



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Ceisteanna - Questions	483
Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions	483
Proposed Legislation	483
Garda National Immigration Bureau	486
Law Reform Commission Reports	488
Garda Deployment	490
Asylum Seeker Accommodation	492
Ceisteanna Eile - Other Questions	494
Closed-Circuit Television Systems	494
Legal Advice	497
Law Reform Proposals	499
Wards of Court.	501
Drugs Dealing	503
Asylum Seeker Employment	505
Ceisteanna ó Cheannairí - Leaders' Questions	507
Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation	516
An Bille um an Naoú Leasú is Tríocha ar an mBunreacht (Ceart chun Sláinte) 2019: An Chéad Chéim	525
Thirty-Ninth Amendment of the Constitution (Right to Health) Bill 2019: First Stage	525
Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters	526
Saincheisteanna Tráthúla - Topical Issue Debate	527
Pharmacy Services	527
Waste Management.	531
Family Support Services	533
Air Ambulance Service Operations	536
Hospital Overcrowding: Motion [Private Members]	539
Prohibition of Nuclear Weapons Bill 2019: Order for Report Stage	571
Prohibition of Nuclear Weapons Bill 2019: Report and Final Stages	571
Finance Bill 2019: Report Stage (Resumed)	572
Finance Bill 2019: Order for Fifth Stage	626
Finance Bill 2019: Fifth Stage	627
Mental Health: Statements	629
Message from Select Committee.	631

DÁIL ÉIREANN

Dé Céadaoin, 20 Samhain 2019

Wednesday, 20 November 2019

Chuaigh an Leas-Cheann Comhairle i gceannas ar 10.30 a.m.

Paidir.

Prayer.

Ceisteanna - Questions

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Proposed Legislation

1. **Deputy Fiona O'Loughlin** asked the Minister for Justice and Equality the reason for the delay in introducing legislation to criminalise hate crime; and if he will make a statement on the matter. [48026/19]

An Leas-Cheann Comhairle: The question is in the name of Deputy O'Loughlin but will be taken in her absence by Deputy O'Callaghan.

Deputy Jim O'Callaghan: I wish to record my disappointment and surprise that two of my questions have been ruled out of order. The questions relate to the number of Garda vehicles and the staffing level of the Garda drugs unit. Obviously, the Minister, Deputy Flanagan, is not responsible for ruling questions out of order. The question I wish to raise with the Minister-----

Deputy Sean Sherlock: I do not wish to cut across the Deputy. On the same issue, three of my questions have been ruled out of order. They relate to Operation Freeflow, the budget lines for the new Garda operational divisions and the number of community gardaí. I have been told these are operational matters for the Garda, but they are also issues of Government policy and matters about which the Government speaks very strongly. I am frustrated that these priority questions have been ruled out of order.

An Leas-Cheann Comhairle: I cannot relieve the Deputies' frustration. Under the Garda Síochána Act, resources and operational matters are for the Garda Commissioner.

Deputy Sean Sherlock: The questions also relate to policy matters.

Minister for Justice and Equality (Deputy Charles Flanagan): I do not have details of the questions which were ruled out of order. Of course, I accept the rulings. I am happy to accept any question on matters for which I have responsibility. Deputy Sherlock referred to policy issues, and I accept responsibility for such issues. I am happy to consider the questions which were ruled out of order but this is not the appropriate time to do so.

An Leas-Cheann Comhairle: Under the Garda Síochána Act, the Commissioner has responsibility for operational matters. The Minister has confirmed he is prepared to look at any policy issues that arise.

Deputy Sean Sherlock: I thank Deputy O'Callaghan for allowing me to interject.

Deputy Jim O'Callaghan: I do not wish to get into a debate with the Leas-Cheann Comhairle, but the Garda Síochána Act also provides in section 26(3) that the Commissioner is accountable to the Minister. The Minister has expressed his desire to be politically responsible for the Garda. That should be taken into account.

An Leas-Cheann Comhairle: We will consider the matter further.

Deputy Jim O'Callaghan: Question No. 1 relates to hate crime legislation and is particularly relevant in light of certain recent utterances in the political domain. When will the Department of Justice and Equality bring forward an update to the hate crime legislation?

Deputy Charles Flanagan: I wish to recognise the interest and work of Deputies O'Loughlin and O'Callaghan in this important area, including Deputy O'Loughlin's co-sponsorship of a Private Members' Bill. It is important to clearly reflect that our law provides for prosecution of relevant crimes. Under current law, hate crimes are prosecuted under general criminal law rather than through a specific hate crime offence. Where a perpetrator is found guilty of a crime such as, for example, assault or criminal damage, a sentencing judge may consider a hate motive to be an aggravating factor that would increase the sentence.

I acknowledge the work of my colleague, the Minister of State, Deputy Stanton, who is present, in this area. In order to ensure that any new legislation in this field is as robust and effective as possible, the Minister of State and I, along with our Department, are finalising research on the effectiveness of legislative approaches in other jurisdictions to tackling hate crime. This research will allow us to learn from experience elsewhere and identify the approach that will work best in Ireland. When the work concludes in the coming weeks, I plan to incorporate the learning from the research and bring forward proposals for new hate crime legislation in the new year. These proposals will be published for discussion and an opportunity will be given to experts, communities and the public to share their views.

As the Deputy is aware, the Minister of State and I, through our Department, have been running a public consultation since October on the separate but related issue of incitement to hatred. The consultation will remain open until 13 December to gather the views of all stakeholders on how our laws should deal with those who actively seek to promote and encourage hatred and prejudice against vulnerable groups.

Deputy Jim O'Callaghan: The Minister noted that there are two legislative areas of relevance in terms of hate crime, namely, crime being aggravated by the targeting of a specific group, and the Prohibition of Incitement to Hatred Act 1989. The latter legislation is inadequate although its provisions are still relevant. We need to remind all people, particularly those in the

political domain, that it is a criminal offence to publish written material that is threatening, abusive or insulting and is intended or likely to stir up hatred against groups because of their race, colour, religion or national origin. That should be brought to the attention of certain figures in the Minister's party, given their recent utterances.

I refer to the legislation which provides for hate crime to be taken account of as an aggravating factor. It is important to point out that there have been many promises to review hate crime legislation or put new legislation on to the Statute Book. As far back as 2000, the then Minister for Justice, Equality and Law Reform, former Deputy John O'Donoghue, stated his Department was reviewing the effectiveness of laws on incitement to hatred. A review was carried out by the University of Limerick in 2008. In reply to a parliamentary question tabled in 2016, the former Minister for Justice and Equality, Frances Fitzgerald, stated there would be a review of the 1989 Act. It is important that we take that into account and get an answer from the Minister on when this legislation will be brought forward. A public consultation has recently been announced. When are we likely to have a proposal from the Department?

Deputy Charles Flanagan: On the Deputy's remark regarding unacceptable commentary in the course of the by-elections which are under way, I wish to categorically dissociate myself from comments made by Ms Verona Murphy, a Fine Gael candidate in Wexford. I am sure Deputy O'Callaghan will do likewise in respect of the remarks of a candidate standing for Fianna Fáil in another part of the country. It is incumbent on all Members to ensure that unacceptable commentary is treated as such. In that regard, I note certain apologies given by the candidates involved.

I agree that there is an importance and a certain urgency to reforming the law in this area. My Department is leading several cross-Government initiatives to tackle racism. As the House will be aware, the migrant integration strategy published in 2017 sets out the Government's commitment to the promotion of migrant integration and provides a framework for a wide range of actions to support migrants to participate fully in Irish life. It includes actions to promote intercultural awareness and combat racism and xenophobia, including a review of legislation relating to racially motivated crime and hate speech. I acknowledge the work of the Minister of State, Deputy Stanton, in this area. Both of us are aware of the urgency involved here and intend to act accordingly.

Deputy Jim O'Callaghan: I am not aware of any utterances by any Fianna Fáil candidate, as a candidate, in terms of making statements that could offend or incite hatred. We have a broader problem in this country and throughout Europe in respect of incitement to hatred of individuals. If one looks at the UK, one can see that there has been a significant rise in hate crimes recorded in England and Wales. In 2018-19, 103,000 such offences were recorded in England and Wales, while in 2012-13, the number was only 42,000. There is a reason that these offences are increasing. It is partly due to populism and partly due to social media. Some of it is also due to intolerance. Obviously, there has been greater immigration into countries in recent years. This appears to have been used inexplicably as justification for it as well so we need to challenge these utterances and to be very severe about it. Hate crimes are not just an attack on the victims and social groups, but an attack on society. It will damage community relations in this country if we are prepared to tolerate certain groups being targeted because of their status.

Deputy Charles Flanagan: I agree fully with and welcome the Deputy's comments in this regard and I trust that they are reflective of the views of all elected Members of this House but

what are we going to do about it? In respect of the justice sector, in addition to the steps taken by the Minister of State, Deputy Stanton, I acknowledge the importance of the process of establishing a new anti-racism committee that will include representatives of the public and both the private and voluntary sectors. This committee will have a mandate to examine what needs to be done by public sector bodies as well as the wider community to challenge racism and racist commentary head on in this country. An Garda Síochána has also taken a number of important steps recently that are consistent with the migrant integration strategy. A diversity and integrity strategy has been adopted, including a working definition of hate crime, to assist An Garda Síochána in delivering a victim-centred service and ensure that it responds consistently and in a robust manner to reports of hate crime. I am confident that the approach being taken, including research and providing the opportunity for experts and members of the public to provide their views through the consultation process, will help ensure that the legislation we are bringing forward will deliver a safer, fairer and more inclusive Ireland for everybody.

Garda National Immigration Bureau

2. Deputy Martin Kenny asked the Minister for Justice and Equality his views on passport checks taking place on the Border at Garda checkpoints and on public transport, the reason for same and if he will make a statement on the matter. [47532/19]

Deputy Martin Kenny: As the Minister is aware, in recent times, checkpoints have been placed on the Border. There has been a renewed effort by An Garda Síochána to have these checks and people have been asked for their passports. I have come across cases where Irish citizens living in the North and working in the South who have crossed the Border every day for the past ten to 15 years have found that in the past 12 to 18 months, they have been stopped and asked for their passports. I have also spoken to people who have told me that this also happened to them when they used bus transport. It is a new phenomenon about which many people seem to be concerned because they are worried about the impact of Brexit and that this is the beginning of that impact.

Deputy Charles Flanagan: As the Deputy will appreciate, every State has a duty to protect its own security and prevent illegal immigration, human trafficking and other organised crime activity. The Border with Northern Ireland is somewhat unique as it is a jurisdictional border between the two states where the common travel area also exists, in other words, where Irish and British citizens are entitled to travel between both states. However, it is the case that immigration controls have to be deployed from time to time to detect and prevent persons abusing the common travel area to enter the State illegally.

Although there are no permanent immigration controls in place between this jurisdiction and Northern Ireland, An Garda Síochána implements mobile immigration controls to tackle illegal immigration and human trafficking. As the Deputy is aware, a central tenet of policing in this country is to uphold people's rights and it is important to note that while these interventions target potential immigration abuse and other crimes, they are not passport controls. In this context, I am informed that there is daily operational level co-operation between immigration officers and members of the Garda National Immigration Bureau and their UK counterparts, including intelligence-led operations, to prevent abuse of the common travel area. A person can be refused leave to enter the State if it is determined that the purpose of entry is an abuse of the common travel area. There is a long-standing regulatory framework around the common travel

area that has been agreed between the Irish Government and authorities and the authorities in the UK.

I am informed by the Garda authorities that the immigration border control unit conducts immigration checks, both preventative and intelligence-led. This includes checkpoints and checks on public transport or other public service vehicles travelling from Northern Ireland, including on the Enterprise train. These checks have been conducted over a number of years in order to identify and prevent persons from illegally entering the jurisdiction in line with the requirements of sections 11 and 12 of the Immigration Act 2004 relating to documents of identity and supply of information and, in some cases, the production of documents.

Additional information not given on the floor of the House

It is evident from the number of detections of illegal immigrants entering the State through Northern Ireland that immigration controls are required from time to time to prevent abuse of the common travel area. As of 31 October this year, 158 illegal immigrants had been detected attempting to enter the State in this way.

These checks are fully compatible with the Good Friday Agreement and common travel area arrangements and I am satisfied that An Garda Síochána and the UK authorities, including the Police Service of Northern Ireland, continue to work together very closely to enhance and facilitate law enforcement and public safety in both jurisdictions.

Deputy Martin Kenny: I am sure the Minister would accept that many people experience this as a hardening of the Border. They experience it as people being asked for documentation they were not asked for heretofore. Even during the days of conflict, this level of identification - people being asked to produce their passports - was seldom sought. This is now happening. Many people on this island who voted for the Good Friday Agreement understood that it was all about removing the Border and making it invisible, which has happened and has been an achievement by everyone concerned. I have spoken to people who are in the transport business. Certainly people who drive buses tell me that in recent times, this has become something that more regularly happens to them. Buses are being stopped and personnel go up and down buses and ask people for their passports or identity. This would have been a very rare occurrence up until probably 18 months or two years ago. It is now happening and people are afraid that it is an agenda to harden the Border as a precursor to whatever kind of Brexit may come.

We understand that the Government has an obligation and nobody is suggesting that there is no obligation in this regard. We are on an island and people who come here must go through ports or airports where they must produce identification anyway. The issue of the Border in Ireland should be something we recognise. The Minister has already said that it is a unique situation.

Deputy Charles Flanagan: I disagree with the Deputy when he points to these immigration checks as being somewhat new. They are not new. They are under our legislation and the common travel arrangements. It is evident from a number of detections of illegal immigrants entering the State through Northern Ireland that immigration controls are required from time to time to prevent abuse of the common travel area. In fact, as of 31 October 2019 alone, 158 illegal immigrants had been detected attempting to enter the State in this way through Northern Ireland. These checks are fully compatible with the Good Friday Agreement and the arrangements under the common travel area. I am satisfied that An Garda Síochána and the UK

authorities, including the Police Service of Northern Ireland, continue to work together very closely to enhance and facilitate law enforcement and public safety in both jurisdictions. This is not a new phenomenon.

Deputy Martin Kenny: I accept that it is not a new phenomenon from the point of view of the legislation that governs it but it is a new phenomenon from the point of view of it being applied and implemented so harshly. That is the point. We have the DUP and others in the North who clearly want to build a border that is as hard as possible. There is an onus on all of us to ensure that does not succeed and that we do not allow that to happen. Nobody is suggesting that there should be open borders or that immigrants should flow into the country freely. We all understand that. We are on an island and anyone who comes to the island must go through an airport or sea port and there are checks in those places. The Minister would have to acknowledge that this issue is something we all understand but we also understand that we have the Good Friday Agreement, which is about washing away the hard Border and making sure it does not negatively affect the lives of people who live in the Border region or people who want to move freely across the Border. I understand what the law says and also that the law has always been there but the point is that the Garda National Immigration Bureau is now implementing it in a much harsher manner than it has done until now, which is more than regrettable. I ask the Minister to use his offices to ensure that discontinues as quickly as possible.

Deputy Charles Flanagan: Any measures outlined by the Deputy are fully in accordance with the letter and spirit of the Good Friday Agreement and the common travel area. In this regard, the Government and our colleagues in the UK are firmly committed to maintaining the common travel area and the rights enjoyed by our citizens who travel freely between these islands and between North and South every day. In this regard, there is a long tradition of co-operation between Ireland and the UK. We will continue to work closely together to enhance the security of the external common travel area border in order to facilitate what must be legitimate travel. Implementation of this work is overseen at senior level in the Department of Justice and Equality and in the Home Office in the UK through the common travel area forum, which meets regularly to address matters of mutual concern and interest.

As I said, there is daily co-operation on an operational level between immigration officers, members of the Garda National Immigration Bureau and their counterparts in Northern Ireland. This co-operation is intelligence-led in order to prevent abuse of the common travel area. Any such measures are fully consistent with the legal framework we enjoy now.

Law Reform Commission Reports

3. **Deputy Jim O’Callaghan** asked the Minister for Justice and Equality if a response will issue to the call from the Law Reform Commission for a change in the way consent is considered in rape trials; and if he will make a statement on the matter. [48027/19]

Deputy Jim O’Callaghan: In 2016, the Attorney General requested the Law Reform Commission to produce a report on how consent is considered in rape trials. That report was published earlier this month and it made significant recommendations on how the law in respect of consent in rape should be changed. Does the Government propose to accept that recommendation and, if so, does it intend to introduce legislation giving effect to the Law Reform Commission’s recommendations?

Deputy Charles Flanagan: I warmly welcome the publication of the Law Reform Commission's report on knowledge and belief concerning consent in rape law. As the Deputy may recall, the report was prepared by the commission in response to a reference from the then Attorney General, on behalf of the Government. The report is a thorough and expert examination of this complex issue. I assure the Deputy that my Department is closely examining its recommendations with a view to bringing forward amending legislation.

It is important to understand the context of the report. The Criminal Law (Sexual Offences) Act 2017 has been widely recognised as landmark legislation dealing with consent and exploitation in sexual activity. For the first time, it set out in statute what consent actually means, namely, a free and voluntary agreement between people to engage in sexual activity. The 2017 Act also set out a non-exhaustive list of circumstances where consent is impossible, such as when a person is asleep or unconscious; if a person is being held captive; if a person cannot communicate his or her agreement due to physical inability or disability; if a person is mistaken or misled about who the other person is, or what the activity is; or, for example, if a person is so drunk or intoxicated that he or she is not in a position to consider the activity and make up his or her own mind. In order for a jury to find a person guilty of rape, three things are necessary: sexual intercourse must have taken place; the person must not have consented; and the accused person must either have known that person did not consent or must have been reckless as to whether he or she consented.

During the Oireachtas debate on the Bill, the issue of whether a person's belief in consent must be reasonably held was discussed in some detail. It was on foot of those debates that the Attorney General and my predecessor as Minister discussed the matter and agreed to refer it to the Law Reform Commission for detailed consideration. That is the report the Deputy has mentioned.

Deputy Jim O'Callaghan: I thank the Minister for his reply. This is a complex and complicated aspect of our law. Nonetheless it needs to be amended. We need to recognise that at present when it comes to the issue of consent, a man is believed to have honestly and genuinely consented if he believed the woman was consenting. At present that is a subjective test. That was the test that was recognised as being the law by the Supreme Court in the 2016 case of the DPP v. O'R. On foot of that decision the Attorney General requested the Law Reform Commission to prepare a report.

Under the law as it exists, it appears that a man can have an honest, though unreasonable, belief that the woman was consenting and that would be a defence to rape. The Law Reform Commission report seeks to change that subjective test to an objective test, which is preferable. It would obviously still maintain the rights of the accused in such a trial. The report puts a further onus on an individual when having sexual intercourse with another person to ensure that it is reasonable to believe that the other person is consenting.

Deputy Charles Flanagan: I am pleased the Deputy recognises that this is not only a most sensitive area of the law but also a most complex area. As the law stands, the mental element of the offence of rape is not present if the accused honestly believed consent was given, so long as that belief was genuine, no matter how unreasonable or irrational. As a result, a person who held a genuine but completely unreasonable belief that the other person consented would not be found guilty of rape.

It was on foot of those debates that the Law Reform Commission was asked to give the mat-

ter detailed consideration. As the Deputy has said, the report recommends a change in the law to state that the belief of the accused person in consent must be reasonably held. It also touches on some of the surrounding matters which are being examined elsewhere, such as rape myths and stereotypes, obstacles to prosecution in rape cases, the treatment of victims in rape cases and other related matters.

I am giving the matter urgent consideration and will be mindful of the recommendation. I think we will have an opportunity to discuss the issue again at an early date.

Deputy Jim O’Callaghan: As legislators, we need to recognise that we have a problem in this country with people, particularly women, coming forward and being prepared to make complaints in respect of rape and other sexual offences. Part of the reason is that they find the process very intimidating and threatening. While ensuring an accused has a fair trial, we also have an obligation to put in place laws that make it more conducive for people to make complaints when they have been victims of sexual abuse. At present, the proper test should be that somebody looking at what happened objectively would think it is reasonable or unreasonable for the person to have believed consent was forthcoming. It is unfair for persons to be able to defend themselves in our legal system on the basis of saying, “Well, I honestly thought that she was consenting”, even though anyone objectively looking at it would regard that as a grossly unreasonable basis of assessment. I welcome the Minister’s statement that he is bringing forward this legislation. It is complicated but we need to introduce legislation in line with the Law Reform Commission recommendation.

Deputy Charles Flanagan: Lest the House be under any misapprehension, while the intention may be to introduce amending legislation, it will not happen within the coming weeks or months. We have the important contribution to the debate of the Law Reform Commission report. The timing of the report is particularly welcome, given the review of protections for vulnerable witnesses in the investigation and prosecution of sexual offences, chaired by an expert barrister, Tom O’Malley. That report is due to be completed by the end of this year.

I intend to give early consideration to these two sets of recommendations. I have asked my officials to examine the Law Reform Commission report in detail with a view to introducing proposals to implement its recommendations. Any recommendations which may arise from the O’Malley review group and which may be of assistance in supporting victims and vulnerable witnesses will feed into this process, while, of course, maintaining the necessary fairness and balance which must at all times be inherent in our criminal justice system.

Garda Deployment

4. **Deputy Sean Sherlock** asked the Minister for Justice and Equality the number of times the Garda air support unit has been used in each of the years from 2016 to 2018 and to date in 2019; the reason for deployment; the cost involved for each deployment; and the areas from which funds were obtained. [47838/19]

Deputy Sean Sherlock: The question is self-explanatory. How many times has the Garda air support unit been used in each of the years from 2016 to 2018 and to date in 2019? What was the reason for deployment and the cost involved for each deployment? From what areas were funds obtained? I seek a perspective from the Minister regarding the use of this service.

11 o'clock

Deputy Charles Flanagan: The Garda air support unit was established in 1997 and provides a 24-hour proactive and reactive service in support of front-line operational gardaí and specialist units. Two helicopters and one fixed-wing aircraft are currently assigned to the unit. It provides invaluable support to operational gardaí in the course of their duties. I am informed by An Garda Síochána that while specific information on each deployment cannot be supplied, the unit deploys in circumstances where there is an immediate threat to life; incidents of crime or terrorism; an immediate threat to public order of a serious nature; when it is important to gather information on and attend at incidents relating to crime, public order and traffic; searches for missing persons; and where it may be necessary in the context of Garda operational requirements.

I am further informed by Garda authorities that the unit's aircraft have been deployed on a total of 5,414 occasions since 2016. The details requested by the Deputy are set out in the following table:

Year	No. of Times Deployed	Incidents Attended
2019 (up to 14 November 2019)	1,311	1,882
2018	1,443	1,969
2017	1,248	1,904
2016	1,414	2,097

I am advised by the Garda that the current cost per hour for each helicopter flown, including maintenance costs, is €1,089. The cost for fixed-wing deployment is borne by the Department of Defence. The Deputy will have specific knowledge on that area, given his previous and current portfolios.

Under the Garda Síochána Act 2005, the Garda Commissioner is responsible for managing An Garda Síochána and for the allocation and efficient use of Garda resources. However, as the Deputy will be aware, the resources provided by the Government to An Garda Síochána have now reached unprecedented levels. We have provided a €92 million capital investment for An Garda Síochána this year, which is a 50% increase on last year. Capital investment will increase further to €116.5 million in 2020.

Deputy Sean Sherlock: I thank the Minister for his reply. We all agree that this is an invaluable service that we would wish to see further resourced if possible. Do the vast bulk of those deployments take place in the Dublin metropolitan area? Is there scope for extending the deployment of the resource to a more diverse geographical area, including the south, south west, west and north west of the country, particularly in light of the current strain on policing in some of those regions? When events such as music or sporting festivals take place, where thousands of people gather, is there any interaction between An Garda Síochána and the event promoters regarding the costs borne by the State for the provision of those services?

