service is undermined by the medical model of disability. People must do what they are told, not what they want to do so. We see this in the action taken by the Irish Wheelchair Association to impede the hand-over of the Cuisle respite care service in County Roscommon to another operator. The right to work, have friends and have a choice of leisure activities is restricted by this lack of independence. I will give two local examples. John is 48 years old and suffered a brain injury ten years ago. His permanent residence is a private nursing home. He is allowed to retain 20% of his weekly income, out of which he must pay for taxis to attend hospital appointments, prescription charges, for clothing, a physiotherapist and a personal assistant. Cathy is 42 years old. She occupies a rehabilitation bed, despite being ready to be discharged six months ago because no homecare support service can be secured. She is blocking a bed for Helen who has been trapped in St. Vincent’s
University Hospital in Dublin for the last year while she waits for a rehabilitation bed. This has to change.

**Deputy Michael Fitzmaurice:** I compliment Deputy Pringle and Jodie Neary for bringing forward the motion on personal assistants, which, like many others, I give my full support. As the previous Deputy noted, everyone tells people with a disability, especially wheelchair users, where they will go or what they should do. They make decisions without consulting them, which is totally disgraceful. We need to make sure personal assistants receive a proper number of hours and have proper pay and conditions. It amounts to devotion to make sure people, whether they use a wheelchair, are able to live a fulfilling life, no more than any of the rest of us.

**Minister of State at the Department of Health (Deputy Catherine Byrne):** On behalf of the Minister of State, Deputy Finian McGrath, who had to leave the Chamber I will respond to some of the matters raised.

We all share a common desire to have the best possible policies and services for all children, adolescents and adults with disabilities. We all want everyone with additional needs to have access to the necessary supports in every aspect of his or her life to enable him or her to achieve his or her full potential, maximise his or her independence and live a rich and fulfilling life.

Government policy on disability services is set out in the national disability inclusion strategy which recognises the long-standing Government commitment to mainstream public services to include and serve people with disabilities. This is underpinned by the Disability Act 2005. In line with this policy, there are no disability-specific strategies, as to have such strategies would create inequity and could lead to calls for specific strategies to cover all types of disability. The Government is committed under the national disability inclusion strategy to ensuring people with disabilities are empowered by policy and programmes to participate meaningfully as citizens in Irish society. The strategy is driven by this basic but fundamentally important objective and is the most effective combination of legislation, policies, institutional arrangements and services to support and reinforce equal participation for all people with disabilities.

Across government in transport, housing, equality, health, employment and social protection services, we are working together to ensure children, young people and adults with a disability have the right to the same life opportunities as anyone else and live satisfying and valued lives. I share with my ministerial colleagues and other members of the Government a very strong desire to ensure people with disabilities are afforded every opportunity to realise their potential in every dimension of their lives. Whatever a person’s abilities, talents or gifts, each one of us has something to offer. It is society’s job to ensure we live in a society that encourages this and that people with disabilities thrive, fulfil their ambitions and contribute to their community. If that goal is to be achieved, people with disabilities must be central to all we do. To achieve this, it is important that people with a disability and their families can avail of the many opportunities to engage with policymakers in a wide range of Departments and statutory agencies. They include events organised within the context of the national disability inclusion strategy and the departmental disability consultative committees, as well as the carers’ forum and pre-budget forum organised by the Department of Employment Affairs and Social Protection. The actions included in the national disability inclusion strategy generally relate and apply to people with disabilities and it also contains specific actions in the provision of personal assistance.

Significant resources have been invested in this area in the past few years. In 2019 alone, the Health Service Executive will spend €1.9 billion on its disability services programme. This
is in addition to mainstream general medical services accessed in primary care and hospital settings. The breakdown of the budget for specialist disability services in the last full year is as follows. There is a figure of 64% for residential care services, 21% for adult day services, 5% for personal assistant and home support services, 4% for multidisciplinary therapies, 3% for respite care services and 3% for other community services and supports. As my colleague, the Minister of State, Deputy Finian McGrath, outlined, the Government has committed €2 billion in health service funding for specialist disability services in 2020.

The role of a personal assistant is to assist a person with a disability to maximise his or her independence through supporting him or her to live in integrated settings and access community facilities. The personal assistant works on a one-to-one basis in the home and the community with a person with a physical or sensory disability. A vital element of this personalised support is the full involvement of the individual in planning and agreeing the type and the times when support is provided. Supporting independent living must enhance the person’s control over his or her life.

Personal assistant and home support services are provided either directly by the HSE or through a range of voluntary service providers. The majority, or 80%, of specialised disability provision is delivered through non-statutory sector service providers. To understand the progress made by the Government, we can compare the numbers in 2013 with those in 2018. In 2013, 2,057 people availed of a personal assistant, while in 2018 this number rose to 2,535. In 2013 the total number of personal assistance hours came to 1.3 million, but in 2018 it had risen to 1.64 million. In 2019 the combined budget for personal assistant and home support services came to €87 million or 5% of the budget for people with disabilities. That is a significant amount, but resources are finite and must be seen in the context of competing demands for priority funding.