Deputy Charles Flanagan: I do not have a regional breakdown of the more than 5,000 engagements, but I would be happy to see if such information can be acquired by An Garda Síochána. I know from anecdotal experience that this is far from a Dublin-only service, and I invite the Deputy to agree with me on that. I would be happy to provide information for other parts of the country insofar as I can. I am anxious to ensure that An Garda Síochána continues

to manage the use of its resources in an effective and efficient way. I acknowledge the record investment of €1.76 billion in An Garda Síochána in the 2019 Vote, which was increased to €1.882 billion for 2020.

Deputy Sean Sherlock: I appreciate the Minister's reply. We all agree that it is an invaluable service. I welcome the fact that the Minister will provide some information on the geographical spread of those deployments.

Deputy Charles Flanagan: I am happy to do so, provided that information is available to me.

Asylum Seeker Accommodation

5. **Deputy Jim O'Callaghan** asked the Minister for Justice and Equality if the fact that 35% of residents of direct provision centres have been there for more than two years will be addressed; and if he will make a statement on the matter. [47617/19]

Deputy Jim O'Callaghan: As of this month, approximately 7,500 people are availing of accommodation services under the direct provision system run by the Department of Justice and Equality. In total, 35% of those residents have been waiting in direct provision more than two years, and 22% have been waiting more than three years. What is the Government's plan for dealing with this ever-increasing issue and does it have a proposal for ensuring people can get out of direct provision much faster?

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I thank the Deputy for his question. International protection is a complex legal process driven by both national and international law, which works to protect the rights of those genuinely seeking protection by ensuring that all applications are examined in a consistently rigorous and fair manner. My Department has introduced a number of measures aimed at reducing the time taken to determine applications. The International Protection Act 2015 introduced the single procedure process for the determination of protection applications. Under that process, all elements of a person's protection claim, including refugee status, subsidiary protection status and permission to remain are considered together rather than sequentially.

An applicant who applies for international protection today can expect to receive a first instance recommendation or decision within approximately 15 months, provided no complications arise. Prioritised cases, which include especially vulnerable groups of applicants such as unaccompanied minors, are being processed in just under nine months. My Department is working hard to achieve a target of nine months in the vast majority of cases. An additional €1 million has been provided in budget 2020 for immigration service delivery, which includes provision for additional staffing to fast-track applications. This will further reduce the time needed for considering applications for international protection as well as pressures on the accommodation systems.

As of 31 October 2019, the mean length of stay in international protection accommodation services, IPAS, was 21 months, down from 38 months in 2015. That is a reduction of 17 months over four years. Where an applicant has been in a centre for many years, there is generally a complex set of reasons. These can include difficulties and delays in the applicant producing the required documentation and in verifying that documentation. In addition, such cases generally

involve the applicant having received a negative decision or series of negative decisions on their application and then exercising their right to appeal, often through the courts, which can take time.

The figures on those in centres over three years also includes a substantial group of people who have received permission to remain. While we wish that those granted permission to remain will move on from centres in order that new applicants can access service provision, approximately 847 people with refugee status continue to live in the centres. A total of 532 of those people have been residing in the centres for three years or more. This represents 30.69% of the total number of applicants who have been IPAS residents for three years or more, which is 1,743. While people are under no obligation to accept accommodation in the IPAS, the Deputy will be aware of the current difficulties faced by people trying to source and secure accommodation. My Department is assisting those with status to access mainstream housing with the support of organisations such as Depaul Ireland, the Jesuit Refugee Service and the Peter McVerry Trust. So far this year, 675 people have been assisted in transitioning from IPAS to permanent homes in the community.

Deputy Jim O’Callaghan: I thank the Minister of State for his reply. We have to be frank here. I regret to say that a message is going out that the Government has lost control of the issue of direct provision. The public are getting that impression because proposals for direct provision centres are being blocked simply because of local opposition. The message going out is that the country is unable to sustain the numbers involved and that if people put up local objections, they will be able to stop centres being built. We know that is not the case. The numbers applying for international protection and subsidiary protection in this country are relatively small by European standards. Some 3,600 applied last year, and up to 4,000 will likely apply this year, for reasons that have been explained. Part of the problem is that there is huge uncertainty about where people will stay. I welcome the Government’s recent announcement that it will try to use State accommodation to house these people, for which we have been calling for many months and years. State accommodation can be used. Alternatively, we may have to build State accommodation for this purpose, as it is a long-term issue. I ask the Minister of State for an update on what will happen with that State accommodation.

Deputy David Stanton: Every option is being pursued to try to identify and locate accommodation for people who come here looking for international protection. As I said, so far this year, of the people who have received status, 675 have got help to transit into permanent accommodation in the community. Officials from the Department meet regularly with colleagues from the Department of Housing, Planning and Local Government and staff from the City and County Management Association to work collectively to ensure those with status or permission to remain are assisted to move on to longer-term accommodation as soon as possible.

A new accommodation centre opened in Borrisokane on 28 October. Eight families have now moved there and have settled in well. I thank the community in Borrisokane for their co-operation, assistance and support in establishing friends of the centre there and showing Borrisokane to be a very welcoming town. We also have accommodation centres in other parts of the country, 39 in all, and they are all working very well. Local friends of centres have been established, local people are assisting and, in fact, in some cases problems arise because the local people send in too many gifts and presents to the people living in the centres as they are so generous. I call on all other communities in the country to look at this and to see the benefits accommodation centres bring. There is nothing to fear, as the Deputy said, and nothing to be worried about. We have the records. People can visit centres, see them in operation and meet

the people to see how well the centres are working.

Deputy Jim O’Callaghan: In other similar European countries, such as Denmark and Finland, there is a similar system to here in that they have accommodation centres where people stay while their applications are being considered. Where we differ is that people are staying for too long. We have seen that 22%, which works out at 1,600 people, have been in direct provision centres for more than three years. That allows people to say, legitimately, that this system is unfair on humans and is inhumane. We need to recognise that we need to stop situations developing where people are kept here for longer than one year. This accommodation is suitable for people to stay for one year while their applications are being processed.

Of course, part of the problem is the housing crisis because the reason people are staying on in direct provision centres, and we know there are 770 people there who have been granted international protection, is because when they go out into the outside world, they find it impossible to get accommodation. Therefore, it is linked to the housing crisis.

I acknowledge what the Minister of State has said. There are very many communities, including people in my own constituency and throughout the country, who welcome migrants. We need to talk more about those welcoming communities rather than just highlighting the objections in a small number of communities.

Deputy David Stanton: I thank the Deputy for his comments. Last week, we launched Community Sponsorship Ireland, to which I bring the attention of colleagues. Through this initiative, local communities can welcome a refugee family into their community, and there have been a number of examples during the pilot scheme, which has worked very well.

The mean length of stay in accommodation is now 21 months, which is down from 38 months in 2015, so progress is being made and I am determined progress will continue to be made in this regard. This year, with the help of Depaul Ireland, the Jesuit Refugee Service and the Peter McVerry Trust, we have assisted 675 people to move into accommodation in the community from IPAS accommodation. A huge effort is being made to shorten the time people are in the centres, to shorten the amount of time it takes to make decisions, and to help people move on into accommodation when decisions have been made in their favour.

As I said, this is a complex area and there are many reasons people spend longer than we would like in the centres. However, I am sure the Deputy will agree with me that progress is being made and I want to confirm that progress will continue to be made in this important area.

Ceisteanna Eile - Other Questions

Closed-Circuit Television Systems

6. **Deputy Thomas Byrne** asked the Minister for Justice and Equality the status of the roll-out of community-based CCTV schemes nationwide. [47678/19]

Deputy Thomas Byrne: I ask the Minister the status of the roll-out of community-based CCTV schemes nationwide. There was a specific commitment in the confidence and supply agreement and the programme for Government whereby Fine Gael committed to invest

in CCTV. Despite committing to and promising €1 million per annum, we have not seen the colour of that. We need much more investment and a much more proactive approach from Government.

Deputy Charles Flanagan: It is not a matter of investment. It is a matter of ensuring that the regulatory framework is known to people and can be deployed as such. The legal framework requires that any proposed community CCTV scheme must meet a number of conditions: it must be approved by the local joint policing committee, it must have the prior support of the relevant local authority, which must also act as data controller, and it must have the authorisation of the Garda Commissioner. This is the legal basis for all CCTV schemes, regardless of how they are funded, and these key legal requirements have not changed since 2006. The option to establish a community CCTV scheme is available to groups anywhere in the country that meet these legal requirements.

My Department does not maintain a register of all community-based CCTV schemes nationwide, which would be beyond its remit. However, I can confirm to the Deputy that, since 2017, my Department has administered a grant aid scheme supporting groups wishing to establish a community-based CCTV system in their area. To date, 22 applications have been approved under the scheme, involving approved grants of more than €566,000.

Eligible groups, including community groups and local authorities nationwide, can apply for grant aid of up to 60% of the total capital cost of a proposed scheme, up to a maximum of €40,000. As the Deputy may be aware, earlier this year, I expanded the grant aid scheme to cover not only new CCTV systems but also to allow funding applications for extension or upgrade of existing community CCTV systems, some of which are outdated or obsolete. Applicants can now seek a once-off grant of up to €5,000 for minor maintenance costs.

The scheme is very much open for applications from interested parties and groups. All fully completed applications received before the end of this year will be considered. I am also pleased to announce that I have recently approved extension of the grant aid scheme for a further year into 2020.

Deputy Thomas Byrne: The Minister announced that a total of €566,000 has been approved, but the fact is he committed to €1 million per year. The problem is not that community groups do not know the regulations involved. The problem is that they know the regulations all too well and they know the difficulties with them. It is not possible for some communities to get together to put in an application because, for example, they might be too big or might not have somebody driving it forward. Moreover, it is not based on crime statistics or on need. There is huge difficulty.

Another difficulty, of course, is the idea that the local authority is the data controller when this is for the purpose of fighting crime. The local authority is not a crime fighter and it really should be the Garda Síochána that has full control of the images, as it does in one particular scheme I know of, which was not funded under this programme but works very well. Nobody has access to that except very senior gardaí in the station.

Much more needs to be done on this. It cannot be dependent on one or two communities that have the wherewithal and the ability to fund the remainder of the scheme to get this up and running. It must be based on where schemes are needed and on the crime figures. That is the basis on which CCTV should be provided.

Deputy Charles Flanagan: I am not sure what the Deputy has put forward in terms of alternatives. I can say, however, that the requirement for local authorities to act as data controller for the schemes is a statutory one set out in the Garda Síochána CCTV order of 2006. It is a legal requirement for any proposed scheme that the relevant local authority act as data controller. This is the law. It has not changed.

I would further note, however, that the power to establish the criteria for CCTV schemes is now a matter for the Policing Authority by order made with the approval of Government. The statutory framework does not place an obligation on local authorities to take part in community CCTV. However, if a local authority decides it is not prepared to act as data controller for community CCTV, this prevents the community scheme from operating in its functional area. In effect, the current legislative structure is an enabling one that empowers local communities and local authorities to establish a system to which gardaí have appropriate access, provided they meet the statutory requirements.

I am not sure if Deputy Byrne is proposing that we disregard the statutory requirements, which include the fact the local authority is prepared to assume responsibility as data controller. By contrast, Garda CCTV is set up by the Garda and is a different scheme under different regulations and a different framework. That is set at locations that have been chosen and prioritised by the Garda, whereas the community groups are in locations chosen and prioritised by local communities, and that is the essence of the scheme.

Deputy Thomas Byrne: The Minister is rapidly acquiring the nickname “Sir Humphrey”. He has given us every reason something cannot be done and every reason to pass the buck from the Department to local authorities and community groups by saying I want to disapply statutes, which of course I do not. I want the Minister to give a helping hand to those communities that he promised to fund but has not funded. He has funded only a fraction of what the Government committed to do, which is wrong. People need a helping hand. We must consider whether placing the burden on local authorities, which are not charged with fighting crime, and community groups that are struggling to do lots of other things represents the best value for money. Let us be honest: some community groups are better placed than others to apply for grants such as this. That is a fact. Fair play to them, and I admire them, but there are other areas which could benefit from this scheme. All we ask is that the Minister, who effectively administers the scheme in terms of providing 60% of the funding for it, make it as easy as possible for towns and villages to get involved. We ask him to assume his responsibility and not simply pass the buck to local authorities and accuse me of trying to break the law in some way, which is the most ridiculous answer a Minister has ever given to the House.

Deputy Charles Flanagan: By way of explanation to Deputy Thomas Byrne, who has difficulty listening, if he is aware of any groups that wish to avail of the scheme, first, further details are available to download from my Department’s website; second, support and guidance is available to help interested groups through a dedicated email address in my Department; and third, if he would like to bring any specific issue to my attention-----

Deputy Thomas Byrne: I will.

Deputy Charles Flanagan: -----my door is always open, as he should know. My officials are available to help in any way the Deputy feels would be appropriate, but within the legal framework. I emphasise again that grant funding will only be considered where the application meets the legal requirements for CCTV. In other words, I refer to systems that have been

approved by the local joint policing committee, meetings of which I am sure Deputy Thomas Byrne is a regular attender in Meath-----

Deputy Thomas Byrne: I am.

Deputy Charles Flanagan: -----and of which I am sure he is aware, or the relevant local authority. I assume the Deputy has been a member of Meath County Council.

Deputy Thomas Byrne: I have.

Deputy Charles Flanagan: In fact, he has a direct familial link in that area - again, importance by way of assistance. The systems must also have received the authorisation of the Garda Commissioner. I do not believe this is an issue of mirth-----

Deputy Thomas Byrne: The Minister's answer is.

Deputy Charles Flanagan: -----but I would be very keen to assist any local groups that Deputy Byrne believes would like to avail of assistance from the Department of Justice and Equality. I would be keen to ensure that any community group, provided it meets the legal requirements, may be assisted under what is an attractive grant aid scheme.

Acting Chairman (Deputy Frank O'Rourke): I remind all Deputies and Ministers of the time. We want to reach as many questions as possible.

Legal Advice

7. **Deputy Thomas Pringle** asked the Minister for Justice and Equality if the low uptake of legal advice under section 26(3) of the Civil Legal Aid Act 1995 (details supplied) has been investigated; the number of applications made in this regard each year since the enactment of the Act; and if he will make a statement on the matter. [47799/19]

Deputy Thomas Pringle: This question concerns the take-up of the provisions whereby legal advice is available to people making allegations, or the Director of Public Prosecutions prosecuting on their behalf, of rape offences, aggravated sexual assault, defilement of children or incest. It appears there is a very poor take-up in this regard. What is the Minister's Department doing to find out what the story is?

Deputy Charles Flanagan: I am acutely aware of the particular difficulties victims of sexual offences encounter during the investigation and prosecution process.

This question concerns section 26(3A) of the Civil Legal Aid Act 1995, as amended, which provides for legal advice to be made available, free of contribution and without any means or merits criteria, to complainants in prosecutions for rape and certain sexual assault cases.

However, only a small number of people avail of the advice service, as opposed to the legal aid service, each year. The number of applications have been as follows: five in 2013, eight in 2014, two in 2015, six in 2016, four in 2017, one in 2018, and two so far this year.

I am aware that the provisions in the current legal aid legislation in respect of both legal advice and legal aid during prosecutions, though well intended, are somewhat limited.

A victim may be asked to make decisions at various points during the investigation or the trial with far-reaching consequences while they are very vulnerable. In many cases they will be emotionally traumatised, upset or in a very fragile and difficult position.

The low demand for the advice service may reflect a low awareness of its availability or the fact that it is only available once a prosecution has actually been commenced. It is not available to a person who may be reporting an alleged offence to An Garda Síochána or where a decision not to prosecute the alleged offence is taken.

The service is advertised on the Legal Aid Board website and is on the Garda Síochána website, among other places. There is no automatic referral to the service, and the complainant must apply to a law centre for the service. Applications may also be made online.

I have asked an expert group, chaired by Professor Tom O'Malley of National University of Ireland Galway to examine this matter carefully and to bring forward recommendations that will help protect vulnerable witnesses and help ensure they can deliver the best possible evidence in a court situation. That group is due to publish its report before the end of this year.

Deputy Thomas Pringle: The Minister gave a good outline in his response as to what is available but said very little about why people are not availing of the service. As Minister, his responsibility is to see why it has not been taken up. It is a very worthwhile service. In 2005, Amnesty International stated, "In practice this provision has not been used, and victims are generally unaware of its existence." It is a failing in itself on the part of his Department, the Garda and the prosecution services that victims are unaware that this is available to them. Yes, it is very limited in that it is only available when the case has proceeded to prosecution, but I think something like 80 or 90 cases are prosecuted every year. Nonetheless the uptake is still extremely small. It is very worrying, particularly for victims, when the prosecution for the case is actually a witness rather than a party to the case. That can be very traumatic for the victims.

The Minister mentioned that the O'Malley report will deal with this, and that is welcome, but the problem with that is that Professor O'Malley was initially supposed to report at the end of 2018, and now it is being said he will do so in 2019 or 2020. Such a long delay is very worrying.

Deputy Charles Flanagan: I would be happy to take serious note of any point raised by Deputy Pringle or any other Deputy if there is a scheme of further information that might be applied in certain circumstances. The legal advice, the legal aid service, is available right throughout the country. The Legal Aid Board provides legal aid and advice primarily through the network of law centres and the solicitors employed by the board. There are 30 full-time and 12 part-time law centres. The practice is that if the case is being heard in the Criminal Courts of Justice in Dublin, as most rape and serious sexual assault cases are, a Dublin law centre will provide the representation.

Legal advice and support are not the only form of advice and support that can be of help. An Garda Síochána has set up specialised units tasked with improving service to victims of domestic and sexual violence, improving the investigation of domestic and sexual violence incidents and identifying and managing risk. These divisional protective services units have been rolled out on a phased basis across 13 divisions to date. The units will significantly improve services to victims, including children.

Deputy Thomas Pringle: I thank the Minister again, but the problem is that this is gov-

erned by the Civil Legal Aid Act 1995. It is 2019 and this is only being reviewed now to see why there is a poor take-up. That is very problematic. Perhaps the role we can play is to ask why these provisions are not being reviewed now. We are not in a position to bring the actual information to the Minister, but his Department is obviously not in the position of going out and looking for the information either. That is worrying because these provisions are put in place to make it easier for victims and to assist the prosecution of these very serious crimes. As part of that we must have a review as to how these provisions are working and what we need to do to change them. While this information service is very limited, quite a number of cases are going to court and going through the whole prosecution service without the service being availed of, and we should be asking why.

Deputy Charles Flanagan: I reject the Deputy's assertion that the law in this area is so outdated as to be less than relevant.

Deputy Thomas Pringle: I did not say that.

Deputy Charles Flanagan: I point, for example, to the Civil Law (Miscellaneous Provisions) Act 2011, which has extended the circumstances under which legal aid and advice may be proper to alleged victims and complainants, and to the Victims of Crime Act 2017, which has created a number of statutory rights for victims of crime, including the rights to receive comprehensive, timely advice, and to access appropriate information in the criminal justice system and victims' role in it. However, I go back to what I said in my initial reply. We are currently finalising a revised updated victims' charter, for which the legal aid board provided updated material explaining the advice service to victims of rape and explaining the circumstances, process, practice and procedure in respect of sexual assault cases where those cases are going to court. The Deputy's comments will feed into the national review that is being undertaken under the chairmanship of Professor Tom O'Malley, the report of which I expect to have before the end of the year. I would be happy to share the contents and recommendations with Deputies, and I am sure it will be the subject of debate in the House.

Law Reform Proposals

8. **Deputy Jim O'Callaghan** asked the Minister for Justice and Equality the way in which he plans to respond to the report by the Oireachtas Committee on Justice and Equality calling for reform of the family law system; and if he will make a statement on the matter. [47616/19]

Deputy Jim O'Callaghan: Earlier this year, the Joint Committee on Justice and Equality had extensive hearings about the family law system in this country. It published a report in October that contained a number of recommendations on how the family law system could be transformed and improved. The recommendations had wide positive reception from a variety of different groups. What is the Minister's proposal in respect of that report? Will he be prepared to implement any of the recommendations?

Acting Chairman (Deputy Frank O'Rourke): I ask the Minister to be mindful of the time. We are trying to get five more questions in.

Deputy Charles Flanagan: I will do it within the time provided. I welcome the recent publication of this very comprehensive report of the Joint Committee on Justice and Equality, of which the Deputy is a member and which is chaired by Deputy Ó Caoláin. I acknowledge

the importance of the committee's work and congratulate the committee on the important level of public engagement that has taken place in the context of the report. My Department is particularly focused on the reform of the family law system in Ireland. Collaborative work at a cross-functional level is taking place in my Department, examining the policy, legislation and governance aspects of the modernisation of the family law system in Ireland. That modernisation includes the introduction of a new family court Bill and the development of a dedicated family court system. In addition, a task force comprising senior officials from my Department, the Department of Children and Youth Affairs, the Legal Aid Board and the Courts Service has been formed to seek agreement on core questions of policy and cost.

The proposals being developed are very much in line with the recommendations made by the committee in its report. For example, work is at an advanced stage on the general scheme of the proposed family court Bill to enable the creation of a new dedicated family court within the existing court structures. Central to the proposed legislation is the idea that family courts will have new procedures aimed at less adversarial resolution of disputes and will have appropriate facilities and case management arrangements. I believe that this approach is very much in line with some of the key recommendations of the committee in its report. The report's recommendations are timely with regard to initiatives that I have at an advanced stage.

Deputy Jim O'Callaghan: Everyone in this House will probably recognise, although they may not appreciate it as much as the Minister or I, the stress associated with family law cases. People go to court and it is a stressful event. When people go to court in family law cases, it is enormously stressful, and it has long-term impacts. The decisions of the court stay with people until the end of their lives, especially when children are involved. It is imperative to have a system in place that ensures that there is respect for and recognition of the fact that these are extremely stressful and traumatic experiences for people who are before the courts. I welcome that the Minister says that a family court Bill will be produced. We need to look on a more basic level at the services available to people who are before the courts. It is completely inappropriate that people who are involved in stressful litigation in the courts have to talk to their lawyers in a corridor because they do not have appropriate consultation rooms. We would not allow that for any other service in the State. We need to invest more in the family law courts and those processes. What proposals does the Minister have for Hammond Lane, where we are supposed to have a family law court?

Deputy Charles Flanagan: The development of sensible, comprehensive and sensitive family law procedures, particularly for vulnerable families, will be central to the new system. I will be proposing to Government within coming weeks that these procedures should encompass access to appropriate information and advice regarding the law and the important matter of alternative dispute resolution services such as mediation. This reflects the thinking underlying the committee's recommendations. The report also references the need for improved court structures and facilities. In this regard the Government is already committed to building a new family law centre and children's court complex in Dublin 7. The Government's infrastructure and capital investment plan provides for the development of these at the Hammond Lane site in a central Dublin location. Deputy O'Callaghan will be aware that under the provisions of the Courts Service Act 1998, management of the courts, including the provision of accommodation, is a matter for the Courts Service. However, I am very keen that progress be reported on this new centre. Some €80 million in capital funding has been made available for this important priority project.

Deputy Jim O'Callaghan: I welcome what the Minister says but I think that we need to do

something with Hammond Lane. Ms Angela Denning, who is the Accounting Officer for the Courts Service, was before the Committee of Public Accounts last week. From what she said, we understand that Hammond Lane is being used as a site depot for other builders who are doing work in the vicinity of Smithfield. We need Government commitment to develop this site so that we can have full, proper family law courts there. We need to look at judges. We need greater training for judges who are dealing with family law cases. More importantly, we need more judges to deal with these issues. Most of these cases are before the District Court and Circuit Court. When one sees citizens in Phoenix House, one can see that the facilities there at present are completely unacceptable. We need to modernise our family law courts. As we mentioned in our report, ultimately, a court-imposed solution on a family is no substitute for an agreed, mediated settlement between the family. We should be trying to ensure that they stay away from adversarial processes and that we can have a mediated settlement to resolve disputes.

Deputy Charles Flanagan: I want to see the Hammond Lane project started and completed at the earliest opportunity. I met people from the Courts Service about this last week. Deputy O’Callaghan will understand that there are a number of interested parties, including the Office of Public Works, the National Development Finance Agency, the Courts Service and my own Department. I am keen to ensure that we see progress here.

By way of general reply to the question, I acknowledge that I have only touched on some of recommendations contained in the committee’s report, given the limited time available to me. I confirm that I am committed to the principle that families need to be at the centre of the redesigned family law system. I am keen to ensure that, over coming weeks, we will see progress on the general scheme of a new Bill in that area. Once again, I thank the committee for its report, which comes at a very timely moment in my consideration of these urgent and important matters.

Wards of Court

9. **Deputy Catherine Connolly** asked the Minister for Justice and Equality the number of persons who have been made wards of court since the passing of the Assisted Decision-Making (Capacity) Act 2015; and if he will make a statement on the matter. [47764/19]

Deputy Catherine Connolly: Is ceist dhíreach agus shimplí í seo i ndáiríre. How many persons have been made a ward of court since the passing of the Assisted Decision-Making (Capacity) Act 2015?

Deputy Charles Flanagan: The Assisted Decision-Making (Capacity) Act 2015 was signed into law on 30 December 2015 but has not yet been fully commenced. As Deputy Connolly will be aware, the High Court has jurisdiction in wards of court matters. Management of the courts is the responsibility of the Courts Service, which is independent in exercising its functions under the Courts Service Act 1998. To be of assistance, I have had enquiries made and can inform the Deputy that the number of wards of court declared during the period 2016 to 2019 is as follows. In 2016, there were 290. In 2017, there were 325. In 2018, there were 327. In 2019, to date, there have been 316.

The Assisted Decision-Making (Capacity) Act 2015 provides a modern statutory framework to support decision-making by adults with capacity difficulties. It provides for the establishment of new administrative processes and support measures, including the setting up of the

decision support service, DSS, within the Mental Health Commission, a body under the Department of Health.

Some provisions of the Act were commenced in October 2016 and progress has been made on preparing for the establishment of the DSS and commencement of the remainder of the Act. A high-level steering group comprising senior officials from the Department of Justice and Equality, the Department of Health, the Mental Health Commission and the Courts Service, together with the Director of the DSS, is overseeing the establishment and commissioning of the DSS and this work is ongoing. The Director of the DSS is working towards being operational and ready for the commencement of the main provisions of the Act. This lead-in timeframe ensures that the necessary staff resources, processes, IT system, expert panels, codes of practice and regulations will be in place so that the service will have the capacity to be up and running effectively. There are many complex strands to this work, including involvement of multiple organisations, and the situation is being kept under ongoing review as the preparatory work on implementation moves forward.

Deputy Catherine Connolly: I am aware of that and many other Deputies have asked questions and got those replies. The Minister has given me the numbers and I thank him for that. He might just clarify them. In that period of time over 1,000 people were made wards of court. Is that right? I did not quite get the figures.

Deputy Charles Flanagan: Yes.

Deputy Catherine Connolly: Over 1,000 people have been made wards of court since the Oireachtas decided that this was not the right way to proceed. That legislation followed a long campaign. We have had numerous reports from the Committee on Public Accounts and from the Oireachtas Joint Committee on Justice and Equality prior to my time and a review from the National Safeguarding Committee amongst many other reports putting us on notice that the system is not fit for purpose, it is outdated and that it is not in keeping with our obligations. Last night we talked about the UN Convention on the Rights of People with Disabilities and the empowerment and enabling model. The Minister is very familiar with that. Any further delay is detrimental to this.

Deputy Charles Flanagan: I am very conscious of the point raised by the Deputy and I am also very conscious of her interest and that of others in this House in this area of law over several years. I am very keen to see progress on the implementation of the legislation as enacted. The commencement of Part 8 of the Act, which provides for a legislative framework for advanced healthcare directives, is a matter for the Minister for Health. My Department will continue to work closely with the Mental Health Commission and the director of the DSS to deliver the full implementation of the Act. When the Act is fully commenced, the law will be changed from the current all or nothing status approach to a flexible functional definition, whereby capacity is assessed only in relation to the matter in question and only at the time in question. I would be happy to provide the table provided to me to Deputy Connolly now but she is right the figures do amount to in excess of 1,000 wards of court during the period 2016-19. I would be very keen to facilitate the continued ongoing working of all the parties to ensure the implementation happens as quickly as possible.

Deputy Catherine Connolly: I appreciate the goodwill and welcome the setting up of a high level steering group. The Minister however would have to say that it is unacceptable if we have decided that this is not the way to go and we have passed the legislation that over 1,000

people have been made wards of court in that time. He might clarify when it is expected the Act will be in full operation. There will be a further transition period when all the existing wards of court transfer out of that system. It is unacceptable that there will be a further delay. Will it be a few years before the Act is fully operational? Will we have 2,000 or 3,000 further applications and decisions made to make people wards of court when it is entirely unnecessary and more importantly totally out of keeping with the Act in its spirit and in the letter of the law?

Deputy Charles Flanagan: I am sure the Deputy will agree that it is necessary that all the appropriate administrative processes and support measures including the setting up of the DSS within the Mental Health Commission are put in place before the substantive provisions of the 2015 Act can be brought into operation. Indeed the substantive provisions will be commenced when the director of the DSS is ready to roll out the new decision-making support options. The commencement of Part 8 of the 2015 Act which provides for a legislative framework for advanced healthcare directives is a matter for the Minister for Health. The commencement provisions provide for the establishment by the Minister for Health of a multidisciplinary group to make recommendations to the director of the DSS on codes of practice on advanced health care directives. In anticipation of the completion of that process the Minister for Health commenced the remainder of section 91 in December of last year. The key preparations are being put in place under the oversight of the steering group to allow for further commencement orders for the provisions of the 2015 Act to be made when the director of the DSS is in a position to roll out the new decision-making support options.

Drugs Dealing

10. **Deputy John Curran** asked the Minister for Justice and Equality the operations in place by An Garda Síochána to deal with the issue of public and on-street drug dealing; and if he will make a statement on the matter. [47675/19]

Deputy John Curran: The Minister is aware that on-street drug dealing and drug dealing in public places has increased in recent years. That is evidenced by the increased prosecutions and seizures by the gardaí. Those who are members of joint policing committees are well aware that this issue is constantly debated. In light of this increasing problem can the Minister inform the House what particular operations have been undertaken to address this issue?

(Deputy Charles Flanagan): I share the Deputy's concern about the destructive impact which anti-social behaviour and drug-dealing can have on communities and the importance of tackling such behaviour effectively, both for the communities and for those involved in drug taking which leads to so many drug-related deaths in our communities.

Government policy is guided by the national drugs strategy "Reducing Harm, Supporting Recovery - a health led response to drug and alcohol use in Ireland 2017-2025". This represents a whole-of-government evidence-informed response to the scourge of drug and alcohol use in Ireland. Implementation of the strategy is led by my colleague, the Minister for Health, although obviously it includes a wide range of actions for all stakeholders, including my Department and An Garda Síochána. The strategy recognises the need for a balanced health-led approach, reducing demand, while also reducing access to illegal drugs and the Deputy will be aware of the Government's initiative aimed at reducing the number of people criminalised for the possession of drugs for personal use. While this move will support the vulnerable people who use drugs, it is essential to continue the relentless pursuit of drug dealers and I intend to develop an

increasingly punitive approach to those who seek to involve children in drug related crime. My officials are currently examining policy approaches to tackle this issue, including the potential to develop legislative proposals in this area, taking account of international best practice.

Deputy John Curran: I thank the Minister for his response and I do acknowledge that drug addiction is being appropriately dealt with through a health-led response. My particular question, however, is about the scourge of on-street and public drug dealing. It is not just a Dublin issue. My colleagues inform me it is happening around the country. It is undermining communities and businesses. We have heard examples of businesses which have felt threatened and intimidated because there is drug-dealing going on in front of their premises and they have relocated. In light of the issues around public and on-street drug dealing we cannot allow that become the norm and the public face of our towns and cities. I acknowledge that the operations of An Garda Síochána is a matter for the Garda Commissioner but the Commissioner also has to be mindful of Government policy and in that regard deal specifically with public and on-street drug dealing. Can the Minister advise what particular operations will be in place?

Deputy Charles Flanagan: The House will appreciate that my responsibility is within the criminal justice area. I remind the House of the work of the Garda National Drugs and Organised Crime Bureau, a body that is having significant success in disrupting drug trafficking and the supply of illicit drugs in Ireland as well as organised crime groups. Since its establishment in March 2015, the bureau, which now has 105 gardaí attached to it, has been responsible for the seizure of controlled substances with an estimated street value of approximately €167 million, with substances to a value of €20 million seized this year alone. Deputy Curran is correct that cutting off the supply of drugs to dealers in this way results in a reduction of instances of public and on-street drug dealing. I share the Deputy's concern in this regard. In the same period, the bureau has been responsible for the seizure of cash, believed to be the proceeds of crime, to a value of €10 million, as well as 108 firearms and over 3,000 rounds of ammunition. I am informed that there are several policing operations in place nationwide which aim to tackle the sale of drugs and organised crime in appropriate areas, including the areas referred to by Deputy Curran.

Deputy John Curran: I thank the Minister. I did not refer directly to any specific areas because I do not wish to attach stigma to particular areas. Many of the areas in question would be known generally.

I acknowledge that the intelligence-led operations by An Garda Síochána and the National Drugs and Organised Crime Bureau have achieved significant successes against gangland crime and in seizing guns and drugs. I am specifically raising operations to thwart and put an end to the very public face of on-street drug dealing. This problem has grown and become the norm in certain areas. People are fearful, feel intimidated and are avoiding parts of our cities and towns. The problem has disrupted businesses, a number of which have relocated as a result of it. The Minister will remember Operation Pier, which operated out of Pearse Street, and dealt in particular with street dealing in the Aston Quay area. An Garda Síochána, through the Garda Commissioner, needs to mount a number of targeted operations to thwart that type of on-street drug dealing.

Deputy Charles Flanagan: I mentioned the Garda National Drugs and Organised Crime Bureau and its importance. I will not repeat my comments in that regard but I will add that the divisional drugs units, to which more than 220 Garda personnel are currently assigned, are also tackling drug-related crime on a local basis throughout the country, supported, as needed, by

the national bureau. Targeted intelligence-led operations addressing on-street drug dealing are planned in particular areas, cities and towns. I acknowledge what Deputy Curran said about naming specific areas.

The House will appreciate that the Garda continue to make significant efforts to deal with this issue. In doing so, it has the support of the Government in the form of record levels of investment, including a budget this year of €1.76 billion, which will increase further to €1.882 billion next year. This will support sustained recruitment of Garda members, which I expect will translate to further successes by the Garda organisation in dealing with the problem of drugs and organised crime.

I thank Deputy Curran for raising this issue. He is one of the Deputies who consistently do so and I will be happy to continue to engage with him, agreeing, as I do, that this is an area of the criminal law that needs a sustained and relentless focus on the part of An Garda Síochána and criminal justice agencies.

Asylum Seeker Employment

11. **Deputy Richard Boyd Barrett** asked the Minister for Justice and Equality if he will extend the right to work to all asylum seekers; and if he will make a statement on the matter. [47834/19]

18. **Deputy Richard Boyd Barrett** asked the Minister for Justice and Equality the number of asylum seekers who would be eligible to work under the programme available to them; and if he will make a statement on the matter. [47833/19]

Deputy Richard Boyd Barrett: Until May 2017, the Government operated a complete ban on the right of asylum seekers to look for employment and contribute to our society. That ban was found to be unconstitutional by the Supreme Court in 2017. The limited right to work the Government introduced as a result of the Supreme Court case has left the vast majority of asylum seekers either without the right to employment or facing so many obstacles to securing employment that it is effectively of no use to them. Does the Minister recognise that fact? Does he agree that we would solve many problems and much hardship if he gave a right to work to all asylum seekers?

Deputy David Stanton: I propose to take Questions Nos. 11 and 18 together.

I thank the Deputy for his questions. Article 15(2) of the EU recast reception conditions directive allows member states to decide the conditions for granting access to the labour market for applicants for international protection, in accordance with national law. The European Communities (Reception Conditions) Regulations 2018, which were signed into effect on 30 June 2018, include access to the labour market for qualified international protection applicants. The regulations provide access to both employment and self-employment in all sectors and categories of employment with the exception of the Civil Service and public service, An Garda Síochána and the Defence Forces. There are no restrictions on the type of work or the level of income possible. Under the regulations, international protection applicants will have access to the labour market nine months from the date on which their protection application was lodged, if they have not yet received a first instance recommendation from the International Protection Office and if they have co-operated with the process. Applicants must have made reasonable

efforts to establish their identity and, on commencement of employment, they must register with the Revenue Commissioners and be tax compliant. Providing access to the labour market where a person is waiting more than nine months without a first instance recommendation is in full compliance with the provisions of the directive. It recognises that, where a person does not have clarity on his or her status in the State within this period, it is reasonable to allow that person to access the labour market.

The access provided for in Ireland is broad and generous with almost no restrictions. The system as it prevails is a fair one and allows protection applicants to seek employment after a reasonable period from the time they apply for protection in the State. A balance must be struck because the intention is not to turn the asylum system into a pathway for economic migration as this would not be fair to those fleeing persecution or to those who migrate to Ireland to work using the appropriate immigration channels. However, it has always been intended to review the system to determine if it is meeting the needs of applicants for protection and their potential employers. This is an appropriate time to do so as the system has been in operation for more than a year. In that regard, a high level interdepartmental group is reviewing the implementation of the State's obligations under the EU reception conditions directive, including access to work and the direct provision of services offered to applicants while their applications are being made. I expect to receive a report within days from the interdepartmental group.

With regard to eligibility, as of 31 October 2019, there were 2,429 international protection applicants aged 16 years or over who were waiting nine months or more for a first instance recommendation on their international protection claim. All may apply for a labour market access permission, subject to meeting the eligibility criteria.

Deputy Richard Boyd Barrett: This does not make sense. We have labour shortages in a large number of areas, from the health service to special needs education, childcare and construction. I could go through a list. Despite this, thousands of people who are forced to live in fairly inhumane conditions in direct provision centres, many of them in isolated areas, want to work but cannot do so. This does not make sense for them or for society. Why should applicants be forced to wait nine months and why does this apply only in the case of a first application? It should be remembered that many of the people who get the right to asylum in this country have previously been refused in the first application. The particular case which led the Supreme Court to strike down the Department's ban on employment for asylum seekers involved a man who had been in direct provision for eight years. He was a member of what we know to be a persecuted group, the Rohingya, who subsequently got the right to stay but was forced to exist in direct provision for eight years. Rather than forcing people into the isolation, stigma and hardship of direct provision centres, why does the Department not give them the right to work and make it easy for them to contribute to and benefit society? I am glad that a review is upcoming. I hope the Minister of State will take serious steps to address the many obstacles asylum seekers face, including their inability to get driving licences and their isolation from transport services caused by the location of the direct provision centres. He should examine these issues and recognise that these are people who could and want to make a contribution to our society.

Deputy David Stanton: The Deputy thrives on misery. Some 3,438 labour market permissions have been granted to date. That is a huge number. I reject totally out of hand the Deputy's assertions that people are forced to live anywhere or that conditions are inhumane. That is terrible language to use for people who are coming here looking for international protection. That is not true and the Deputy should reconsider his use of that kind of language.

There are people who are working and we are on the brink of making changes to the system. We are taking this matter very seriously. It is very important for people to be able to work because if they get permission to remain here, they will be able to work here and will have built up skills. If they do not get permission to remain and have to leave the country, they will be able to bring those skills back to where they came from. Everybody wins in that regard. This is a successful scheme. We are working to improve it and we will do so.

12 o'clock

Deputy Richard Boyd Barrett: It is inhumane to have children living in hostels or hotels, where their mothers or fathers cannot cook dinner for them, for years on end. It is inhumane for asylum seekers and people in family emergency homeless hubs. “Inhumane” is not an unreasonable word to use in this regard. A more important term again is “totally unnecessary”. I hope the Minister of State will recognise, as he has failed to do so far, that those who have been given the right to work face many obstacles, including public transport difficulties and problems getting driving licences. All of these barriers mean that even those who want to get to work, and who have the right to do so, find it difficult. Many people who have been in the system for longer and whose cases are under appeal are completely denied the right to work. Why would the Government deny them the right to work rather than allowing them to make a dignified contribution to society?

Deputy David Stanton: We have made huge improvements to the system. I invite the Deputy to look at those improvements. More than half of the people in centres can now cook for their families and are doing so. They are living in much-improved conditions as a result of the findings in the McMahon report. I invite the Deputy to look at what has been done and to start using positive language in respect of asylum seekers and those seeking international protection rather than the negative verbiage that is coming out all of the time.

Written Answers are published on the Oireachtas website.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Micheál Martin: There is a growing sense that the Government is losing the battle against crime. People now regularly complain of the lack of gardaí on our streets, the easy tolerance of drug abuse, the open selling of drugs - including transactions on our streets and on public transport - and people injecting drugs in plain sight. People also complain about the growth in antisocial behaviour on streets and in parks. The Garda lacks basic resources such as technology, equipment and cars to deal with all of this. The barbaric attack on Kevin Lunney and the years of unchecked intimidation against his fellow directors is, perhaps, the worst manifestation of this issue. We discussed that matter on Leaders' Questions previously. In Lucan, a man was brutally murdered in a housing estate on the night before last. I have been out with Councillor Shane Moynihan across Dublin Mid-West in recent weeks and people on the doorsteps are articulating their concerns and anxiety about crime and antisocial behaviour. They make this point to us regularly and the sense a growing tolerance for antisocial behaviour and the developing drugs culture.

There was an incredible and unsavoury event in Cork recently. Up to 100 masked young people gathered in the city centre. This was incited through a social media message entitled “JD Cork City Robbery”. The message gave the location and the attire required. The message

read:

You must wear all black with bally and gloves. You only have 1 minute to yam that shop. This is at your own risk. Don't come if you can't run.

This planned raid was similar to events held in Belgium, London and Holland. We should be thankful that An Garda Síochána intercepted these messages through its monitoring of social media but it necessitated the presence of members of the public order unit and many other gardaí to stop the raid happening. The fact is that 100 youths actually responded to this call on social media. What does that reflect? I am of the view that it reflects a lack of fear of or concern with regard to our authorities and the consequences of such behaviour.

People everywhere tell us that drug transactions are commonplace on the Luas, on other public transport and on the streets. Those involved seem to have no fear of the consequences. Individuals are injecting openly on our streets. Cocaine use is up 30%. Over the past year, there have been far too many killings and brutal attacks on innocent people, including young people coming home from a night out and the homeless, who are the most vulnerable of all.

Does the Government acknowledge this growing sense of anxiety among the public regarding crime, antisocial behaviour and the increasing tolerance for an open trade in illicit drugs? Is our legislation robust enough to deal with incitement to rioting and looting via social media? Will the Minister commit the Government to strengthening our laws in that respect, particularly the Criminal Justice (Public Order) Act 1994, as the United Kingdom has done?

Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys): I thank the Deputy for raising this issue. We are all concerned about criminals being brought to justice. I am glad that good progress has been made on the Kevin Lunney case through a joint operation involving the PSNI and An Garda Síochána.

The Government is absolutely committed to combating crime. In that regard, we have increased resources to An Garda Síochána. Some €1.76 billion has been allocated to the Garda Vote for 2019. This will increase to an unprecedented €1.882 billion for 2020. Significant capital investment is also being made. The capital investment of €92 million in An Garda Síochána this year represented a 50% increase on 2018. Capital investment will increase further, to €116.5 million, in 2020. Garda numbers are increasing. We are on track for the Government's target of an overall Garda workforce of 21,000 by 2021.

The Government is also supporting the ongoing process of Garda reform through A Policing Service for the Future, the implementation plan for the report of the Commission on the Future of Policing in Ireland. The purpose of this plan is to ensure the best possible policing services for communities now and in the future. Decisions on the best use of these resources are operational matters for the Garda Commissioner. Policing decisions are for policing experts. The Commissioner has stated that organised crime groups continue to operate and remain a significant threat and that Garda success in this area was, in no small measure, due to available law. The purpose of this unprecedented funding and support for reform is to ensure the possible policing services are provided to communities on the ground, in rural and urban areas, now and in the future. Decisions on the best use of these resources are, as I have said, an operational matter for the Commissioner. Policing decisions are for police experts.

With regard to the new legislation in respect of the Criminal Assets Bureau, the Proceeds of Crime (Amendment) Act 2016 gives additional powers to An Garda Síochána. These include

the power to immediately seize assets suspected of being the proceeds of crime to prevent them being disposed of. The system established under the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 provides An Garda Síochána with links between people and unsolved crimes. The Criminal Justice (Amendment) Act 2009 was introduced to protect the justice system from subversion by criminal groups, including through the intimidation of juries. The Commissioner has said that, as of July 2019, there have been 354 arrests since the 2009 Act came into force.

Deputy Micheál Martin: The question I asked was whether the Government acknowledges the growing sense of anxiety and concern among people with regard to increasing levels of crime and antisocial behaviour, and the growing and open illicit drug culture on our streets. That is the key point. The Minister has not answered that basic question. I have knocked on many doors, including with Councillor Shane Moynihan last night. Everywhere we go people say this. They do not see a visible Garda presence on the streets. We know An Garda Síochána is stretched. Gardaí have said that they have not had the necessary resources in the Border area.

A teenager died in May after being stabbed in Finsbury Park in Dundrum. In June, a 34 year old Latvian mother of three was stabbed to death in her apartment and a homeless man was killed close to the GPO. Another homeless man was killed in Cork in September. In July, a 45 year old man was killed in the North Strand area after a row and a 19 year old man was hospitalised after being stabbed in Crumlin. I could go on. Irish Rail says that there have been 789 reports of antisocial behaviour on its services.

When talking to people, statistics such as those the Minister articulated do not really reflect the public's sense of the situation. People believe there is a growing lawlessness about the place, that this is openly tolerated and that there is a lack of enforcement and cut-through to stop this kind of behaviour from increasing. I asked the Minister a specific question about updating the Criminal Justice (Public Order) Act 1994 to deal with people being incited to riot and loot via social media. It is needed to counteract the type of thing that happened in Cork some weeks ago.

Deputy Heather Humphreys: There is always a sense of anxiety and concern in any community regarding crime. As a result, we have provided more front-line gardaí. Deputy Micheál Martin will know that there are more gardaí on our streets than ever before. There are 1,500 more Garda members, which is 1,000 more officers assigned to front-line duties and there are 1,265 extra civilian staff. We increased the civilian staff numbers in the Garda so there are more officers out on the beat talking to people in communities and listening to the issues they raise. We have delivered a wider range of services locally with An Garda Síochána with enhanced national and regional support. The Deputy is aware that the Garda College in Templemore was closed and no gardaí were recruited for a number of years, but that has all changed. The college is open and we are recruiting. There are more gardaí on the street than ever before to tackle crime.

Deputy Mary Lou McDonald: Housing and securing a roof over one's head is, without question, the biggest dilemma facing many ordinary people. It is the biggest challenge facing workers and families in their daily lives. I was in Cork yesterday and I was greeted by the results of the Government's disastrous housing policies. In Fairhill, I met a young woman who is at her wits' end. She earns too much to be eligible for social housing but she cannot afford a mortgage. At Blackpool shopping centre, I spoke with one mother whose son faces daily stress because of the amount of rent he is paying. This young man lives in daily fear of eviction. I

also visited Cork Penny Dinners, an outstanding organisation run by volunteers. It was once a soup kitchen but it now provides accommodation services. This charity has stepped up because of the mess Fine Gael and Fianna Fáil have created.