It is important to note that the level of service delivered is varied to ensure each client’s needs are reflected. Therefore, there is no average agreed number of personal assistance hours per person. Whereas many individuals are adequately provided for by the current level of support, we accept that many would benefit from more support hours. The Government supports the work of the HSE and agencies to explore various ways of responding to this need in line with the budget available. I acknowledge that the motion speaks about not conflating personal assistant services with home support services and the HSE measures and assesses both services distinctly. However, personal assistant services and home support services are closely linked and many people with disabilities require both home support services and personal assistance. In 2018 the State provided for the provision of 2.93 million hours of home support for adults and children with a disability, an increase of 180,000 hours on the 2017 target. As with every service, there is not a limitless resource available for the provision of personal assistant services and although the resources available are substantial, they are finite. In that context, the number of hours granted is determined by the available resources and other support services already provided for the person.

To understand the future service need for personal assistance and home support services, the Health Research Board provides for planning analysis through its national ability support system database. This is a key planning tool in respect of current service provision and the future service needs which is used by the Department of Health and the HSE. It is important to remember that an individual’s number of personal assistance hours needs to be flexible and may be adjusted following a service review where service demand can result in one individual’s service being reduced in order to address the priority needs of other people with disabilities.
within that community.

The motion refers to legislation in some other countries. I assure the House that the Department of Health keeps abreast of research developments and international best practice and is committed to developing services that meet the needs of people within the constraints of the available resources. The Government acknowledges that in some areas there may be a shortfall in service. However, it is working to address it, most notably through the sláintecare reform programme. It is the Government's aim to ensure all citizens can be offered the right care in the right place at the right time.

I have noted some of the concerns raised by Deputies and will bring them to the Minister of State, Deputy Finian McGrath. I have long had connections with people with disabilities in my family. It is important to understand that although there is a difficulty in providing services which the Minister of State is addressing, we do not have an infinite budget. I acknowledge the work being done by people on the ground, particularly by those involved in home help services and those who work with people with disabilities. I have a daughter working in the service. Since she started a couple of months ago, she has told me that she has been enriched by the people she helps on a daily basis in trying to bring them to their full potential. We are trying to ensure they can live independent lives. I fully understand the matters that have been raised, as they have also been raised by my constituents and people I have met as a Minister of State.

The motion raises concerns about consistency in access. The HSE is committed to introducing a standardised assessment process to identify and assess the needs of people with a disability. Work is ongoing in the HSE to select an information technology-based single assessment tool to ensure consistency in assessment nationally.

Deputy Catherine Connolly: I welcome those in the Visitors Gallery, particularly Senator John Dolan, whom I thank for his very constructive ongoing assistance provided for all Deputies in dealing with matters of disability.

I wanted to start by thanking the Minister of State but I am afraid I cannot do so because having listened to both ministerial speeches, I am in despair at the failure of both Ministers of State to grasp what the motion is about. I welcome the fact they are not opposing it but that begs the question of what they are going to do with the motion. We are calling for action. We are calling for a commissioner within the Department of Employment Affairs and Social Protection. Will the Government please address the motion? If it is not opposing it, what will it do with it and in what space of time?

This debate takes place against a background. In March 2018, we signed the United Nations Convention on the Rights of Persons with Disabilities, UNCRPD. In April of last year, it came into operation. Unfortunately and significantly, we still have not ratified the optional protocol and therein is a hint of how the Government is dealing with disability in terms of providing ad hoc services or dealing with it as of right and within a rights-based framework. We have not ratified the optional protocol, which would allow people or groups who believe their rights have been violated under the convention to take a case under the UN convention. It is significant that we are one of three countries that have failed to do that.

In respect of the document we have finally ratified after 11 years, Article 19 has been repeatedly mentioned and it is extremely important. Under this article, people with a disability have a right - the word is “right” - to live in the community and have access to a range of in-home
and other supports, including personal assistance, which are referred to specifically in section (b). Perhaps the Government might deal with that whenever it responds after tonight’s debate.

Notwithstanding the strength of this article and the wording, there is no legal right to personal assistance in Ireland, which the Minister has acknowledged. Incredibly, there is no standardised procedure or application process, and those in receipt of this support have no security regarding the continuation or the extent of their services due to lack of legislative protection. Unbelievably, the term “personal assistance” is ill-defined and poorly understood. Indeed, the representative from the Disability Federation of Ireland, in her presentation to the Joint Committee on Public Petitions in May of last year, highlighted the difficulties and the challenges associated with the lack of definition and also how it is exhausting for users and advocates of the service to have to continually redefine and explain what constitutes a personal assistance service and the constant conflation of a personal assistance service with home help. Moreover, the Disability Federation of Ireland strongly argued that well resourced, person-centred responsive personal assistance service must be understood as the cornerstone of any community services programme that supports people with disabilities. People with disabilities need the personal assistance service to enable and empower them to continue to live, not just to exist.