Across the State, people are rightfully angry at the sight of boarded-up council houses. They are frustrated with each news report about rents reaching new record highs. They are baffled by the complete lack of delivery in respect of affordable housing. They are also angry at reports such as the one we heard earlier regarding the huge impact of homelessness on the physical and psychological health of children and babies. People are sick of this housing crisis and yet it seems to still just go on and on.

There is a site in my constituency, O'Devaney Gardens, in respect of which the wrong decisions are being made again. We need homes in O'Devaney Gardens. We need affordable homes that will take families off housing lists and we need affordable rental homes. That is not what we are getting. The plan for the site, as concocted by the parties involved in Dublin Agreement 2019 to 2024, is a dog's dinner. It is a stark example of everything that is wrong with housing policy in the State and it simply will not deliver in the context of meeting people's needs. These proposed homes will not be affordable for ordinary workers and families and there are no affordable rental homes. As it stands, the plan is a bonanza for the developer at the expense of the local community. Alarming, the team of Fianna Fáil, the Green Party, the Social Democrats and the Labour Party knew that their plan was a dog's dinner when they forced it through at Dublin City Council. We need to call a halt to the type of chance-your-arm politics that led to all of this mess in the first place. We need a change of direction and a change of plan. Sinn Féin has proposed the right scheme for the site with 33% social or council housing, 33% cost rental housing and 33% affordable housing for sale. There is a special meeting of Dublin City Council on Monday night to decide this matter. I call on Dublin City Council councillors to do the right thing and scrap this dog's dinner of a deal. I want them to support a new deal. I put it to the Minister that the Government should support a new scheme for O'Devaney Gardens and commit to resourcing that new plan.

Deputy Heather Humphreys: I thank the Deputy for raising this issue. The Taoiseach was in Cork last Saturday. There is a new affordable housing investment there of €310 million for a new affordable, shared housing scheme in Cork. I have no doubt that this is welcome. Affordable homes will be included in that investment.

The supply of new homes is increasing. There were 4,920 new homes completed in quarter 2 of 2019. This is an 11% increase on quarter 2 in 2018. More than 18,000 new homes were built in 2018, which is a 25% increase on 2017 and the highest number of newly built homes in any year this decade. Some 42,300 new homes have been built since the launch of Rebuilding Ireland in 2016. This supply of new homes will continue to increase. A total of 28,970 planning permissions were granted in quarter 1, which is up 21%. Total commencement notices as of June 2019 were 24,226, which is an increase of 29% on last year. The supply of homes is increasing.

The O'Devaney Gardens development involves a €100 million investment. On Monday 4 November Dublin City Council, by 38 votes to 19 agreed to proceed with a proposal by the city council executive to develop lands in O'Devaney Gardens. Bartra Capital will now build 768 houses and apartments on the site. Currently, 50% of the scheme, which is 411 units, has been earmarked for private housing, 30% has been ring-fenced for social housing and the other 20% is set to become affordable housing. In advance of the vote, councillors representing Fianna

Fáil, the Labour Party, the Social Democrats and the Green Party indicated that an agreement had been secured to purchase 30% of the total units available at O'Devaney Gardens from Bartra. The council, however, voted on 4 November to proceed on the basis of the original plan and the agreement referred to by councillors appears to have no legal standing. Bartra has simply indicated a willingness to sell private units to the council at prices it will itself determine. Acquiring homes at the full, open-market price cannot be the basis for affordable, cost rental because the rents that result - which would be required to finance the loans and other costs - would be close to market rents.

Deputy Mary Lou McDonald: I might suggest that the Taoiseach go back to Cork, not for the purpose of a photo opportunity with a hard hat on, but to actually talk with the people who have told me, and who I am sure would tell him, of their huge anger and frustration. The houses are not available and there is no point in the Minister trying to bamboozle people with statistics. The lived reality is that people cannot get houses. They pass by boarded-up homes, which adds insult to injury.

In the context of O'Devaney Gardens, we are left in a situation where the use of public land will give rise to a bid windfall for the developer and the community will be left in the lurch. On the one hand, we are caught between Fine Gael, which does not know what affordability means and whose plan brought forward no affordable purchase homes, and Fianna Fáil, the Labour Party, the Green Party and the Social Democrats, who cobbled together, *mar dheá*, a dog's dinner of a so-called deal just to get the proposal through the council. They misled Dublin City Council, they misled the general public and, most damningly, they misled the community living in that part of the inner city.

I again put it to the Minister that these plans with Bartra be put aside and that we collectively do the right thing, which is absolutely doable and achievable, and deliver real, affordable homes, affordable rental homes and the much-needed council housing. This can still be done but we need people to step up and move away from the Fianna Fáil brand of chancing the arm, winging it and hoping to get away with it. This is a disgrace. What is happening on the site is an absolute disgrace-----

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

Deputy Mary Lou McDonald: -----and the Government is duty bound to intervene.

Deputy Heather Humphreys: We certainly know about affordable. The houses in Cork I mentioned earlier with regard to the €310 million investment are certainly affordable at €200,000. I may give statistics but the statistics are new homes. Better figures mean more homes for more people.

To go back to the O'Devaney Gardens issue, the Deputy is right that we have to be honest with people. We should not be giving people misinformation. To be clear on the O'Devaney Gardens issue, there is no new agreement. We have the original deal. It is agreed. Just to be clear, any change to the O'Devaney Gardens proposal as it stands at present will set it back another five years and I do not think people want to wait another five years.

Deputy Thomas Byrne: Are you threatening?

Deputy Micheál Martin: That is outrageous.

Deputy Thomas Byrne: Is that a threat to the homeless?

Deputy Heather Humphreys: This needs to go ahead.

An Ceann Comhairle: Thank you, Minister.

Deputy Micheál Martin: Go away and build the houses. Get them built.

Deputy Thomas Byrne: Build the houses.

An Ceann Comhairle: Please.

Deputy Micheál Martin: Go away and get the houses built there and stop blackguarding people.

An Ceann Comhairle: Deputies, please.

Deputy Thomas Byrne: Lining up with the Shinnars.

Deputy Micheál Martin: There are too many people homeless and too many people without housing for that kind of blackguarding.

An Ceann Comhairle: Deputy Michael Healy-Rae, please.

Deputy Thomas Byrne: It was a nice double act on that freedom of information request. They knew where to get the document.

Deputy Micheál Martin: You are a disgrace.

An Ceann Comhairle: Can you all just calm down a little bit, please?

Deputy Thomas Byrne: You worked nicely with Deputy Eoin Ó Broin on that one.

An Ceann Comhairle: Deputy Michael Healy-Rae without interruption.

Deputy Michael Healy-Rae: I want to raise the very important issue of social farming. As the Minister knows, social farming gives an opportunity to people with disabilities to work alongside farmers on family farms one day per week. For instance, in County Kerry we have an excellent social farming model. It is a voluntary project, which makes it sustainable and long-term. I want to take this opportunity to thank the Minister, Deputy Michael Creed, who has always been positive and workmanlike in ensuring we have received funding from the Department for this worthwhile project. People such as Eamon Horgan from Kilgarvan, who is a farmer participating in the scheme, have complimented the Minister at every opportunity for being proactive in ensuring we have had the necessary funding. It works in County Kerry on 19 farms and there are 36 participants. We need further funding to be made available to ensure we will have the money to employ the facilitators to engage in the project and organise it properly.

People who started in the early stages of the project have been going to the same farms for five years and have built up great relationships. They have various types of disabilities but they have built up great relationships with the farmers and their families and neighbours and with the communities to which they go. It is a really worthwhile scheme. The majority of these people are in receipt of a social welfare payment. It is good for the participants in that it improves their self-esteem, builds up their confidence and gives them the life experience of working on a farm, which they might not have an opportunity to do where they are from. To be honest, if we were

here for the rest of the day I could not praise the scheme enough. It breaks up isolation for the farmer. There is a win-win for everybody in this. It breaks up a lonely day for the farmers who welcome the young or middle-aged person onto the farms. They can tell stories about what is going on. It is good for the young person who is being educated on the ways of farming.

We want to make sure that the project will be given the finance it needs. The Taoiseach saw it first hand at Project Ireland 2040 in Westport and I know he is aware of the scheme and its benefits. Something I will look to get from the Government is to see where we want to go with the project. In Kerry we want to move from having 19 farms involved to 50 farms. We want to go from having 36 participants to 100 participants. We have people in the county who will be most welcome and would be grateful to be allowed this opportunity to go onto farms in the community and gain experience on them.

Deputy Heather Humphreys: I thank the Deputy for raising the matter. It is important that by doing so he is increasing awareness of the scheme, which really does benefit the farmer and the participant. At the Deputy said, it is a win-win for everybody. Like myself, the Deputy is from a rural background and he is a strong advocate for our farmers and all things rural. The social farming model is a very important Government initiative that provides a service through communities for people availing of a range of health service supports. It offers on a voluntary basis participation in a farming environment as a choice to people who avail of a range of therapeutic day support services. Often these people have physical and intellectual disabilities. Not only does it assist in the promotion and development of the practice of social farming, it also connects social farmers, organisations and the service providers giving support to the many participants taking part to improve their well-being and grow their confidence.

In October, the Minister, Deputy Creed, announced that his Department will allocate €713,504 under the 2019 rural innovation and development fund. Participation in social farming has been shown to provide benefits such as improved community connections and relationships, increased self-esteem and capacity, improved health and well-being and the opportunity to learn new skills. It provides participants with the opportunity to do ordinary things in ordinary places and is wholly in line with shifts in Government policy in health, social care and labour activation towards a social model of disability with person-centred planning and community inclusion. It is a model that works and the Deputy is absolutely right that we should support it.

The 2020 allocation under the fund has not been announced but the Minister, Deputy Creed, has informed me the scheme will continue to be funded at the same level in 2020. As the Deputy said, we need to build on it because it is a very good scheme. I have had the pleasure of meeting the Leitrim providers at Bloom two years in a row as they qualified to get there. What they are doing for people with disabilities is fantastic. They bring them out and give them an experience on the land working with farmers. It is very rewarding for everybody. I thank the Deputy for raising the matter.

Deputy Michael Healy-Rae: I am very happy with the level of funding until 2020. My concern is about the fact the Department of Agriculture, Food and the Marine has indicated it will not be able to fund it after this. Will it be funded by the Department of Employment Affairs and Social Protection? To this end, considering the participants are people who receive payments from that Department, I ask the Minister whether the Minister for Employment Affairs and Social Protection will meet the organisers in County Kerry to discuss the future of the project. I thank the Kerry Parents and Friends Association, St. John of God Kerry Services, Lo-

cal Link Kerry, which provides transport supports through the social car initiative, and people such as Joe McCrohan, Eamon Horgan and all of the farmers who allow the scheme to exist and to grow. This and future Governments, whoever they may be, should make sure to safeguard this most important scheme. It has nothing but benefits for everybody and it is very important that every one of us in the Chamber supports it and ensures its budget is rubberstamped and protected for future so there will never be a doubt about it and that it can grow. Please allow it to grow in Kerry. We need the money. We have proved in the past we have an excellent model but, then again, the people in Kerry do things better than everybody else all of the time anyway. This scheme is definitely run through an excellent model in County Kerry. Please support it.

Deputy Heather Humphreys: I agree that it is a good scheme. In my experience, I have never seen good schemes or projects that did not get funding. This one deserves to get funding. The roll-out of this initiative has involved a significant commitment from farmers and service providers. The Minister announced the extension of the social farming model contracts to the Leitrim Integrated Development Company, the South Kerry Development Partnership and Down's Syndrome Ireland's Cork branch, which will enable those organisations to expand the work they have already started in their areas. Funding of €123,000 has been provided to the South Kerry Development Partnership, which does good work, and funding of €121,000 has been provided to the Leitrim Integrated Development Company. I take the Deputy's comments on board. I will raise the matter and the Deputy's request with the Ministers for Employment Affairs and Social Protection and Agriculture, Food and the Marine.

Deputy Róisín Shortall: It is over seven years since the move of the National Maternity Hospital, Holles Street, to St. Vincent's was first announced. While we know that the care in Holles Street is excellent, the building is antiquated and the conditions are unacceptable for patients and staff. Progress on the new hospital has been painfully slow, though. It is over two years since a row broke out between Holles Street and St. Vincent's about governance structures and the Minister for Health appointed Mr. Kieran Mulvey to hammer out an agreement between them. In the meantime, the public was alerted to the fact that a secret deal had been brokered between the two hospitals without any reference whatsoever to the public interest. It amounted to the gifting of an asset with an estimated value of approximately €350 million to private religious interests and the new hospital's ethos being dictated by those interests.

Is it not the case that the Minister for Health misjudged the situation as being only a tiff between two hospitals? Did he not misjudge the extent of public concern that the new maternity hospital must be fully publicly owned and operated and operate with a non-denominational ethos? The Minister was forced to halt the deal and respond to public concern. The Religious Sisters of Charity subsequently announced their intention to withdraw from St. Vincent's and divest themselves of Elm Park. They gave undertakings that the new maternity hospital would be fully public and independent. Despite assurances from St. Vincent's, the Religious Sisters of Charity and the Minister, however, that has not happened yet.

Last December, the Minister for Health announced that agreement had been reached with St. Vincent's and the new maternity hospital would be fully publicly owned. He also said that the legal documents giving effect to this would be available early in the new year, but they have not materialised as yet. The Government, however, proceeded to allocate €43 million of public money to phase one of the hospital. Does the Minister, Deputy Humphreys, accept that the Government was reckless in doing that before it had title to the site concerned? Will she give an undertaking that no further public money will be allocated to the project and, therefore, put at risk of being lost to the public purse?

Deputy Heather Humphreys: I thank the Deputy for raising this matter. The project is an important one and the Government is anxious that it proceed. The Government is fully committed to the National Maternity Hospital, which involves the development of a new maternity hospital on the campus of St. Vincent's University Hospital at Elm Park. The governance arrangements for the new hospital will be based on the provisions of the Mulvey agreement, which was an agreement finalised in late 2016 between the National Maternity Hospital and the St. Vincent's Healthcare Group, SVHG, following extensive mediation. The terms of the Mulvey agreement provide for the establishment of a new company that will have clinical, operational, financial and budgetary independence in the provision of maternity and neonatal services. This independence will be assured by the reserved powers set out in the agreement and be copper-fastened by the golden share to be held by the Minister for Health. It is important to note that the reserved powers can only be amended with the unanimous written approval of the directors and the approval of the Minister.

The religious ethos will not interfere with the provision of medical care. I am advised that the agreement ensures that a full range of health services will be available at the new hospital without religious, ethnic or other distinction.

Deputy Micheál Martin: Who will own the hospital?

Deputy Heather Humphreys: I welcome the confirmation by the SVHG board that any medical procedure that is in accordance with the laws of the State will be carried out at the new hospital. I understand that the Religious Sisters of Charity resigned from the board of the SVHG some time ago and are currently finalising the process of transferring their shareholding in SVHG to a new company, St. Vincent's Holdings CLG. I am informed that the Department of Health receives regular updates from the SVHG in respect of that share transfer.

I understand that the Department's Secretary General will meet the group's chair this week to discuss a range of issues relating to the National Maternity Hospital project. Engagement is ongoing between the Department, the HSE, the SVHG and the National Maternity Hospital as regards the legal framework to be put in place to protect the State's investment in the new hospital. The SVHG will provide the State with a 99-year lease of the land on which the new maternity hospital will be built, which will allow the State to retain ownership of the new facility. The State will provide an operating licence to the National Maternity Hospital DAC and the SVHG to enable the provision of health services in the newly constructed building.

Deputy Róisín Shortall: I do not know where the Minister got that reply, but it is at least 12 months out of date, having been overtaken by events. It is a disgrace that anyone gave her that reply to read out. What she described might have applied more than 12 months ago, but it certainly does not now. We are in a situation where the disposal of the site for the new maternity hospital cannot go ahead without the approval of the Vatican. In fairness to the Deputies present, the Minister should have had that information available to her. It has been made clear that we are waiting for the Vatican's approval before we can proceed with the provision of a new national maternity hospital. Does the Minister accept that, as a republic, this is an outrageous situation to be in for the State? The new national maternity hospital's estimated completion date was 2024, but there is no prospect of that being met. Does the Minister accept that it was reckless for the Government to allocate public money to this project without having title to the site? Does she accept that it is shameful that we are waiting for the approval of the Vatican in order to provide a decent national maternity hospital?

Deputy Heather Humphreys: I have not had a chance to speak to the Minister on this matter, but the intent has not changed.

Deputy Brendan Howlin: What is meant by the phrase “the intent has not changed”?

Deputy Heather Humphreys: There will be no interference in the provision of medical care in the new hospital. I want to be very clear on that intent. Doctors will carry out their duties-----

Deputy Micheál Martin: Who will own the hospital?

Deputy Heather Humphreys: -----and a full range of health services will be available without religious, ethnic or other distinction.

Deputy Róisín Shortall: Will the Minister answer the questions? Will she get with the game?

Deputy Heather Humphreys: The other issue-----

Deputy Róisín Shortall: It is a waste of time for people to come in here to ask questions only for Ministers to read out incomplete responses.

An Ceann Comhairle: Deputy, please.

Deputy Heather Humphreys: I will ask the Minister for Health to contact the Deputy directly about the other issue she raised.

Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation

Deputy Micheál Martin: It is a pity the Taoiseach is not here. My understanding is that he is attending a party-political event in Europe.

Deputy Brendan Howlin: He is in Croatia.

Deputy Mattie McGrath: He might call to the Vatican.

Deputy Micheál Martin: He is meeting other leaders. What I am about to raise is important in terms of how the Government conducts itself and a strict adherence to the demarcation lines between officeholders and party political events. We raised this matter with the Government last April in respect of the utilisation of the national broadband plan for the local elections. Yesterday, what should have been a formal, hands-off signing of a €3 billion contract between a private company and Government officeholders was turned into a nakedly political by-election event in County Wicklow, attended by Fine Gael non-officeholders, candidates and councillors.

Deputy Heather Humphreys: Fianna Dáil Deputies were also in attendance.

Deputy Micheál Martin: The one Fianna Fáil Deputy who was there was not invited. The event took place at his former school and he found his way there. The Government organised a Fine Gael event. This is a serious occurrence which represents a blurring of office-holding and Government activity with party political campaigning.

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

Deputy Micheál Martin: That should not happen. Will the Minister for Communications, Climate Action and Environment give an assurance that no public resources will be used to assist non-officeholders in the promotion of this initiative?

An Ceann Comhairle: Deputy Martin is out of time.

Deputy Micheál Martin: Will he confirm that no Fine Gael candidate will be provided with information in terms of campaigning? Will he take steps to suspend advertising and marketing in advance of the general election?

An Ceann Comhairle: Please, Deputy.

Deputy Micheál Martin: Will the Minister confirm that the private companies who got this contract did not provide information to the Fine Gael Party prior to the contract being signed?

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): I assure the House that at every step in this process, we have been meticulous in ensuring that the public interest is protected. It was natural, at the signing of such an important contract, that we would have senior officials present who were involved in the development of the initiative.

(Interruptions).

Deputy Richard Bruton: On my recommendation, the Government approved the go-ahead for the project yesterday. This is a significant project for rural Ireland.

(Interruptions).

An Ceann Comhairle: We had children in the Chamber last week and their behaviour was better and certainly more orderly than that of Deputies today. The Minister has been asked a question and should be allowed to answer it.

Deputy Josepha Madigan: Hear, hear.

Deputy Richard Bruton: A significant decision was made by the Government yesterday to sign a contract which will help to ensure that people in rural Ireland have access to high-speed broadband on the same basis as do people in urban communities. Signing the contract was an important event. In every interaction with those who are tendering for such a project, a Minister will, of course, be accompanied by officials. Indeed, the absence of officials at certain meetings in the past has been a matter of some controversy. This is a really important decision and it deserved the attention it got from Ministers across Government, who were glad to be part of an important announcement for the future of the country.

Deputy Aengus Ó Snodaigh: The Minister did not answer the questions that were put to him.

Deputy Mary Lou McDonald: The programme for Government commits to prioritising the prevention and reduction of crime by providing investment in An Garda Síochána. Last week, my colleague, Deputy Jonathan O'Brien, raised with the Taoiseach the crisis in Garda resources in Cork city and referred to reports showing that just two gardaí were available for patrol on one particular night. He asked the Taoiseach to meet the Garda Commissioner to raise these matters. The Taoiseach told Deputy O'Brien in response that he had not had time to speak

to the Commissioner. I do not know whether he has made time to do so since then.

I was in Cork yesterday with Deputy O'Brien and our colleague, Councillor Thomas Gould, where I heard at first hand about the impact of this lack of Garda resources on communities in the city. Playgrounds have been destroyed, people are fearful to socialise in their own areas and there is desperate carry-on on the streets of the city, with intimidating and threatening behaviour from a small cohort of young people.

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

Deputy Mary Lou McDonald: Today we learned that specially trained gardaí cannot take up their positions in a long-promised sexual offences investigation unit in west Cork because of a lack of personnel. Does the Government agree that the people of Cork have a right to feel safe on the streets of the city and in their homes? Does the Government appreciate that there is a real crisis in Garda resources and, if so, what does it propose to do about it?

An Ceann Comhairle: Deputy, please.

Deputy Mary Lou McDonald: Will the Minister for Justice and Equality come to the House to make a statement on the lack of Garda resources in Cork?

Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys): The Minister for Justice and Equality was in the Chamber this morning for Question Time and is currently in committee answering more questions. I assure the Deputy that the Government has invested more than ever before in the Garda, with an unprecedented €1.882 billion allocated for 2020. There are more gardaí on the streets than at any time in the past.

Deputy Mary Lou McDonald: Not in Cork.

Deputy Aengus Ó Snodaigh: Nor in Dublin.

Deputy Heather Humphreys: There are more gardaí on the streets than ever before and more civilian staff than we have ever had. The Government is absolutely committed to providing the necessary resources to the Garda Síochána to enable it to carry out its job.

Deputy Brendan Howlin: Even the best laid plans can go awry and yesterday's publicity stunt did not work as well as anticipated. However, I wish to raise a different issue. There is good news today in a report showing that the percentage of smokers in Ireland has fallen from 23% to 17%. However, obesity levels are among the highest in Europe, at 60% of the population. Smoking rates are highest among young people, the unemployed and those living in deprived areas. While education and information campaigns are vital, it is important, too, to look at best practice internationally. The Government's Healthy Ireland strategy involves all Departments and all agencies of State promoting healthy lifestyles, but that effort is not underpinned by law. In a world first, Wales has legislated for all public bodies to publish health impact assessments. Norway has legislated to recognise that economic inequality is a root cause of health inequalities. Does the Government have any plans for similar legislation? Health promotion is a critical part of our health strategy.

Deputy Heather Humphreys: I agree that health promotion is critical. It was encouraging to hear this morning about the survey showing a reduction in the prevalence of smoking. Our aim is to have a tobacco-free Ireland and we will be unstinting in our efforts towards that end. I will bring to the Minister's attention the Welsh and Norwegian models to which the Deputy

referred.

Deputy Richard Boyd Barrett: As I informed the Business Committee a few days ago, grassroots housing activists are planning a housing demonstration on 5 December and have requested that Deputies, rather than attending the demonstration, have a debate in the House on solutions to the housing crisis. I hope that debate will be arranged. There are many reasons that people wish to protest, including the welfare of children, economic evictions and the lack of public housing. In light of the O'Devaney Gardens controversy and the determination of the Government and some of the Opposition parties to dispose of public land to private developers for the purposes of providing social and affordable housing, will the Minister for Housing, Planning and Local Government tell us how much the social housing element of those developments will cost us when we buy them back from the private developers to whom the land was given?

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

Deputy Richard Boyd Barrett: The Department's guidelines for the acquisition of dwellings suggest shocking upper limit figures of €400,000, €500,000 and €700,000 for social housing units.

An Ceann Comhairle: Will the Deputy allow the Minister to answer?

Deputy Richard Boyd Barrett: Are those the prices the public will pay for housing from private developers on land that was given to those developers by the State?

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I thank the Deputy for his question. The O'Devaney Gardens site is an incredibly important one for the people of Dublin. Two years ago, a Sinn Féin-led majority in the local authority agreed a proposal for the site, and that proposal has been out to tender since then. We finally have a contractor but, at the 11th hour, councillors changed their mind and put this huge project at risk. At the very final hour, the Dublin agreement group, led by Fianna Fáil, put out a statement about an agreement that did not exist in an effort to get the deal through.

Deputy Richard Boyd Barrett: I am opposed to both of those developments.

Deputy Eoghan Murphy: Fortunately, the original proposal has gone through and the site will be developed.

Deputy Richard Boyd Barrett: How much will people pay for social housing units?

Deputy Eoghan Murphy: It is the policy of this Government that it is a public good to use public land for all of the public. That means having mixed housing on public sites, comprising social, affordable and private units.

Deputy Micheál Martin: The Government does not like public housing.

Deputy Eoghan Murphy: We have the agreed breakdown now and as much as €100 million will go into the site. There are no policies from Fianna Fáil in this area and that is why its leader is heckling me while I am trying to answer. His party has no solutions for housing. It has supported Rebuilding Ireland for the past three years, during which time it has not produced its own housing plan, as promised. The party has not proposed to change one element of Rebuilding Ireland.

Deputy Richard Boyd Barrett: How much will people pay?

Deputy Eoghan Murphy: The majority of affordable houses will sell to members of the public for €300,000. A teacher and garda, for example, earning €55,000 between them, will be able to afford one of these homes.

Deputy Thomas P. Broughan: On the same subject, developers often want fast-track processes but, once permissions are granted, they keep coming back seeking higher heights, densities and so on. The Minister, Deputy Eoghan Murphy, held a consultation on strategic housing development, to which I made a submission proposing that he end that process and return to democratic planning. The Minister has talked about use it or lose it measures and has mentioned all kinds of dramatic moves to increase housing output. Is he serious about any of this? Will he bring forward any legislation? Is it not time to get rid of the strategic housing development, SHD, system that has failed? It has failed because two thirds of the sites with permission still have not been built on. Developers are still hoarding land. That is the key point. Will the Minister try to stop land hoarding by bringing forward urgent legislation?

Deputy Eoghan Murphy: Land hoarding is something we have to tackle. That is why I more than doubled the vacant site levy-----

Deputy Thomas P. Broughan: But the Minister has not done it.

Deputy Eoghan Murphy: -----when I was appointed as Minister. When it comes to fast-track planning, it has been successful in the delivery of thousands of homes. A number of sites have not been developed yet and that is why we are bringing forward the proposals for use it or lose it planning permission. In tandem with that, we are extending out the SHD process until the end of 2021, and in tandem with that, we are allowing for a greater degree of public consultation, recognising the fact that some communities feel they are not having enough of a say and recognising the fact we cannot see unnecessary delays to the development of large-scale housing where it is desperately needed.

Deputy Mattie McGrath: I want to raise an issue the Minister of State at the Departments of Finance and Public Expenditure and Reform, Deputy D'Arcy, will know all about in his portfolio, namely, the cost of and unavailability of insurance to businesses, farmers and community and voluntary organisations. It is having a massive impact on our society. There are social farms as Deputy Michael Healy-Rae spoke about, there are community activities and there are farm activities that people have gone into to augment their incomes, and these people have given vital information, entertainment and value to the public. A company in England was insuring all the bouncy castles and it has withdrawn from the market. Rip-off Ireland is alive and well here and the barristers and everyone else are creaming it off. Unfortunately, small employers, of which I am one, cannot afford the claims and costs of insurance. It is worse altogether being told one cannot even get a quote. People will not even be quoted in many areas across society. It permeates in every sector and it is crippling our economy, country and entrepreneurial people who want to provide jobs.

Minister of State at the Department of Finance(Deputy Michael D'Arcy): I am not sure if the Deputy heard yesterday that the Chief Justice-----

Deputy Mattie McGrath: I did.

Deputy Michael D'Arcy: -----announced the seven judges-designate who will take for-

ward the recalibration of the guidelines. The biggest issue we have in Ireland is people have small damages and they look for massive awards. That era has to end and it is ending now.

Deputy Mattie McGrath: The Government has good advocates for that itself.

Deputy Michael D'Arcy: Pardon me?

Deputy Mattie McGrath: If one lives in a glass house one should not throw stones.

Deputy Michael D'Arcy: Does the Deputy want the answer or does he want-----

Deputy Mattie McGrath: I do. We are waiting for ten years for it.

Deputy Michael D'Arcy: Just listen. The Deputy does not have to be so ignorant all of the time. The seven justices, two from the Circuit Court, two from the High Court, one from the Court of Appeal, one from the Supreme Court and one from the District Court, will recalibrate the guidelines for awards downwards in line with other jurisdictions and in line with Court of Appeal awards.

Deputy Robert Troy: When will that be?

Deputy Thomas Byrne: What will Deputy Farrell get under the new awards?

Deputy Robert Troy: When will the work be completed?

Deputy Danny Healy-Rae: I want to raise the issue of forestry services and the inaction in that part of agriculture. Hardly any felling licences have been granted this year. The building of roads has been held up, where farmers have invested money in forestry and they are not being allowed to build roads because of serial objectors objecting to permission for building these roads. The Government has angered and frustrated many farmers in rural areas by telling them that 2020 forestry premium payments must be applied for online. We hear the Minister for Communications, Climate Action and Environment, Deputy Bruton, announcing broadband and we have heard this so many times before but it is still the case today and it will be for many years that the only line many of these farmers have is the clothesline. It is unfair to ask these people to apply for their forestry premiums online. That was never written into their contracts when they went into forestry. The Government and Commissioner Phil Hogan have been advising more people to get into forestry.

Deputy Heather Humphreys: The Minister for Agriculture, Food and the Marine, Deputy Creed, brought a proposal to Cabinet on Tuesday on forestry and licensing and he will update the House in due course.

Deputy Margaret Murphy O'Mahony: There are many people from west Cork living and working in non-EU countries as teachers. Many of these people are anxious to come back home but they find themselves receiving no incremental credits when they come home. I was talking to a young lad the other day who has been teaching in Sydney for eight years, so he is an experienced young man, but when he comes home he will have to start again at the bottom of the ladder in his increments. Does the Government have any plans to help these people? On his last trip to the Middle East, the Minister for Education and Skills was encouraging young people to come back to work in Ireland. This would certainly be a help with that.

Deputy Heather Humphreys: I thank the Deputy for raising that and she makes a good

point about young people who we want to come back here. I will raise the matter with the Minister for Education and Skills and get him to contact the Deputy directly.

Deputy James Browne: Page 41 of A Programme for a Partnership Government refers to a regional spread of growth of jobs. The south east consistently has the highest rate of unemployment, well above the national average and twice that of Dublin. Of the jobs there, a significant number are of low quality and low paid, which is reflected in the low income tax returns from the region. Wexford has few IDA Ireland jobs, almost no IDA Ireland land and a minuscule number of IDA Ireland visits. The south east is proving to be the forgotten region for jobs and Wexford is the forgotten county. When will the Minister address this?

Deputy Mary Butler: Unemployment has fallen throughout the country, which is welcome. However, the south east remains stubbornly higher than the rest of the country at 7.3% unemployment, 2.1% above the national average of 5.2%. That is 14,900 people out of work in the region up to the quarter at the end of September. There is a lot more work to be done. Waterford and the south east can act as a release valve for the overcrowding in Dublin. We have fantastic connectivity with the M9 and the M11. There is no doubt that a special emphasis is needed once again to improve this situation. The final pieces of the jigsaw for the south east are equality of healthcare and the technological university for the south east. I know a lot of work has been done previously to get the rate of unemployment down, so as I said, a special emphasis is required again.

Deputy Heather Humphreys: I thank both Deputies for raising this matter. A lot of work has been done in the south east through the regional enterprise plan. All of the agencies are working closely together to promote that area as a place in which to invest and to do business. The Deputies will be pleased that there were two IDA Ireland announcements recently. Only last week, I was on a trade mission to South Africa with Taoglas, which is a wonderful company originally based in Wexford. The type of product it is selling is being sold on a global basis. When athletes wear a particular piece of kit to monitor their performance, the antenna in that kit is made by Taoglas. It is a wonderful and innovative company based in the south east, and we want to see more of that in the region.

Deputy Niall Collins: This is a matter for the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, and it is under A Programme for a Partnership Government in the section on maintaining sustainable rural communities. In Limerick City and County Council administrative area, since January of this year there have been five one-off rural houses granted planning permission that were subject to third-party appeals to An Bord Pleanála. All five of those have been overturned and refused by An Bord Pleanála, which cited the reason that a genuine and demonstrable economic and social need to live in the area had not been demonstrated or established. When I speak to the planners and professional planning consultants, they tell me it is not in the local planning policy documents, namely, the city and county development plan, and that reason cited for refusing the development by An Bord Pleanála also is not in the sustainable rural house guidelines. It appears An Bord Pleanála, which we all know is independent in its functions, is making decisions to deny people planning permission for one-off rural houses on the basis of a policy that is in gestation within the Department of Housing, Planning and Local Government but that is not written into any of the formal policy guidelines. I wanted to bring that to the Minister's attention and ask him for a response.

Deputy Eoghan Murphy: I thank the Deputy for raising the question. We know we have to review our sustainable housing guidelines. Each local authority is working to the 2005 guide-

lines. The issue is between ourselves and the Commission in making sure the revised guidelines meet the needs of people and communities throughout the country and meet the objectives of the national planning framework and the regional spatial economic strategies that flow from that. As soon as we have clarity and agreement from the Commission, we can publish the new guidelines.

1 o'clock

Local authorities have to work to the 2005 guidelines. I cannot speak to the decisions of An Bord Pleanála.

Deputy Thomas Byrne: I raise the issue of the N2 and A5 roads. It is a major project that has been talked about for a considerable period. I refer not only to the section in the North of Ireland but also to the Slane bypass and further improvements nearer Dublin at Primatestown. Although the bypass in the national development plan is at route selection stage, it will not go in for planning permission until 2021, which will be nine years from when it was previously refused planning permission. It is one of the signature projects in the national development plan. As for the issue at Primatestown, we have no idea when that will be done, despite it too being in the national development plan.

The Minister will know the road because much of it passes through her county. When will the N2 be upgraded at the various points the Government has promised it will be upgraded and when will we have the required road?

Deputy Heather Humphreys: Public consultation on the N2 is ongoing in Monaghan. I cannot give the Deputy the information he seeks but I will ask the Minister for Transport, Tourism and Sport to revert to him on the issue of the Slane bypass. The Government is committed to upgrading the road. It is a critical piece of infrastructure, not just for me-----

Deputy Thomas Byrne: Nobody can tell us when.

Deputy Heather Humphreys: I do not have the information but I stated I would ask the Minister for Transport, Tourism and Sport to provide the Deputy with the information.

Deputy Thomas Byrne: The Minister, Deputy Humphreys, is a Deputy from the area. I thought she would know.

Deputy Michael Moynihan: I draw the Government's attention to the inability of people with intellectual disabilities to get respite care throughout the country, not least in County Cork. They seek respite care throughout the year, whereas some people have been given only two or three weekends in the course of 2019. There was a commitment for more money to be invested in respite care in 2019 but it has not been shown to families who urgently need respite care. Is there a commitment from the Government to ensuring that more respite care will be made available in 2020? There is a chronic need for it among all the service providers in County Cork and throughout the country.

Deputy Heather Humphreys: The Deputy is correct. Respite care is essential for those who provide care to loved ones and they need a well-earned break. On the issue in Cork, I will have to ask the Minister for Health to revert to the Deputy with specific details.

Deputy Michael Healy-Rae: I assume that the Minister will be familiar with the register of beneficial ownership, RBO, and the deadline for registering details on 22 November. The RBO

website keeps collapsing. It was badly built in the first instance, with insufficient server capacity, and now it simply cannot cope with the number of people trying to log on and complete their registration. An extension to the filing deadline is needed. Can the Minister do anything to have the deadline extended in the interests of fairness, or at least make an allowance for people who have tried consistently to register but have failed to do so?

Deputy John Brassil: The deadline for registration of beneficial ownership is Friday, 22 November. A deadline was introduced following SI 110/2019, and I agree with its aims, namely, to prevent money laundering. Last week, Revenue's website crashed, and all the accountants and agents who were dealing with their clients' end-of-year registration are the same people dealing with the current issue. Their week last week was extended because of the crashing of the website. The deadline needs to be extended.

I draw the Minister's attention to the fines at play. Should a community centre that formed a company, a social economy company or a group water scheme - there are many small companies, which may be unaware of the necessity - fail to register, the penalty can be a fine of up to €500,000 or a term in jail. We would hate people to be unaware of the issue. We need to take the opportunity to make them aware and extend the deadline by at least one week. I ask the Minister to contact the Minister for Finance and do something.

Deputy Robert Troy: It is a pity that the Minister of State, Deputy D'Arcy, has left because it appears he blames the Minister, Deputy Humphreys, and claims that it is her responsibility. Nobody seems to be taking responsibility for the power to extend the deadline beyond Friday. A statutory instrument was signed by the Minister for Finance on 22 March 2019, and the responsibility was then transferred to the Department of Business, Enterprise and Innovation, under the auspices of the Companies Registration Office. To facilitate companies registering, the system did not go live when it was due to do so and was delayed by approximately one month, not going live until 29 June. As my colleague, Deputy Brassil, noted, in recent weeks the agents responsible for registering companies online have been preoccupied with the return of tax.

I ask that common sense prevail and that the Minister talk to the Minister of State, Deputy D'Arcy, or the Minister for Finance, Deputy Donohoe, and extend the deadline beyond Friday because only 30% of businesses due to register have done so to date, which means that 70% have not and will be liable for fines of anything between €5,000 and €500,000.

Deputy Heather Humphreys: I will have the matter investigated as a matter of urgency with a view to having the deadline extended.

An Ceann Comhairle: We have finished ahead of time, which is a record.

Deputy John Brassil: May I raise a second issue?

An Ceann Comhairle: No.

An Bille um an Naoú Leasú is Tríocha ar an mBunreacht (Ceart chun Sláinte) 2019: An Chéad Chéim

Thirty-Ninth Amendment of the Constitution (Right to Health) Bill 2019: First Stage

Deputy Michael Harty: Tairgim:

Go gceadófar go dtabharfar isteach Bille dá ngairtear Acht chun an Bunreacht a leasú.

I move:

That leave be granted to introduce a Bill entitled an Act to amend the Constitution.

The Bill will be entitled the Thirty-Ninth Amendment of the Constitution (Right to Health) Act 2019 and insert into Article 43.4 of the Constitution the following statements: the State recognises the equal right of every citizen to the highest attainable standard of health protection and shall endeavour to achieve the progressive realisation of this right; the State shall endeavour, within its available resources, to guarantee affordable access to medical products, services and facilities appropriate to defend the health of the individual; and the health of the public being, however, both individual and collective, the State shall give due regard to any health interests that serve the needs of the common good.

The purpose of the Bill is to give constitutional status to every citizen's right to health. It will place an obligation on the State to realise progressively this right within its available resources and give a balance of rights between the individual and population health needs. Health is an internationally recognised human right. The EU Charter of Fundamental Rights states, "Everyone has the right of access to preventive health care and the right to benefit from medical treatment under the conditions established by national laws and practices." The UN's International Covenant on Economic, Social, and Cultural Rights states in Article 12: "The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health."

These treaties, to which Ireland is a signatory, affirm that good health is a prerequisite for public activity and private freedoms. With the advancement of medical knowledge, the exclusivity of private health systems and a continued exposure to global health issues, it cannot be said today that a citizen's health is beyond the realm of the State. That is why the Bill will initiate the constitutional amendment process. It will affirm the right to health as one of modern Ireland's foundational political and social values by enshrining it in our fundamental law, the Constitution.

Without a constitutional foundation, the Government may simply sit on its promises and look only to the short term. We have seen the results of this approach, such as long hospital wait times, a lack of bed capacity, vacant consultant posts, a creeping rate of legislation and many other issues that have led to unreasonable unmet need. Ever since the initial publication of the Sláintecare report in 2017, the Department of Health has been committed to achieving a universal single tier health and social care system where everyone has equal access to services based on need and not the ability to pay. Despite the commendable intentions of the Government, there is no assurance in this regard other than the Government's promise that long-term objectives will be met.

This Bill would, therefore, crystallise the right to health within the Constitution so as to protect individuals and generate new legislative initiatives. It has worked in jurisdictions such as India and South Africa, which have used the constitutional right to health to pave the way for health reform and make new laws. This amendment to our fundamental law will better reflect modern Ireland's primary concerns and the Constitution would hold the State accountable to its democratic mandate to provide equitable and quality health services.

In addition, the amendment is intended to be fully cognisable by the courts, in the hope that individuals and interest groups can bring unacceptable public health issues to the attention of the courts. Litigation is circumscribed within reason by the deliberate language of the amendment, which states: "The State shall endeavour to achieve the progressive realisation of this right [and] the State shall endeavour, within its available resources, to guarantee affordable access".

Progressive realisation acknowledges the practical limitations to fulfilling a universal right to health, but it also ensures a process of continual advancement in the creation and implementation of public health measures without retrogression. Public health protection must be within available resources, a phrase which expects the State to consider health among its top budgetary priorities. At the moment, for instance, it has been noted that the 2020 budgetary allocations for Sláintecare have not met the estimates it is understood are necessary for Sláintecare to meet its long-term goals.

In essence, a constitutional right to health makes certain that initiatives like Sláintecare are backed by a constitutional mandate, with no excuse for delay or negligence. The right to health belongs among our most highly cherished fundamental and personal rights, and I believe the public deserves a chance to affirm the primacy of this right by referendum. I commend the Bill to the House.

An Ceann Comhairle: I thank Deputy Harty. Is the Bill opposed?

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): No.

Cuireadh agus aontaíodh an cheist.

Question put and agreed to.

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

Deputy Michael Harty: Tairgim: "Go dtógfar an Bille in am Comhaltaí Príobháideacha."

I move: "That the Bill be taken in Private Members' time."

Cuireadh agus aontaíodh an cheist.

Question put and agreed to.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

An Ceann 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 John Brassil - to discuss the FEMPI announcement and cuts to pharmacists' fees; (2) Deputy Eamon Ryan - to discuss advice received from Repak with regard to the Waste Reduction Bill; (3) Deputy Catherine Murphy - to discuss the permissions needed by some medical professionals when moving into self-employment as general practitioners; (4) Deputy Denis Naughten - to discuss home care funding which causes a delay in discharge of patients from the National Rehabilitation Hospital; (5) Deputy Dessie Ellis - to discuss under a Topical Issue debate a series of developments and projects planned for Finglas village and its environs without a corresponding development of facilities or community gain; (6) Deputy Martin Ferris - to discuss the lack of general practitioner services in Milltown, County Kerry; (7) Deputy Aengus Ó Snodaigh - to discuss the curtailment of the air ambulance service; (8) Deputy Frank O'Rourke - to discuss the refurbishment of Celbridge health centre and the provision of a dental clinic; (9) Deputy Micheál Martin - to discuss plans to replace the family services provided at the Bessborough centre in Cork which is for sale; (10) Deputy Danny Healy-Rae - to ask the Minister for Health to ensure that a permanent general practitioner service is put in place for the people of Milltown, County Kerry; (11) Deputy Fergus O'Dowd - to discuss the provision of further resources to tackle drug abuse in the Drogheda and east Meath area; (12) Deputy Mattie McGrath - to discuss efforts to reduce the costs and increase the availability of insurance; (13) Deputy Niamh Smyth - to ask the Minister for Culture, Heritage and the Gaeltacht whether she or anyone from her Department has been in contact with Galway Community Circus in regard to its difficulties in accessing adequate insurance cover, and if she will make a statement on the matter; (14) Deputy Joan Burton - to ask the Minister for Health the policy of his Department in regard to the proposed transfer of the Rotunda Maternity Hospital to Blanchardstown, Dublin 15; and (15) Deputy Thomas Byrne - the need to uphold the constitutional rights of all children to access education on World Children's Day.

The matters raised by Deputies John Brassil, Eamon Ryan, Micheál Martin and Aengus Ó Snodaigh have been selected for discussion.

Sitting suspended at 1.05 p.m. and resumed at 2.05 p.m.

Saincheisteanna Tráthúla - Topical Issue Debate

Pharmacy Services

Deputy John Brassil: I welcome the opportunity to raise this issue with the Minister for Health, Deputy Harris. Every pharmacist in the country has been up in arms since it first came to light last week. I will cut to the chase. In recent years, I have interacted with the Minister and his Department in this Chamber and in committee, both privately and publicly. The Minister, in his interactions with the Irish Pharmacy Union, IPU, gave strong indications that he was willing to engage with the pharmacy sector to make headway in rolling out what is now an underutilised service, getting better value from pharmacists, negotiating a new contract and commencing the reversal of the financial emergency measures in the public interest, FEMPI, in 2020.

I should point out at this stage that, as a pharmacist and owner of a pharmacy, I have an obvious conflict of interest, but I am here representing the pharmacists of the country. The announcement last week of a further three potential cuts to payments made to pharmacists flies

in the face of every discussion the Minister and I have had. I have always taken the Minister as a man of his word and an honourable person. I simply cannot believe what happened last week. What is being proposed will take a minimum of €25,000 from the bottom line of every pharmacy in the country. That is on foot of cut after cut. There has not been an increase in fees for more than ten years. Pharmacists are working night and day trying to keep our businesses viable and this is the straw that will break the camel's back. As the Minister knows, pharmacists as a group are non-antagonistic and non-confrontational. They are co-operative and willing, as is their representative organisation, the IPU. On this occasion, however, things have gone too far.

Regarding the reversal of FEMPI, the Minister has often stated that changed practices are needed. In the previous three years, pharmacists have taken 12 different actions that have saved the system money. We have done that without getting one cent extra in payment. For example, non-oral anticoagulants are provided to hundreds of thousands of patients every week in our pharmacies. We do all of the associated administration work and when patients come in with unsanctioned prescriptions, we do all of the work and give them their medication. In many such cases, we do not even get reimbursed for the first month until the patient gets sanctioned. There would be chaos if we sent those patients back to their consultants and doctors.

Dealing with the high-tech ordering, monitoring and management hub and sanctioning high-tech and critical medication for thousands of patients takes hours of pharmacists' time every week. All this additional work has been taken on by pharmacists free of charge. The Department now proposes to cut the high-tech fee for medications such as Entresto, Fampyra and Prolia. Three months ago, there was a major cut in what is allowed in the area of oral nutritional supplements. We have been working with patients and their doctors and consultants to let them know what is reimbursable so that patients can go out the door with their vital medication.

This is not the way to commence negotiations on reversing FEMPI or agreeing a new contract for pharmacists. The Minister addressed the IPU annual conference and gave a firm assurance, which he also gave me at a committee meeting, that he wants to work with pharmacists and wants to roll out a new contract that will bring about a better system and fairer payments. The Minister cannot allow this proposal to proceed. I do not want to hear from him that the Department is doing this. He is the Minister and this is his Government. We have put our faith in him and I expect him to honour his commitments.