As far back as 2002 when Galway passed the Barcelona declaration, after major work on behalf of the disability group, we committed to making Galway universally accessible to all. We made that declaration on the basis of evidence that good design enables and bad design disables. That was a paradigm shift in theory in 2002. It is a work in progress both in terms of serious outstanding accessibility issues in Galway and the failure at national level by successive Governments to embrace the change and roll out appropriate actions in accordance with the new model, a shift that is encapsulated in the convention, which represents, as was mentioned, a paradigm shift from the medical model. It has already been pointed out how the medical model disables and the new model enables.

Independents 4 Change and Deputies Pringle and Broughan, in particular, with the help of the staff in their offices, have brought forward this motion to which we have put our names and fully support. It is a very practical motion. It has been seriously thought out. It is not asking for an awful lot. I wish the Minister of State who left was still here - I am not making an issue of that as I understand he might have had to leave - because the most important thing is that if we roll out a paradigm like this it would save the Government money on an economic level and allow people with disabilities to participate in society, which is their right. If we are going to go to all the trouble of signing and ratifying the UN convention, let us make it a reality. Let us stop the ridiculousness of those two speeches that mean nothing and continue to conflate rights with charity.

Deputy Thomas Pringle: I welcome the Government’s announcement that it will support motion. It would be a travesty if it opposed it. We will measure its welcome and support of the motion by what it does to deliver on it. That is what is vitally important. The purpose of the motion is to deliver for people with disabilities so that they can live life to the fullest of their abilities. That is vitally important. We will measure and monitor what the Government does over the next number of months to make that happen.

Some of the comments in the contributions of both Ministers of State were worrying in that context. The Minister of State, Deputy Finian McGrath, stated that the national disability inclusion strategy, NDIS, mid-term review is taking place, having stated in early 2019, but we do not know when it will be completed. My fear is that it will be completed next March, just before
the review of the UNCRPD in April. That is the danger we face and, unfortunately, that is what will probably happen. That is what people with disabilities can look forward to happening.

The Minister of State, Deputy Byrne, in her contribution, stated: “It is important to remember that an individual’s personal assistance hours need to be flexible and may be adjusted following a service review where service demand can result in one individual’s service being reduced in order to address priority needs of other people with disabilities within that community”. That sounds like a car being brought to a garage for a service review. This is people’s lives we are talking about. Why should the health services determine the review? Why can people with a disability not determine whether they have too many hours and can offer to give the hours back, if that is the case? That is not what is being offered to people and that is not what is happening on the ground. That, to my mind, is shocking and a sentence like that read by the Minister of State is terrible.

The Minister of State, Deputy Finian McGrath, stated that section 7 of the Health Act 2004 specifies: “The object of the Executive is to use the resources available to it in the most beneficial, effective and efficient manner to improve, promote and protect the health and welfare of the public.” That is what we are talking about. It comes down to the HSE and the health services choosing to read that in a way that allows them to cut services as they see fit in order to benefit everybody else when one could read it and take from it that it is saying that we provide the services for people and that we will do it. That is the difference in interpretation and that is all it is, but that makes a major difference in people’s lives. We have to get beyond looking at these services in terms of how the money meets the service rather than the service being there for the vitality of people. That is what we need. We will measure the Government’s progress and commitment to this motion in the future against what was said.

I would like to thank everybody who contributed to the debate, all the Deputies who spoke, of whom there are too many to mention. It was great to have that support for this motion. It sends out a message to people with disabilities that there are people here who support them. I particularly thank the Independents 4 Change Members who supported this motion and allowed myself and Deputy Broughan to bring it forward.

I would also like to thank Senators Kelleher, Dolan and Boyhan who supported the motion in their capacity and have campaigned for disability rights in their work. It gave us all the encouragement to bring this motion forward to the Dáil.

I would like to acknowledge those in the Gallery who have worked very hard on this motion and the Independent Living Movement Ireland, including Eileen Daly, Shelly Gaynor, James Cawley, Brian Dalton, Maryam Madani and Damien Walshe. I pay tribute to all of them.

I would like to especially mention the Donegal Centre for Independent Living which has contributed greatly to the lives of people in Donegal. There are many more disability rights activists who were unable to attend due to the many barriers that exist for disabled people when it comes to travel, particularly when coming from rural Ireland. That highlights even more the need for this motion to be implemented.

I would like to thank Jodie in my office for her contribution. She was mentioned by many speakers and she worked very hard to ensure this motion came to pass.

I would like to particularly thank two people who could not make it here today but who I know are watching these proceedings closely and have been very supportive of this motion and
continue to fight for disability rights. They are Vicky Mathews and Frank Larkin, both of whom are from Donegal. Due to the distance and the difficulties involved they could not travel here. That highlights the need for this motion to be implemented.

*An Ceann Comhairle:* It seems there has been a welcome outbreak of consensus on this important matter. Am I to take it therefore that there is agreement that the motion be agreed to?

*Deputies:* Yes.

Question put and agreed to.

*An Ceann Comhairle:* It is agreed unanimously. Congratulations to all involved in that process.

The Dáil adjourned at 9.50 p.m. until 10.30 a.m. on Thursday, 20 November 2019.