Minister for Health (Deputy Simon Harris): I always endeavour to honour my commitments. I thank Deputy Brassil for raising this important matter. I genuinely note his keen interest in this area, not just as a pharmacist but as an advocate regarding the role pharmacy has to play from a public health policy point of view in delivering Sláintecare. I have had good and sincere engagements with the Deputy during my time in office and I genuinely acknowledge that and thank him for it.

As the Minister for Health, I value the role pharmacists play in the health service in the delivery of patient care. Community pharmacy is rightly recognised as the most accessible element of our health service, with an unequalled reach in terms of patient contact and access. That is why, as Deputy Brassil correctly states, I have given a clear commitment to commencing a thorough review of the pharmacy contract in 2020. In broad terms, the review will address the role to be played by community pharmacy in the context of Sláintecare and in delivering a multidisciplinary model of service delivery for patients, ensuring clarity of roles, avoidance of duplication and achieving optimum value for money. I recognise already that the IPU has

brought forward ideas, proposals and suggestions that it has concerning how pharmacy can do even more in helping to shift services from the acute setting to the community setting, and perhaps ensuring that pharmacists can do more in respect of their scope of practice.

A contractual agreement that is fit for purpose in a health care system that is increasingly seeking to tilt the balance of care towards a strengthened primary care system is now much required. The vision and approach which underpin Sláintecare need to be mapped out for community pharmacy. A primary care model, integrated with other health policies, will require the expansion of both the scope of practice and the range of public services provided in community pharmacy. I am thinking specifically of the successful pilot we had for a minor ailments scheme. That could well be an area of expansion.

In May of this year, as the Deputy rightly reminded me, although I certainly have not forgotten, I addressed the Irish Pharmaceutical Union at the national pharmacy conference in Galway. In my keynote speech, I made a clear commitment to move beyond the arrangements underpinned by the Financial Emergency Measures in the Public Interest, FEMPI, Acts 2009 to 2015, as I have done for other professions, with a view to optimising the role of pharmacists in the years ahead. I stand by that commitment, not to move back to pre-FEMPI arrangements but to move on “to a higher terrain”, as I said at the time. I am satisfied that we can agree a new contract next year that will do precisely that. However, in the meantime I am obliged, under law, before the end of this year, to put in place a new framework to maintain a statutory basis for contractor fees as the existing regulations will be revoked from the end of this year, in accordance with the Public Service Pay and Pensions Act 2017. That is not new information. It is a statement of fact based on an Act that this House passed.

Prior to the making of the new regulations, I am required to consult the representative body for pharmacy contractors, the IPU. In that respect this statutory consultation is under way. My officials wrote to the IPU on 10 October inviting it to attend discussions on the making of the new regulations. Meetings were subsequently held in my Department at an official level on 24 October and 7 November, following which a detailed and welcome submission was received from the IPU. That submission is being considered by my Department and I have agreed to a request from the IPU that I would meet it directly in the coming weeks. I assure Deputy Brassil that no decision has yet been made in this regard. The Deputy will, I hope, understand and appreciate that while a statutory consultation process is under way I am somewhat limited in terms of what I can say. However, we have received the detailed submission from the IPU. It is being given the most serious consideration. I am conscious of the fact that we will be entering contract negotiations at the start of 2020 and that the sequencing of these issues needs to be considered.

I expect to see discussions on a new contract begin early in the new year. I fully believe that community pharmacy contractors have an important contribution to make in realising my future vision - indeed, it is the Deputy's also - for community care which needs to be enabled by a modern fit-for-purpose contractual relationship with the HSE.

Deputy John Brassil: I thank the Minister. I am aware that a statutory framework needs to be put in place. The Minister should leave it as it stands and commence the negotiations for the new contract and new fees under the existing arrangement, which, I would add, has already taken 33% from payments from pharmacies over the past ten years. We carried more than our fair share of the burden in the difficult times. There is also the additional work we have taken on outside of our contract.

I am trying to express to the Minister, in as calm a way as I can, the anger that is out there among pharmacists. I would not be surprised if they withdrew their co-operation in the high-tech hub, withdrew their co-operation for the National Oversight and Audit Commission and brought about chaos in a system that is already overburdened. That is coming from a group of people who have never been antagonistic. They have never been confrontational, they have always been co-operative and willing.

Dentists are moving into 2020 with the same framework. There will be no change for them. The Minister is reversing the financial emergency measures in the public interests, FEMPI, for GPs, which we welcome. They are not being asked to accept further cuts. As a matter of fact, payments they received previously are beginning to be restored to them. I ask the Minister not to treat pharmacists differently. We do not deserve it. We are honourable and hardworking of people who provide a fantastic service to communities. The one thing the Minister will not hear about in the context of the health service is the pharmacy system being in chaos. We do a good job and we do not deserve this.

I will take the Minister at his word to the effect that when he meets the IPU in the negotiations in the coming weeks, the first thing that will happen is that what was put on the table last week will be taken off it. I also take it that we will sign what we have already and that in 2020 we will renegotiate for a new contract and for the reversal of FEMPI.

Deputy Simon Harris: I again thank Deputy Brassil for raising this important matter. I share his view that pharmacists are always honourable and constructive in their engagement with the State. I referred on previous to our Brexit preparedness, an matter in respect of which there has been significant leadership shown by Darragh O'Loughlin, CEO of the IPU, in particular but also by pharmacists in general. Perhaps we are better prepared than other jurisdictions as a result of that constructive engagement and collaboration.

I want pharmacists to do more. Pharmacists want to do more. In order for them to do more, I accept that we need to provide more resources to them. That is why I want to start contract negotiations similar to those that led to a successful agreement with GPs. Some 95% of GPs voted in favour of the new agreement.

The law of the land revokes the existing regulations at the end of this year. The law of the land obliges me to put a new framework in place. The law of the land obligates me to consult representative bodies before doing that. That consultation is well under way. Letters have issued and meetings have taken place. A meeting with me will take place. A detailed and constructive submission has been received from the IPU and is being actively considered. We believe that there are efficiencies to be made. Pharmacists do not disagree with that. However, I am conscious of the fact that we will hopefully be sitting down in a few weeks' time to discuss a new contract. How those two interact is something to which I am giving a great deal of careful consideration.

The document submitted by the IPU is being actively considered at the most senior levels within my Department and by me. I will meet the IPU and we will decide how best to proceed in due course. It would not be constructive to go further than that today, particularly as the consultation process is ongoing, but I hear Deputy Brassil's compelling arguments clearly.

Waste Management

Deputy Eamon Ryan: This is a critical issue. What is at stake is that the polluter pays principle would apply. One could see in these documents which have been released, uncovered by Mr. Juno McEnroe in the *Irish Examiner*, Ms Lynn Boylan, a former MEP, and indeed Mr. Daniel Murray from *The Sunday Business Post*, that rather than the polluter pays, what we have had in the management of plastics in recent years is that the polluter sets the policy. Through this cache of over 100 emails, we can see a Department that is operating hand in glove with the industry representative group, Repak. In the drafting of the plastics directive in the European Union, which was only passed earlier this year and which is critical legislation, and in the debate on my party's Waste Reduction Bill 2017, which has been killed by the Government by its failure to issue a money message, at every stage of the process, the Department was turning to Repak for a steer on what was the best approach to take. In the European context, that was going right through most aspects of the legislation. The Government, effectively representing the industry, looked to weaken the provisions of the directive and reduce the category of items that might be included in restrictions to weaken timelines and constantly feed back to industry the latest developments. Reading the emails, as reported in the *Irish Examiner*, someone asks whether the recipient can telephone in the next half an hour. Indeed, in the emails published in *The Sunday Business Post* the same system applied in the context of the processing of my party's legislation. It is not only email correspondence but, according to the articles, meetings were also held on a regular basis.

It is not right that, in the context of this country seeking to go green and wanting to gain public confidence in how public policy is managed, industry interests and the public interest are so entwined. In this area, the public interest is very real. This is not a minor or side issue for most people. I refer to single-use plastics, the problem of plastic waste pollution and the need for us to be stringent, ambitious and bold in terms of telling companies such as Coca-Cola and Britvic that we will run this consumer area not on the basis of their interests but, first and foremost, with environmental and consumer protection interests in mind.

That is why it is a significant and worrying development that the Department appears to be closely dependent on the industry representative group. I am keen to know what the Minister thinks of what was stated in these emails. I am keen to know whether he thinks this is acceptable practice. If he does not, I am keen to know what the Department will do to change its working procedures so that this type of lobbying on behalf of industry groups will not happen in Brussels or here.

This relates to the ongoing debate we have had in this House as to how Opposition legislation is treated. We never got a satisfactory answer. My party's legislation was in tune with the European legislation, even the version that was finally passed. All we heard at the committee was that we could not do it and, effectively, the industry reasons as to why it could not be done. That is not good enough.

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): I thank the Deputy for raising his concerns about this. My Department seeks to promote wide stakeholder participation in policy development and is always open to improving those consultations and to suggestions from the Deputy or others. The Bill to which the Deputy refers was first published in mid-2017, which was before my time in this office. It provided for prohibiting the sale or free distribution of disposable plastic cups, glasses, plates and other

tableware from 1 January 2020, except for items which can be disposed of by composting in an ordinary domestic compost facility, and the mandatory introduction of a deposit and return scheme, DRS, for all beverage containers by 1 July 2019.

I have been informed, as I was not in the Department at the time, that the Department engaged with the Deputy and certain environmental groups shortly after the publication of the Bill. The Minister at the time supported the intent of the Bill, which aims to reduce the amount of plastic waste in the environment. However, he referred the Bill for detailed scrutiny to the Oireachtas Joint Committee on Communications, Climate Action and the Environment citing concerns about its compatibility with EU legislation and the cost implications for the Exchequer of the introduction of this provision. The resulting committee report acknowledged the incompatibility of the Bill with EU legislation and outlined potentially significant costs in establishing and operating a deposit and return scheme. Cost estimates considered in the course of the committee's deliberations identified costs of over €76 million in the first year of establishing the scheme with up to €72 million in costs for the second year.

The Government is not opposed to the possible introduction of a deposit and return scheme in Ireland. However, given the potential costs involved in its introduction, it believes that a proper study of the costs, impacts and effectiveness is necessary. The Department is currently undertaking such a review.

It is normal practice to seek the views of affected parties when considering a response to proposals. I am informed that in consideration of the above proposal the Irish Business and Employers Confederation, IBEC, and Repak were consulted as the need arose. The Environmental Protection Agency, EPA, was also consulted. It does not seem unreasonable to consult with Repak, which co-ordinates the delivery of the obligations of industry in this area. Repak operates under an approval from the Minister to act as a national compliance scheme for packaging. Producers of packaging have obligations under the EU packaging directive, as transposed in Ireland by the European Communities (Packaging) Regulations 2014. Repak is a not-for-profit organisation which carries out these regulatory obligations on behalf of its members. Under the terms of its approval, it is tasked with ensuring that Ireland meets its EU targets under the packaging directive and to report to the Minister annually on progress. It is also obliged to keep updated on relevant regulatory developments at national level.

I recognise that all stakeholders should have a fair opportunity to participate so all views can be fully taken into account. In terms of policy development, my Department will evaluate the analysis being undertaken on a deposit return scheme. Incidentally, the scheme is strongly opposed by Repak, so it has not been a slam dunk for whatever view is coming from industry. The Department held a major stakeholder forum in September on a new waste strategy embodying the circular economy plan adopted by all member states of the European Union. All stakeholders were invited to participate.

The approach I have taken since I was appointed to this office is to consult widely. I consulted widely before the adoption of the climate action plan and I am consulting widely at present before the adoption of a waste and circular economy strategy. I hold regular meetings. I have held ten town hall style meetings to ensure I am getting access not just to national interest groups but also to the views of people in the regions. The approach I seek to take is to receive all views fairly.

Deputy Eamon Ryan: I understand that a Department, Ministers and politicians must en-

gage with stakeholders and be informed. However, that is not what we see in the emails released under a freedom of information request. I can give an example. There is an email from 8 May 2018 from the Department to Seamus Clancy of Repak. It states: “As you know the Minister is before the Oireachtas joint committee today to discuss the draft report on the Waste Reduction Bill” and then puts a “quick question” about Repak. On the day it was being debated it was to ask if he could ring that day about what the Minister was going to say. This applied not just to how our Waste Reduction Bill 2017 was handled. It was the iterative in the circle. It was informing and being centrally involved, such as asking for a call in the next half hour and, further to a discussion earlier, asking what should be done in the European Council on the plastics directive.

The problem is that the Department was repeating Repak’s line that our Bill was in contravention of European policy when, in fact, it was bang in line with European policy presented by the Commission and subsequently in the directive, despite all the efforts of the Government to weaken it. The Opposition had a correct legislative measure that was perfectly formed to meet what the European Commission was telling governments to do to comply with the new directive. While the Government was trying to water down the directive in Europe, it was saying here that it could not be done because it would upset industry and would not suit it. That is what happened and that is why Members on this side of the House are increasingly angered at how a legislative measure that was absolutely appropriate and bang in line with European legislation was turned down for industry interests and not on the basis of a policy approach formed by the Department.

Deputy Richard Bruton: The point of consultation is to get both sides of the argument and bring them to bear. It is not to hear only one side of the argument. There is an obligation on us to make massive changes in the way we manage resources, but we must also take their cost implications into account. The Deputy was keen to have a deposit and return scheme established, but there was evidence which the Oireachtas committee believed to be a realistic consideration that had to be taken into account with regard to whether one should impose that. When legislation is introduced by the Government, a regulatory impact assessment is conducted in the normal way. What tends to happen with Private Members’ Bills in my experience is that all of that gets compacted and there may be hurried consultations. I can understand how the Deputy might construe them as being only hearing one view because there was a need to respond quickly, but it is the Department’s policy and my view that everybody’s voice must be heard and that we must try to achieve what we must achieve in a way that imposes the least burden and offers the most opportunity for us to succeed in our environmental objectives while also being compatible with other needs of the community. That is what I seek to do. If there are flaws in the way this is done, I will certainly seek to correct them. The approach I have taken in the consultations I have held is to be fair to all concerned. That does not mean, of course, that people will always be happy with the position I ultimately take, but that is the nature of decisions. It can be portrayed as only hearing one side of the argument. As this is so important, we seek to hear from all sides and make appropriate policies.

Family Support Services

Deputy Micheál Martin: I welcome the children and teachers of Our Lady of Lourdes national school in Ballinlough who are in the Visitors Gallery. It is pure coincidence that I happen to be in Chamber at this time. It is appropriate that the Minister for Children and Youth Affairs

is also here to welcome them.

This important issue involves the Bessborough Centre, previously the Bessborough Mother and Baby Home. That was controversial in itself, but I am not dealing with that aspect today. The trustees of the Sisters of the Sacred Hearts of Jesus and Mary have decided to sell the land. On that land are vital family services for vulnerable families and children. What has developed there over recent years is an extraordinarily high quality intervention service funded by Tusla on a current basis. The family assessment and treatment services include a parent and infant residential unit. It is an 11-bed facility that provides a continuum of assessment and parenting capacity building, a therapeutic intervention for high risk parent-infant families. The parenting capacity provision is very significant, as is the acute residential unit, as has been well recognised. Post discharge, the Lime Tree project comprises community-based family support service and supervised access service. That is exclusively commissioned for families involved in the South Lee social work department. There is a very extensive community crèche and pre-school with Pobal subvention. I understand the nuns wish to sell this as a going concern. This has a capacity of 139 with a staff team of 34, including an administrative manager and childcare manager.

There is a secondary school for second-chance education provided by the education and training board to some of the mothers who avail of this facility. Vulnerable adult students are intensively supported to achieve a leaving certificate to enter further education or vocational opportunities. That school works in harmony with all other Bessborough services, particularly providing parents opportunities to consolidate positive life change whilst using clinical family services. The centre's ethos of inclusion and unconditional respect engages pupils typically resistant to formal education or statutory involvement. There are comprehensive employment support services on the Bessborough lands, again facilitating vocational training and experiences for individuals to return to the workplace or seek employment. That is critical in facilitating the therapeutic and trauma-informed physical environment of the Bessborough centres. There are tremendous synergies between all these different strands of provision. On the wider campus, Eist Linn, an inpatient mental health facility operated by the HSE, is also on these lands. An 11-year lease is left on that facility and €2 million extra capital investment has been added to the premises in recent years.

In one parliamentary answer, the Minister said she had no role to play in intervening in the sale. I put it to her straight that the Government should buy it on behalf of the people. The Minister should work with other Ministers - Health, Education and Skills, and Housing, Planning and Local Government - along with the local city council and combine to buy this entire facility. A master plan could be developed for its extensive lands, which would add to its existing synergies. The sod was turned for the event centre in Cork four years ago and nothing has happened. The developer said he could not complete the project for €10 million or whatever, and I reckon €20 million is now going into it. Why is it that the most vulnerable and most needy of families and children are always at the bottom of the queue? There is a real danger that these services will dissipate as a result of this sale.

Minister for Children and Youth Affairs (Deputy Katherine Zappone): I welcome the opportunity to respond to the issue raised by Deputy Micheál Martin. As he outlined, the Bessborough Centre in Cork is a not-for-profit organisation that works with children and families. The centre is based on a large site that is in excess of 40 acres. The property is owned by a congregation of nuns who have operated child and family services on the premises for many decades. The congregation that owns the property is now based in the UK, and I understand

that the site was advertised for sale in 2018. It appears that the Bessborough site has a mix of considerable undeveloped lands and a range of buildings. A range of services are provided on the Bessborough site, and funding is provided by a number of public bodies, including the Department of Employment Affairs and Social Protection and the Health Service Executive as well as my Department and Tusla.

In 2018, Tusla, the Child and Family Agency, allocated €1.5 million in funding to family and community services provided by the Bessborough Centre. This was established under the trusteeship of the order of nuns who own the land. Tusla is also a tenant on the site and has a short-term lease for its fostering office. The CEO of Tusla visited the site last week. I am informed that the Health Service Executive also operates services on the campus.

The Bessborough Centre is currently considered a leading national centre for therapeutic assessment and interventions for vulnerable families. The centre aims to keep families together where it is in the best interests of the child. My Department provides funding to the Bessborough Centre to run a range of early learning and care and school age childcare programmes for young children. I recognise the challenges that can be faced by community not-for-profit childcare services. That is why my Department has developed a strong case management system operated by Pobal, and through which a dedicated team, in partnership with local city and county childcare committees, assists childcare providers facing challenges.

I understand that Cork City Childcare Committee and Pobal are engaging with the service in question on this matter, and they will continue to support the service as and when required. This is a fluid situation. There appears to be much uncertainty regarding the future of the site and the services provided there. It is important that all factors are taken into consideration before any decisions are made. I know that many people who work for the Bessborough Centre, or who engage with its services, will be anxious to know what the sale of the property means for them. There are also many others who use HSE or Tusla services on the site who will be concerned.

What is clear is that the property is scheduled to be sold, and that there is a potential risk to services as a result of that sale. I know that this is the issue that concerns the Deputy most. Both the CEO of Tusla and I are keen to secure the future of the services that are located on the site. The owners of the Bessborough property have nominated a representative to engage with Tusla. An initial meeting took place between all parties on 4 November and further engagements are to take place shortly. I emphasise that these discussions are in their early stages.

I know that the Deputy will appreciate the sensitivities around engagement on this matter. We are at one on the need to ensure continuity of these necessary services and I appreciate his support and that of other public representatives in Cork in achieving this. I will continue to take an active interest in this matter, and will continue to liaise with Tusla.

Deputy Micheál Martin: I accept that the Minister's Department specifically will not have the capital funding required to purchase the 40-acre site. The State has invested hugely in the area with capital investment over the years and ongoing current funding. If the land is sold to a private entity, to a developer, these services will break up. Huge work has gone into building up the family therapeutic service. In her former role as rapporteur, Dr. Carol Coulter said this is one of the best in the country. It is nationally recognised and is a national service.

Such facilities do not come easily. I know that as a former Minister. This is a wonderful site with tremendous potential. I understand there was interest in the site by a particular developer

who has left the scene due to other issues. Some of it is zoned amenity and so on. I ask the Minister to give a commitment to talk to other Ministers and raise this at Cabinet level. While I am supportive of the event centre, we can find €20 million very quickly for that project, which has taken five or six years to develop. We can find that no problem because of political imperatives. It has to be done for politics as the election is coming, the Government promised it, and its attitude is that if it is a case that it cannot deliver it, it had better find another €8 million or €10 million to do so. Here is an incredible range of services for the most vulnerable in the country, the most vulnerable women, families and children. A good model has been developed. There is a mental health inpatient facility for teenagers and children. Why is it that the State cannot be as proactive as it is in other areas, do the right thing for the future, and develop even greater synergies in future? This is possible and doable, bringing together all the State agencies and Departments and using them to get the right result for all concerned. Will the Minister make the commitment to engage with her colleagues to endeavour to achieve that outcome?

Deputy Katherine Zappone: I will answer some of the issues the Deputy raised before I answer his question directly. I do not think it is necessarily the case, certainly in my Ministry, that the most vulnerable are at the bottom of the queue. I agree with the Deputy that should not be the case. I think I have done a lot in my own work, and I only have responsibility for certain things, to ensure that is not the case, particularly in the area of early childcare and school-age childcare. I have outlined to the Deputy our willingness to step up to the plate with the not-for-profit services provided there and ensure they continue.

The Deputy has outlined the fantastic synergies that happen in the Bessborough Centre and I am absolutely a firm believer in that process. It is visionary and the centre was clearly way ahead of its time in establishing that process. I acknowledge this and thank the Deputy for outlining it in such an eloquent manner. He is right to say that the capital investment has been made but it could also give us a substantial return, particularly a social return, which is what the Deputy is asking for. The services are clearly top class, and I have looked into this since the Deputy and other colleagues have raised the matter. I am very impressed with what I have heard about the centre, so I acknowledge that a good model has developed and there is potential for more.

Tusla and other representatives are engaging with the religious order. I accept the Deputy's comment that it would be good to speak to other Ministers about this and I will do so.

Air Ambulance Service Operations

Deputy Aengus Ó Snodaigh: The emergency aeromedical service, EAS, is an air ambulance service that helicopters from the Air Corps have been providing since 2012. We heard only this week that the service is being curtailed for safety reasons, which we acknowledge. It is being curtailed because of a failure by the Government to address a resourcing issue, as the most valuable resource in the Defence Forces and Air Corps is its personnel. The fact that the personnel have not been there for a period and are not likely to be there in future concerns me. In press releases this week, the Department has stated the service has been curtailed by four days each month until February next year, but no guarantee has been offered by the Department, military authorities or the Minister - the Taoiseach, Deputy Varadkar - that the crisis in manning levels for the Air Corps is at an end.

The Taoiseach stated that this position was "not ideal", and this is the understatement of the

year. This is a service that provides for those who are critically ill in the main, accident victims or medical emergency cases that may be transferred to a hospital for appropriate care. It is used daily, such is the success of the service to date. We should praise the charity that is stepping into the breach to save the blushes of the State. It is great that the Irish Community Rapid Response organisation has the expertise and facilities to step in and deliver the service or at least cover the service for those days that the Air Corps cannot do it.

It is a sad state of affairs that we have reached a point where the Defence Forces must be backed up by a charity. This comes after many years of representative organisations for the Defence Forces and Members in this House, including me, continually raising the issue of the failure of the Government to address the retention problem in the Defence Forces and Air Corps in particular. Specialist personnel are required. These are not just pilots but also back-up and maintenance crews. Currently there are only three full crews available for the service despite the fact that there is a need for ten crews.

I hope the Minister of State will be able to reassure me in his comments that come the end of February next year, we will have ten full crews in place. I do not believe it will happen but it is what we have been told. The statement indicates that this curtailment will only last for a number of months.

We acknowledge the energy and enthusiasm of the men and women in the Air Corps and their ability thus far, despite reduced numbers, to deliver a service. It has got to the stage now where they cannot deliver this because it would put their lives at risk or the lives of those at risk they are sent to help. I hope the Minister of State can reassure us on this.

Minister of State at the Department of Finance (Deputy Patrick O'Donovan): I thank the Deputy for raising the matter. I apologise on behalf of the Minister of State with responsibility for defence, who cannot be here today, unfortunately.

As Deputy Ó Snodaigh indicated, the EAS based in Custume Barracks in Athlone is an important service provided by the Air Corps. Notwithstanding the well-documented ongoing human resources challenges in the Air Corps, particularly with the recruitment and retention of pilots, the EAS has been delivered without interruption since 2012, as Deputy Ó Snodaigh, in fairness, has acknowledged. The Minister of State, Deputy Kehoe, has prioritised this service and will continue to do so in future.

The Minister of State received military advice that the Air Corps will not be in a position to accept EAS taskings from the National Ambulance Service for four days per month for a period of four months from November 2019 to February 2020. That is regrettable but necessary for safety and governance reasons. During this time there will be a training surge to produce a new cohort of aircraft commanders for the EAS, and this will ensure the long-term viability of the service provided by the Air Corps. The safety of serving personnel, HSE staff and patients is the shared number one priority and our whole focus is returning the EAS service to full capacity.

During the 16 days when the Air Corps will not accept taskings, the Irish Coast Guard will provide reserve cover for the National Ambulance Service. This is in line with the Government's decision in 2015 to establish the emergency aeromedical service. The Irish Community Rapid Response, ICRR, emergency medical service, which was mentioned by the Deputy, has agreed to provide additional cover using a second helicopter, which will be based at Roscom-

mon University Hospital on the days when the Air Corps will not be in a position to accept taskings for the EAS. The ICRR will also continue to be available in the south of the country.

The whole focus is on returning the EAS to a full service and full capacity. A number of measures are being pursued, including the reintroduction of the service commitment scheme for pilots, the recommissioning of former Air Corps pilots and the training of junior pilots during that time. The emergency aeromedical service provided by the Air Corps has completed more than 2,600 missions since it commenced operations in 2012. On behalf of the Minister of State and the Government, I pay tribute to the professional and effective service provided by Air Corps personnel, as Deputy Ó Snodaigh did as well. I acknowledge the support of the Irish Coast Guard and the ICRR during this period. The shared priority is to provide the best available service using all available resources during the four days in each month when the Air Corps will not be available for EAS taskings. This interruption is regrettable but necessary, as I stated, from a safety and governance perspective. Everybody accepts it is correct if that is the advice that has been provided. The emergency aeromedical service operated by the Air Corps will continue and it is not being wound down. The service will continue to be provided by the Air Corps.

Deputy Aengus Ó Snodaigh: I acknowledge that the emergency aeromedical service is continuing and it has a tremendous record since 2012. The key question is whether there will be other interruptions. If we do not have ten crews available at Custume Barracks but instead we have three crews that may be topped up by people coming from training in February, the service will have to be curtailed on other occasions. That is the case because of the crisis within the Defence Forces and the Air Corps in particular when it comes to retention.

I note the Minister of State's indication that the Irish Coast Guard will also provide cover, but it is facing other difficulties and there is no guarantee it will be able to provide any additional cover if there is further curtailment. In the House two years ago I raised the two-year contract awarded to Medflight-Air Alliance Express to transfer children undergoing organ transplant to England.

3 o'clock

That contract was up to April 2020 and involves a cost. I do not know if it will have to be extended or if the Air Corps has the required personnel and pilots to bring such a service back into full operation. We had the tragedy of the Irish Coast Guard Rescue 116 which went down off the coast of Mayo. Accidents can happen but on the night in question, the Air Corps, either because of a lack of personnel or equipment, was not able to provide the required cover. There are major problems. Cover will be provided by the Irish Community Rapid Response helicopter for 16 days. We need a commitment that the service will not be curtailed beyond the 16 days extending to February 2020.

Deputy Patrick O'Donovan: The Deputy raised some legitimate points. I will ask that they be brought to the attention of the Minister of State at the Department of Defence and he might reply directly to the Deputy.

The focus is on returning the service to full capacity. The loss of 16 days is regrettable but necessary from a safety and governance perspective. I know the Deputy will accept and appreciate that if advice is given on safety, it must be adhered to. At least there is a fall-back position in this case and it is being implemented. During this time there will be a training surge to pro-

duce a new cohort of commanders. Steps have been taken to ensure there is an air ambulance service available on the 16 days in question. As I indicated previously, the Irish Coast Guard, complemented by the Irish Community Rapid Response service will provide additional cover using a second helicopter which will be based at Roscommon University Hospital on those days. This necessity for short-term measures is regrettable but it will contribute to the longer-term viability of the service.

The Deputy will know as well as I do that there is no silver bullet when it comes to the provision of pilots. I am not a military aficionado but I expect that pilots are highly trained individuals who are highly sought after. There is a shortage of pilots. As I stated, the Minister of State is pursuing a number of measures, including the reintroduction of the service commitment scheme, the recommissioning of former Air Corps pilots and the training of junior pilots. These measures are being taken to ensure the service can be reintroduced. The Minister of State has been advised that a maximum of 16 days will be lost. The Deputy has sought further assurances and I will ask the Minister of State to reply to him directly in writing.

Hospital Overcrowding: Motion [Private Members]

Deputy Stephen Donnelly: I move:

“That Dáil Éireann:

notes:

— that so far this year, more than 100,000 patients have gone without a hospital bed, waiting on trolleys in emergency departments;

— that to the end of October this year, 13,466 people over 75 years of age have endured emergency department waits of more than 24-hours, a third more than for the same period in 2018;

— that October was the second-worst month for hospital overcrowding since records began;

— the warning from the master of the Rotunda Hospital that it is ‘only a matter of time’ before newborn babies are injured or die as a result of overcrowding;

— the increase in the mortality rate from sepsis;

— the numbers presenting to emergency departments are rising;

— that emergency department overcrowding is linked to increased mortality and poorer outcomes for patients; and

— that delays in emergency departments result in poor patient experiences, with some patients enduring horrendous experiences, while others leave without being seen;

agrees that:

- the Health Service Executive (HSE) National Winter Plan 2019-2020 provides for no additional acute beds or frontline hospital staff;

- emergency medicine staffing levels are below international comparators, and below the agreed safe staffing levels;

- healthcare professionals in emergency medicine are under unprecedented, unsustainable and unacceptable pressure; and

- there is no funded workforce plan in place to reach agreed safe staffing levels;

acknowledges that:

- hospital bed occupancy rates average 97 per cent, and are 104 per cent in model 4 hospitals, compared to the recommended safe occupancy rate of 85 per cent;

- delayed discharge is significant and linked to a growing waiting list for home care support;

- there is a significant shortage of hospital beds relative to the capacity review; and

- there is no definite timeline for the provision of the additional acute beds needed; and

calls for:

- a clear funded timeline for the provision of additional acute beds to meet 85 per cent occupancy levels, and for step down beds, as set out on the capacity review;

- an immediate assessment of the number of acute inpatient psychiatric beds required;

- increased access to diagnostics for emergency medicine;

- implementation of the recommendations made by the Health Information and Quality Authority (HIQA) in their 2012 report;

- HIQA to investigate the impact of overcrowding on the health of people presenting to emergency departments;

- urgent progress on achieving safe staffing levels in emergency medicine, to include:

- ending of pay disparity for consultants;

- ending of the de-facto hiring embargo for nurses and midwives;

- a funded workforce plan; and

- an overhaul of human resources practices to improve working conditions for healthcare professionals; and

- investment in general practitioner (GP) services, including:
 - funding chronic disease management;
 - expansion of GP out-of-hours services; and
 - appropriate access to diagnostics.”

The following are testimonies received about the health service.

We have been in St. Vincent’s for 3 days. 3 days with tea and good nurses but zero doctors.

The ‘lucky’ people here get a trolley to lie on, lots of very ill and elderly people are actually sitting on chairs.

My 86 year old mum ends up in A&E regularly and has spent days stuck in limbo.

My mam is one of those statistics - 83 years old, 4 weeks after surviving a heart attack, was brought in coughing up blood from lungs ... it was 13 hours before she even saw a doctor.

My mum is a 70-year-old woman. She spent 105 hours on a trolley in Limerick and expressed fears she would die if a fire started.

A woman was found on the floor ‘screaming in pain’ with a broken hip, having been assaulted by a drunk.

I mopped the blood off the table in the canteen with napkins, blood from my 4-year-old’s open head wound.

They go on and on.

Yesterday, 534 men, women and children were waiting on a trolley in an emergency department in one of our hospitals. Today, the number is 577. The figures in August, September and October were the worst on record for each of those months. October, the month just passed, was the second worst month on record. On 2 October, the highest ever daily figure was recorded for men, women and children waiting on a trolley in an emergency department. Last year, by the end of October, more than 10,000 elderly men and women over the age of 75 had waited on a trolley for more than a day. The Government described that as totally unacceptable and said it would not happen again. This year, the figure is not 10,000 but 13,000, having increased by one third in one year. The Master of the Rotunda Hospital warned just a few days ago that it is “only a matter of time” before newborn babies are injured or die as a result of overcrowding. As of the end of October this year, more than 100,000 men, women and children had waited on a trolley. Nothing like this has ever happened before.

What has been the Government’s response this year? It is a winter plan that includes no extra beds or clinicians and a hiring embargo that the HSE tells us does not really exist. The Government has arrived at a burning building with a smoke alarm. What of our healthcare professionals? Just today, healthcare professionals have told me they are “overwhelmed”, “burned out”, “exhausted” and “under massive pressure all the time”. Every Deputy in this House who engages with healthcare professionals will have heard the same. They are under unprecedented, unsustainable and completely unacceptable pressure. It is unacceptable for them and for pa-

tients and their families.

Why is something so bad happening in our society and healthcare system? There are three big reasons. First, too many people are having to go to emergency departments. Second, when they arrive in emergency departments, they do not always get the help and treatment they need. Third, there are not enough beds. That is pretty much it. I will deal with each of those reasons. Too many people are having to go emergency departments in the first place. General practitioners could treat many of these people in the community but they do not have the resources to do so. They do not have the time they need to spend with each patient, nor do they have access to the diagnostics they need for their patients. They do not have the practice nurses that general practitioners have in other countries where they actively manage the welfare of their patients, keep them healthy and treat them at home, in primary care centres or in GP surgeries. However, we do not have that and, therefore, people get sicker and end up having to go into our emergency departments.

What happens when people arrive in emergency departments? Much of the time they arrive into complete chaos in emergency departments being run by skeleton crews who are heroes trying to keep the system going. The staff who see the patients after 5 o'clock in the evening know they cannot get access to diagnostics. They do not have a suitable treatment room or assessment room. They do not even have a triage room or a suitable resuscitation area. They will do what they can but they will often ask patients to wait on a corridor. If they admit them, they will ask them to lie on a trolley on a corridor where they may be assessed and treated. That is the reality people are dealing with today.

Why are there are not enough beds? First, there are simply too few beds but also the beds we have are not being used properly. What is going on? Patients are being discharged but they cannot leave the hospital because they do not have a home care package to allow them to return home. Interestingly, Deputy Butler and I spoke about this yesterday. She made the point that in Waterford hospital the number of people waiting on trolleys pretty much matches the number of people who have delayed discharges. Let us reflect on that. If there are 25 people on trolleys waiting for beds and 25 people in beds waiting to get out of them, it does not take a genius to work out the solution. Give patients the home care packages they need, free up the 25 beds and get those who are on trolleys into those beds. Other patients are told that they can go home but that they need a scan and if they do go home, it will be two years before they get it. They are then put in a bed to wait for three days so that they can be put on the hospital's priority list for the scan. A safe occupancy level is approximately 85% but occupancy levels in Ireland stand at approximately 100%. All sorts of stuff goes wrong when the hospital is under that much pressure. If an urgent emergency, such as a big trauma case, arrives, everything else gets knocked out.

We know why this happening, which means we know how to fix it. In this motion, Fianna Fáil has put together a very straightforward plan, which would work. We need to reduce the number of people going into emergency departments by funding GPs to treat people in their communities. This means more GP out-of-hours services, access to diagnostics and funding for care pathways, particularly for the elderly and those with chronic diseases. We need to increase emergency department capacity, ensure safe staffing levels, end the hiring embargo, eliminate pay inequality for consultants and provide better access to diagnostics. We need to free up hospital beds and provide the new beds that are required more quickly. We also need to fund home care so that we can get people out of hospitals when they are discharged.

The crisis we are experiencing in emergency departments has never been seen before in Ireland. It does not exist in any other European country. If we implement this plan, it will not need to exist here.

Deputy Mary Butler: Emergency department and hospital overcrowding has become the norm. We hear in the news every day of trolley numbers representing the number of sick patients who cannot access a medical bed in a hospital but who may instead have to wait on a trolley, in some cases for days. They have to stay on a corridor with the lights glaring, without privacy and without bathroom facilities, other than the public bathroom in the emergency department. They have nowhere to put their personal belongings.

As of October, 13,466 people aged over 75 endured waits of more than 24 hours for a bed. Never before have so many elderly people waited on trolleys for longer than 24 hours. The latest figures are devastating. Last year's figure of approximately 10,000 has skyrocketed by 35% this year. Many elderly people have told me they are afraid to go to hospital because they fear they will be left on a trolley on a corridor for days, with no privacy as people pass by. They are afraid they will die alone and would prefer to stay in the comfort of their homes, regardless of how ill they are.

The way forward is to tackle the issue of delayed discharges. We need timely transfer of care to the home or, with the correct wraparound supports, to a community respite bed or nursing home through the fair deal scheme. There are 451 patients awaiting approval for that scheme. There were 680 cases of delayed discharge at the end of October. In 2014, the former chairman of the emergency department task force warned that delayed discharges were putting lives at risk. At the time he wrote his analysis, there were 703 delayed discharge patients in the acute hospital system, which he said represented 30 wards at capacity. Frail elderly patients risk hospital acquired infections, falls, pressure ulcers and medication errors while being nursed in busy acute hospital settings for months on end.

As my colleague, Deputy Donnelly, said, I visited University Hospital Waterford on Monday and was advised that there were 21 delayed discharges currently in the hospital. On the same day, there were 23 patients on trolleys. Today, there are 20 patients on trolleys in the hospital and 577 patients on trolleys nationwide. The point I have been making all year is that if we allow 21 delayed discharges at one end of the system while there are 20 people on trolleys in the emergency department, the problem will never be resolved. The dramatic increase in lost bed days in our acute hospitals demands a direct intervention from the Minister.

I am calling for a task force on delayed discharges to co-ordinate timely discharge. We need a centralised, co-ordinated approach to delayed discharges. Each hospital group should have a task force specifically allocated to identify where issues are occurring and to design a plan to ensure timely access to step-down care for these patients. We could vastly reduce trolley overcrowding if we got serious about delayed discharges. I understand that, in some complex cases, this is not always possible but direct intervention is required. I ask the Minister to give serious consideration to that request.

An Leas-Cheann Comhairle: I do not know the Fianna Fáil Members' arrangements but there are only eight minutes left.

Deputy James Browne: So far this year, more than 100,000 patients have gone without a hospital bed and instead waited on a trolley in an emergency department. Almost 14,000 people

over the age of 75 have endured waits in emergency departments of more than 24 hours. The plan for winter 2019-20 provides for no additional acute beds or front-line hospital staff. Emergency medical staffing levels are below international comparators and safe staffing levels. Hospital bed occupancy is 97% or higher, and is 104% in model 4 hospitals. Delayed discharges are a significant factor. In County Wexford, 754 people are on the waiting list for a home care package. That is more than in all neighbouring counties combined. Inexplicably, there is nobody on a waiting list in the Carlow-Kilkenny area next door. I would like an explanation as to how that is possible because it is having a very serious impact on the numbers waiting in hospitals. The public health system appears to be broken. These waiting lists are not normal or acceptable.

With regard to mental health, we have had report after report on overcrowding in our mental health services from the Inspector of Mental Health Services. A couple of weeks ago, a 16 year old spent 40 hours in the emergency department in University Hospital Waterford. He spent 24 of those hours on a chair with a blanket over his head to hide from the light and noise, which were distressing him. That is totally unacceptable. We have also seen reports of what overcrowding has done to the department of psychiatry in Waterford. People are sleeping on floors and chairs. This is totally unacceptable. When will hospital overcrowding be addressed?

Deputy Dara Calleary: I thank Deputy Donnelly for raising this issue. On Monday, there were 38 people on trolleys in Mayo University Hospital, yet there are unopened beds in Ballina, Swinford and Belmullet district hospitals. If these beds were opened and properly managed, they would allow for a proper step-down facility for Mayo University Hospital.

Our community services are under tremendous pressure. The Minister maintains that he is investing money in community services but the extra investment in home help hours in six counties in the midlands resulted in only 20 extra home help hours. We have not been provided with the figures for other areas. Some 20 extra hours will not make much of a difference. As I have said before, the Minister needs to follow the money. Is the extra money resulting in extra home help hours or is it being spent on extra administration costs?

The Minister and the HSE have declared war on a key component of primary care, our pharmacists. The pharmacists' contract and the withdrawal of funding for phased dispensing are causing enormous difficulties for pharmacists. The Minister is impairing their ability to play a part in resolving this issue. The moratorium that is not a moratorium is impacting on replacement appointments for positions right across the service. If the moratorium that is not a moratorium was not in place, we would have personnel in position to reopen the beds that need to be opened.

I noted the cases mentioned by Deputies Donnelly and Browne. We are hearing about similar cases all the time. We have become anaesthetised to their impact. I believe the Minister hopes that is the case. The people of this country just cannot get their heads around the fact that this is happening day in, day out in every hospital despite the phenomenal efforts of staff. The Minister has to take control of the matter. It is only November and every one of the winter records is already being broken. Will the Minister please wake up and take control?

Deputy Michael Moynihan: The overcrowding in hospitals is causing massive issues but the Minister, the HSE and the Department have to look at where money can be saved. I have raised an issue privately with the Minister in recent weeks. I gave him a file on it. We have still not got any response. Families of patients are being fobbed off. They want to be able to bring their family member home and are committed to doing so. A home care package has to be put in

place. They were told three weeks ago that there is no funding for the home care package they seek. That would help people. It would free up beds in the system. It is happening all over, and I know that other Deputies have experience of it also, where families are waiting for assessments and are being told that the patient first has to come home from acute settings. There is a crisis in this regard that is causing overcrowding.

I ask the Minister please to look at the file I gave to him last week and come back to me on it this week. The family needs answers. They are hoping to be able to help themselves and help their loved ones and to help the system by freeing up a badly needed hospital bed.

Deputy Jackie Cahill: Emergency department and hospital overcrowding does not have to be an accepted and inevitable reality. While it is a difficult problem to solve, it can be solved. It requires leadership from the Government and the HSE management, so that all HSE staff understand what direction the health service is going and what is the ultimate destination. It is said that a ship setting sail without a destination is destined to drift and ultimately flounder. Unfortunately, this is where the Government is taking our health service; on one long, tortuous journey with no destination in sight.

In any organisation that is lacking leadership one will have discontented staff and lack of productivity, which in this case is ultimately being reflected in hospital overcrowding and the endless crisis in our accident and emergency departments.

There are solutions, however. We need to empower our GPs through primary care centres and with access to efficient diagnostics, so that more patients are treated in the community. We need a focused and efficient home help service to keep older people living at home for longer. We need effective step-down facilities to eradicate the problem of bed blocking. We also need an end to the embargo on recruitment and an acknowledgement that we are operating in a world market where we are trying to recruit the best nurses and doctors available.

As other Members have said, we are just entering into the winter months and figures are at a record level. We must get solutions. Things have to change.

Minister for Health (Deputy Simon Harris): I move amendment No. 1:

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

“notes that:

— the population aged 65 and over has increased by 35 per cent since 2009, with the result that there have been increasing levels of demand for health and social care services;

— there has been an increase of 29,000 attendances and 2,600 admissions to emergency departments in hospitals in 2019, as against the same period last year; and

— the Health Service Executive (HSE) has published its National Winter Plan 2019-20, which identifies mitigating actions to bring down the number of patients on trolleys, and reduce waiting times in emergency departments, notwithstanding the growing demand for its services;

acknowledges:

— the allocation of an additional €26 million to fund the implementation of the National Winter Plan 2019-20 to support egress from hospitals;

— the establishment of nine Winter Action Teams aligned to Community Healthcare Organisations and associated acute hospitals which have prepared integrated winter plans that will focus on demand management and reduction;

— that an additional investment of €52 million has been made to bring the total funding for home supports to €487 million in 2020;

— that over the last two years an additional €45 million has been provided to the Nursing Home Support Scheme (NHSS) budget, and in 2020 the NHSS will see a further investment into its budget of €45 million, bringing the total annual budget for the NHSS to €1.03 billion;

— the sustained focus in recent years on reducing delayed transfers of care and enabling patients to be discharged from hospital in a timely manner;

— the increased investment of €210 million per annum to be made by 2023 in general practitioner (GP) services set out in the Agreement on Contractual Reform and Service Development of May 2019;

— the establishment of a fully-funded chronic disease management programme to be delivered by GPs from January 2020;

— the commitment to comprehensive patient care on the part of GPs including the improvement of out-of-hours services;

— the steps being taken to introduce diagnostic facilities at community level;

— that the Minister for Health is engaging with the Rotunda Hospital, RCSI Hospital Group and the HSE in relation to the scope of interim works necessary to address the infrastructural challenges in the Rotunda Hospital, pending its relocation to Connolly Hospital Blanchardstown;

— the increased investment in the health services, including the increase of over 250 whole-time equivalents of medical and dental staff and over 370 in-patient and client personnel since the beginning of 2019, and 800 nurses and midwives since September 2018;

— the HSE has established a Medical Workforce and Patient Safety Oversight Group to agree and oversee implementation of actions in relation to recruitment of consultants and non-consultant hospital doctors;

— that engagement with the consultants' representative bodies has commenced and further engagement is planned;

— that Project Ireland 2040 provides €10.9 billion for health capital projects including 2,600 acute hospital beds and 4,500 social care beds

— that the Government will provide record levels of funding of €18.3 billion in revenue and capital funding for the health services in 2020; and

— the publication of the Sláintecare Action Plan 2019 progress report this week which will show that the Government is on track with its implementation; and agrees:

— with the Sláintecare vision of a universal single-tier health and social care system where everyone has equal access to services based on need and not ability to pay;

— that as part of the Sláintecare Action Plan 2019 reducing waiting times for patients in hospitals and for community services is a key priority for the Government;

— that the Government, through its policies and funding for the health services, is addressing the issue of capacity in the healthcare system by enhancing community services, improving patient flows and providing additional capacity in line with the recommendations of the Health Service Capacity Review; and

— that the most effective way of achieving the Sláintecare vision is by backing the Government's continued implementation of the Sláintecare Action Plan 2019, which has the support of all parties.”

I welcome the opportunity to address the range of issues raised in the debate. The pressures facing our health service are a deep concern for all of us. None of us wants to see patients, especially our older people, and staff enduring overcrowded conditions and none of us is immune to that. We are working very hard to try to improve the situation but in an honest debate it is important to acknowledge that there is no policy panacea, but rather a variety of reforms and measures are required. I believe this is why all parties in the Oireachtas agreed on the need for a long-term plan, which is Sláintecare. In that context, I hope we can have an honest and truthful debate this afternoon. There is no single solution that I am sitting on and refuse to deploy for some unknown reason. That is just lazy and partisan politics. I heard Deputy Donnelly outline a Twitter plan yesterday and I heard him outline some of it again this afternoon. With respect, I have to say it is very familiar. The Deputy calls for more resources for GPs and the Deputy is aware that we have just negotiated a new GP agreement, of which 95% of GPs voted in favour. The agreement reverses the FEMPI cuts, most of which were imposed by Deputy Donnelly's party. The Deputy also calls for bed capacity and he knows that we are delivering more bed capacity. While Deputy Donnelly was not in Fianna Fáil at the time, any honest look at the graph shows the number of beds his party took out of the health service. Fianna Fáil is calling for a taskforce on delayed discharges. I welcome that point but it does exist. The Minister of State, Deputy Daly set up that cross-divisional oversight group after he published the independent expert review on delayed discharges. I take the point, however, that Deputy Butler raised.

I shall begin with GP services. As Members are aware, in May we concluded an agreement on contractual reform and service development with GPs. This agreement will see an increase in expenditure on GP services of €210 million per annum on a phased basis. This will help to make general practice sustainable and an attractive option for medical graduates. Members do not have to take my word for it; 95% of GPs voted in favour of the deal. The measures included in the agreement are made up of an increase of 40% in the capitation payments to GPs for General Medical Services patients. In return GPs are committed to co-operating in a series of new measures. These include e-health developments, medicines reviews, the implementation of community healthcare networks and the management of hospital waiting lists. Crucially,

there will also be an increase of 10% in the rural practice allowance - I know this is an issue of concern to Members - and for the first time ever there is the introduction of a €2 million per annum support for GPs working in areas of urban deprivation. Improvement in supports for maternity and paternity leave for GPs are also provided for to help attract new and younger GPs to the career.

From January next year we will be doing exactly what the motion calls for, which is the implementation of a chronic disease management programme that will help to move services from the hospitals into general practice and deliver structured care to patients through their local doctors, an approach which has been shown to improve health outcomes and reduce the need for hospital admissions.

The agreement signals the commitment of Government to general practice and the partnership that is required between GPs, patients, the wider health system and the HSE. The 2019 agreement also includes a commitment to a strategic review of GP services that is intended to examine how best to ensure the provision of GP services in Ireland for the future. This review on the broader new contract will commence in 2020.

We are also continuing to work on developing our diagnostics services in the community. This is crucial. It ensures that people do not have to go to a hospital to get an x-ray or an ultrasound. The HSE is making progress on a range of options across community healthcare organisations to increase access to radiology services, including publicly provided and outsourced models. Some 67,000 ultrasound and 79,500 X-rays are planned to be delivered by the end of this year through direct GP access to radiology services.

We all agree that more care needs to be provided in the community and in particular the need to support homecare. This was clearly recognised by all of us with the increased investment in this area for next year as provided in the budget. We have not just started next year, however, and have provided additional funding from September this year to improve access to home support and the fair deal scheme. As a result, we can see the number of delayed transfers of care falling - formerly known as delayed discharges. The average daily number of delayed discharges in October was 682, which is down from 757 in the previous month. This is still far too high but it is now beginning to reduce and I expect that to reduce significantly further.

The HSE published its winter plan last Thursday, which is earlier than before, and I secured an additional €26 million of taxpayers' money to support its implementation. The additional funding is being used for a range of services to help relieve demand for emergency department services and to support discharge and other initiatives to help hospitals deal with the challenges associated with winter.

Specific funding has been allocated to nine winter action teams to support initiatives at local level including additional staff to improve patient experience time, improve senior clinical decision making, reduce length of stay and facilitate weekend discharges; additional aids and appliances to help get elderly people in particular back home; additional home support hours; the implementation of frail intervention therapy teams to help avoid and reduce admissions of patients who are more frail; and additional flu-testing kits to improve patient experience times.

I agree with Deputy Donnelly that we need extra bed capacity. We have published the capacity review and provided funding for the addition of 2,600 acute beds and 4,500 community beds, in line with the plan. Progress has been made on increasing capacity. An additional 267

acute hospital beds were opened under the winter initiative 2017-18. The provision of an additional 75 acute beds and 75 community beds was a component of the winter plan 2018-19. The modular facility to expand Clonmel Hospital by 40 beds is nearing completion and will open shortly. The much talked about 60-bed extension to Limerick hospital, promised for years but not delivered by anybody, is now well under way. While it will not be open this winter I have viewed it, it is under construction and is under way. As part of an agreed capacity programme, the number of available inpatient beds is expected to increase to above 11,000 for the first time since 2009. In 2009, 2010 and 2011 Deputy Donnelly's party reduced the number of hospital beds. From 2007, under Fianna Fáil, more than 1,500 inpatient beds were lost until Fine Gael began to reverse this trend in government with the Labour Party in 2012. Since then more than 600 beds have been added and we are continuing to work to reverse the damage done by Fianna Fáil. The truth is that Fianna Fáil left this country with fewer acute inpatient beds when it left office in 2011 than when it started in 1997. I have a graph here, published by my Department and available for all to see, called the open beds report August 2019. I encourage everybody to view this report. One graph shows a decline during Fianna Fáil's tenure in the Celtic tiger era when it closed beds and built motorways instead of hospitals. I agree with the Deputy's comments about not properly using beds and I hope in his reply to this debate he will stand up, as have Deputies O'Reilly, Kelly and I, to say that he believes it is inappropriate that private practice is taking place with public hospital beds. We want to see an end to that, but we have yet to hear Deputy Donnelly's party commit to that.

One issue was raised in Fianna Fáil's motion that I specifically want to address on the Rotunda Hospital. I am fully aware of the concerns that have been raised in relation to the hospital by the Master of the hospital, Professor Fergal Malone. I have met with Professor Malone and other representatives from the Rotunda as well as the HSE to discuss potential interim works at the hospital. It is important to recognise that we want to relocate this hospital to the Connolly Hospital campus and funding for this relocation project is in place in our capital plan. This is a longer-term plan and we need to look at current infrastructural difficulties. There has been engagement with the HSE to try to agree a proposal with the Rotunda and I look forward to meeting the Rotunda and the HSE to see how we can proceed.

I am happy the motion gives me an opportunity to talk about workforce planning. I want to make it clear there is no national recruitment embargo in the HSE. If there was it would be the only organisation in the world that could see 2,630 more staff working this year than last year despite an embargo. Fianna Fáil would know all about embargoes because it cut the number of health service staff. There are more doctors, nurses and therapists in the health service this year than last year. However, what we do have to do is what every public service has to do. Managers can only recruit funded posts. I am sure there are school principals who would love to hire more teachers. I am sure there are lots of people in the public service who want to do so but it has to be done in line with the budget. That is a fair and equitable way to do it.

There has been a constant increase in the number of staff in the HSE. There has been an increase of more than 250 doctors since the beginning of this year. The number of whole-time equivalent nurses and midwives has increased by almost 800 since September 2018. The recent nursing agreement, despite Deputy Donnelly telling the health committee he believed our nurses are well paid, includes additional measures to help with the recruitment and retention of nurses and puts more money back in their pockets. With regard to consultants, I am pleased that engagement has started with their representative bodies. With this engagement and with taxpayers' money must come reform. We cannot have a situation where patients are waiting

in an overcrowded emergency department and just because they cannot afford private health insurance they cannot access our hospital beds while a patient in a private bed is upstairs in our public bed with a private health insurance company making money. That is not on. That is not equitable. I heard Sinn Féin talk at the weekend about an Irish NHS and I am up for that. That is what Sláintecare is all about. However, I am not sure Sinn Féin is up for it if it refuses to rule out private practice in our public hospital beds. I ask Sinn Féin to tell us its position. If, God forbid, it ends up with the health Ministry will it take on the vested interests and say no more private practice in public hospitals? Will it deliver on the Sláintecare commitments? I will and I will work with any party in the House that wants to do it.

The emergency department task force meeting this afternoon and obviously I cannot be there because I am here in the House accounting and talking about these important issues. I look forward to it monitoring the work of the winter plan. I welcome the debate. I want to work collaboratively to find solutions but be wary of anyone who stands up in the House and says there are three simple things we could do to fix it. If there were three simple things we could do to fix it we would have done it. It is a complex issue that requires massive reform and the delivery of Sláintecare. In the interim, it requires investment that we are putting in place this winter to try to alleviate some of the pressures.

Deputy Louise O'Reilly: I could play the game as to which one of Fianna Fáil and Fine Gael is worse all day and it is great craic but it does not really resolve anything, let us be fair.

The issue of overcrowding has been a constant for well over a decade now. It did not start eight years ago and people are well aware of this. Only last January, we in Sinn Féin passed a Private Members' motion on this exact issue, including pretty much all of the same solutions. However, as has been the case with this Dáil, votes do not matter and the expressed will of this house is ignored.

The scandal of patients waiting on trolleys was officially declared an emergency by the former Minister for Health, Mary Harney, in the Fianna Fáil Government of the day in 2006 when the trolley count reached 469. Fianna Fáil now claims this has never happened before. Indeed, it has happened and it has continued to happen because the policies of Fianna Fáil and Fine Gael are virtually indistinguishable. The total of 469 patients on trolleys hardly even surprises us any more and it certainly does not warrant a headline, although it was considered a national emergency at the time.

Fine Gael has had eight years to address the overcrowding crisis but the number of patients on trolleys has got worse year on year. In 2012 the number was 66,308, in 2013 it was 67,863, in 2014 it was 77,091 and in 2015 it was 92,998. Is anyone noticing a pattern? We know that this year the number is already more than 100,000. In 2016 to 2019, inclusive, Fianna Fáil has been in a confidence and supply arrangement with the Fine Gael Government and has agreed and facilitated the Fine Gael budgets which have had a catastrophic impact on our health service. Their cause for celebration in those budgets has been the hiving off of public money for the private health sector through the NTPF. Only two organisations welcome this measure each year. They are Fianna Fáil and the Private Hospitals Association. Make of that what you will.

The Irish Association for Emergency Medicine has calculated that there could be between 300 and 350 excess patient deaths each year due to the trolley crisis and emergency unit overcrowding. We only saw in the past number of weeks the harrowing story of Evelyn Crowley dying on a trolley in Cork University Hospital. In Limerick hospital, which staff describe as an

ecosystem of chaos, a 70 year old woman spent 105 hours on a hospital trolley. How has this come about? It is because of a lack of hospital beds throughout the State and a staffing crisis. The cause of the staffing crisis in the health service has its roots in the recruitment moratorium in the health service brought in by the Fianna Fáil Government in 2007, two years before it was introduced in any other Department. Deputies can talk to staff working in the health service or to me and I will tell them about it as I represented health service staff at the time. I can tell them that the moratorium was introduced in 2007 by Fianna Fáil and we have not recovered from it. This staffing crisis has been escalated by the recruitment freeze implemented by Fine Gael. Be it a freeze, a pause or a moratorium, whatever the Minister wants to call it if he is not hiring it is effectively a recruitment embargo.

Pay inequality for new entrant consultants and the failure to unwind FEMPI fully for consultants has crippled the public health system and has caused staff losses, demoralised current staff and has left the health service with around 500 consultant vacancies in various specialties, many in emergency medicine.

We have a lack of beds. Hundreds that closed during the austerity years have not been reopened and cannot be reopened because of a lack of staff. I keep saying this and as long as there is an overcrowding and trolley crisis I will continue to say it. To tackle the trolley crisis we have to address the issues causing it and focus on addressing them through increasing recruitment and retention, reopening closed beds, delivering more step-down facilities, increasing home help hours and having proper investment in primary and community care, including diagnostics.

Fianna Fáil facilitates the Government and the Minister for Health holds his office because Fianna Fáil abstained in a motion of no confidence. Fianna Fáil has the power to change things at any stage and push through progressive policies at budget time and other times but it does not. It can line up to pile in on the Fine Gael Government but it knows its part in this crisis and must acknowledge it.

Deputy Caoimhghín Ó Caoláin: As we debate another Private Members' motion on waiting lists, it is important to remember that regardless of the waiting figures associated with each motion I for one cannot say that I, in my more than 22 years as a Dáil Deputy, have ever seen a Government sufficiently shocked and shamed into action. It has never happened. Put simply, if the severity of the October overcrowding figures were accepted by Government and Fianna Fáil, the outcome of this evening's motion would be change. But Fianna Fáil is only here for the shock and not for the action, as the record demonstrates.

We must remember what remains constant in our debates on hospital overcrowding. That constant is the lived experience of those who linger on trolleys or hospital chairs. As of this morning, I am told there are ten people on trolleys without a bed at Cavan General Hospital in my constituency. The relatives and friends of those patients will no doubt be worried and distressed that their loved one may be experiencing more pain and discomfort than is necessary. The fact there are only ten makes not a whit of difference to each of those families and those ten people. For them, it is exactly the same distress and suffering as if it were 100 and we had ten times the number of people in that experience.

I also want to point out the distress that this causes front-line staff in our hospitals. Many staff put in long hours and go above and beyond to try and attend to all patients presenting. I can imagine how disheartening it must be, leaving the hospital after a traumatic and hectic day,

only to see those very same patients placed overnight in corridors. Nurses have said this to me. Their work and dedication deserve better. They have the right to be able to leave work having cared for patients to the best of their abilities and knowing that those same patients and others who will present will be afforded hospital beds long before they return to work on the following morning. All too sadly, however, that is not the case.

I note the tendency of the Fianna Fáil spokesperson on health to refer to 2011 as if all was grand up to then and everything started to go bad after that year's general election. The reality is that the NTPF was used extensively in the years 2009 to 2011, inclusive, before being suspended. We have seen the NTPF put to use more recently to reduce waiting lists for surgeries and other inpatient procedures. I hope that Fianna Fáil is not advocating a return to such temporary measures. What we need immediately is for action on the complete implementation of the Sláintecare report. If that were implemented, we would not have to rely on short-term, knee-jerk reactions. Many patients, such as those on the ever-increasing cataract treatment waiting list, have benefitted from the NTPF. I wish them well, but they should not have had to wait, then board buses to travel north, if that was their mode of transport, to receive what was their due in this State as of right.

I wish to refer to those shocking October overcrowding figures. Members of the public who sometimes struggle to understand the current political arrangements in the House often ask how large a scandal would it take for Fianna Fáil to withdraw from its support arrangement with Fine Gael. It will be obvious after tonight that, among the many other scandals of how our citizens are being treated, including in our health services, having more than 100,000 patients without hospital beds so far this year is not shocking or outrageous enough for Fianna Fáil to put an end to this sell-out arrangement and pull the plug, which is what should happen.

Deputy Alan Kelly: I thank Fianna Fáil for moving this motion, although I will be forgiven for feeling like this is Groundhog Day all over again. We go around and around debating this. Unfortunately, I do not believe that we, as a collective political institution, are taking one another seriously enough. There is a lot of politics, but I am not sure that there are many solutions.

Talking about the situation with trolleys and emergency theatres is like talking about the weather now. It is that neutralised and socialised, which is awful. The county I come from has the worst issues proportionately with admissions to hospitals. We have Limerick on one side and south Tipperary on the other. Although they get beaten the odd time, those two hospitals usually have the most number of people trying to get into them. For us in Tipperary, it really is like talking about the weather. This is not an issue of staff or management, whom I support in both locations. They dread going into their respective hospitals. Imagine being a public representative whose constituents dread going into their local hospital. That is what my fellow Tipperary Deputies and I live with every day.

Just like others, a number of members of my family were on trolleys in University Hospital Limerick, UHL, in recent weeks. The circumstances people are being left in are disgraceful. The discourse that emanates from that goes against all of the good work being done in health, for example, cancer strategies, maternity strategies and other public health strategies. We must fix this. Surely it cannot be beyond the capacity of the body politic to do so. I say with great sincerity that the Minister is going to wish that the election was this month. Unfortunately for the general public, if we have a flu epidemic, or even if we do not, it will be hell. It is already hell where I live, so it will be an even worse form of hell. The situation is that bad. I do not say this with any political glee.

We know about the more than 100,000 people on trolleys this year and the record levels of overcrowding. What gets to me is the volume of elderly people who are being left on trolleys. I am not unique - other mid-west representatives are present. The amount of times one must fight to have elderly people, who are obviously more vulnerable than others, prioritised is ridiculous. Since starting in politics, the proportion of my time spent fighting for patients to get access to hospital services has multiplied on a scale that I cannot even estimate. I did it today. I have been fighting for people all this week, all last week, all last month, every week and every day. That is not the role of a Deputy, but because of how the system is failing, we are left in a scenario where probably all Deputies must try to intercept and fight those parts of the system that are falling down.

I will tell the Minister a story - I have the lady's permission; her name is Deborah - as an illustration of how bad things are. Deborah needed an operation on her gall bladder, which is not the most significant of operations but is quite painful. She was admitted to UHL. The people there first believed that they could take her as an outpatient, but she was then brought in. The consultant switched views on this after a number of weeks and realised that the operation could not be done in UHL and she would have to be transferred to St. Vincent's. St. Vincent's could not take her, though. I had to intercept the issue, call St. Vincent's and ask why the consultant was not doing more procedures. Obviously, he has private and public practices. He is going under the tunnel on a Tuesday to work Wednesday, Thursday and Friday, and on Monday and Tuesday he is working in the public practice. More than anyone, I am with the Minister as regards private practice in public hospitals.

I, a politician, had to fight to get Deborah transferred to St. Vincent's. Just before she actually got there, she got a letter from its outpatient department telling her the date for an outpatient appointment for a bloody operation that she did not even have arranged yet. I had to tell the CEO's office in St. Vincent's that this was happening. The hospital had given an outpatient appointment to a lady who was in UHL awaiting transfer to St. Vincent's for an operation that the latter could not provide because she had not even been transferred yet and the consultant could not take her. After the appointment at St. Vincent's was cancelled a number of times, she eventually had the procedure. This came 11 weeks after being admitted to UHL to have her gall bladder removed. For 77 days at a conservative figure of €1,300 per day, that is more than €100,000, not counting additional costs like medicine. By the way, she was given the wrong medicine twice. Spending €100,000 to have a lady's gall bladder removed is the situation that this country is in. It is crazy. Is it any wonder that we talk about the amount of money we are investing in healthcare when it costs €100,000 for a lady to get her gall bladder removed? I have asked the director general of the HSE, Mr. Paul Reid, to look into this matter, which is a scandal.

What the Minister said about the embargo is rubbish. There are many examples of recruitment not happening. I know of a person who was offered a role but who is now emigrating because the appointment has not been made.

I will not talk about the HSE's winter plan because it is effectively a case of putting a finger in a dyke. The overcrowding situation is so bad in some hospitals that one clinical lead told me in recent weeks that it will lead to a catastrophic event, if not multiple such events, in the coming winter period. This very experienced person is effectively saying, and it is not said lightly, that people will die unnecessarily. The Minister has challenged everybody here to provide solutions. I wrote to Mr. Reid about the issues at UHL and requested answers regarding how it is proposed to deal with the situation there in both the short term and the medium term. I was not

happy with the response. I have undertaken a comparative analysis of UHL versus Beaumont Hospital, which are two similarly sized hospitals with similar catchment areas. It is bad enough that UHL is €40 million in deficit in its current funding but when it comes to nurse numbers, there are 1,016 in that hospital compared with 1,294 in Beaumont. That is a substantial difference, especially when one considers that Beaumont does not treat as many patients. I can share all these data with the Minister.

We must deal with the issue of consultants, as the Minister is well aware, and that requires tackling the embargo. Bed provision is another issue. The Minister visited Our Lady's hospital in Cashel three years ago but the unit there is still lying idle. That represents an absolute waste of resources. There are issues with model 4 hospitals and problems with care pathways. Nenagh and Ennis hospitals, both in the mid-west, should be used more. Their minor injuries units, for example, could be utilised to widen the pathways. There are issues to deal with in regard to intermediate vehicles and making sure patients are transferred more quickly. Another issue is that I do not know why we are not giving the flu vaccine to more people for free. There would be a saving for taxpayers in doing so because fewer people would end up in the acute system. The Minister is well aware of the issues concerning home care packages.

Solutions are being put forward. I urge the Minister, as we move into late November, to examine the four or five really bad hospital situations and work with the director general of the HSE to put in place plans that are specific to those hospitals and which give far more detail than is in the winter plan. Otherwise, what I described at the beginning of my contribution will, unfortunately, come to pass.

An Leas-Cheann Comhairle: The Sinn Féin Deputies have four minutes remaining in their slot and Deputy Martin Kenny has indicated. With the permission of the House, I will allow the Deputy three minutes. Is that agreed? Agreed.

Deputy Martin Kenny: I thank the Leas-Cheann Comhairle and promise to confine myself to the time allocated. The problem of hospital overcrowding stretches to every part of the country. Most people's experience of it is that it is a direct result of under-staffing in hospitals. That is the nub of the issue. I was contacted this week by a nurse who is employed in a hospital through an agency. She applied for the same job directly with the hospital, was approved and a contract was drawn up. However, because the job was advertised last July and more than three months have since passed, she must seek to have her application reapproved. The people responsible for the procurement of staff told her she needed to seek someone out to get her own appointment approved. When I spoke to the people concerned, who are based in Manorhamilton, they told me that there are hundreds of health service staff around the country in the same position. There is no additional cost in securing this appointment. In fact, it is costing more to employ staff such as this nurse through agencies.

The argument is often made that the health service is in a mess because it costs so much. The reality is that it is in a mess because people are not doing their job. The Minister is the person at the very top and it is his job to make sure other people do their job. That is not happening, however, as the experience of many people shows. If we are to get a grip on this situation, we need the Minister and the senior people in the Department to have the backbone to stand up and ensure that others do their job. I have raised concerns on numerous occasions, during Topical Issue debates and other discussions in the House, with both the Minister and the Minister of State, Deputy Catherine Byrne, that people in senior management in the HSE are swinging the lead. Unless something is done about this, we are all wasting our time. People are

being left on long waiting lists and in queues in hospitals and, in some cases, they are ending up in the graveyard. The state of the mental health service, in particular, is a cause for serious concern. We must take control of the situation. I challenge the Minister and the Government to tackle the situation finally, four years into its current term of office and following its previous term in government. Failure to do so will be a huge indictment of the Minister and his legacy.

Deputy Paul Murphy: The Minister focused on two themes. First was the argument that Fianna Fáil did it first and, second, there is the notion that no policy change will alter the situation facing people who are waiting on outpatient lists or on trolleys in hospitals. The first thesis is accurate. Fianna Fáil did indeed do it first, but that does not reduce the responsibility of the Minister or of this and the previous Fine Gael Government for the current state of the health service. There has been almost a doubling of the numbers of patients on trolleys over the eight years of Fine Gael rule. It is true that we are still struggling with the legacy of the horrific cuts in the 1980s, when 3,000 beds were lost. Despite there being some subsequent movement towards recovery and improvement, that deficit was never dealt with properly. The onset of the economic crisis saw the introduction of a massive programme of austerity by Fianna Fáil and the Green Party, which was continued by Fine Gael when it entered office.

A 2014 study conducted by Trinity College showed that €2.7 billion was taken out of the health service between 2009 and 2014, resulting in 12,000 fewer staff, 21,000 fewer inpatient appointments, 30,000 fewer day cases and almost 1,000 fewer beds. We have had decades of under-resourcing, which is the responsibility primarily of Fianna Fáil and secondarily of Fine Gael, compounded by austerity since the crash. Fianna Fáil and Fine Gael have continued to pursue the same policies. The consequences of those austerity policies are seen in the huge waiting lists and the patients on trolleys but also in the entrenchment of the two-tier nature of the health service, which is at the root of many of its problems. Public hospitals were forced into financial dependence on income from private patients who were allowed to jump the queue ahead of poorer and sicker public patients. Even when the latter finally access treatment, the care they receive is generally inferior.

The second theme the Minister set out is the idea that there is no single policy change that can turn things around. It is part of the propaganda and argumentation of successive Governments and Ministers to suggest there is nothing that can be done about the health sector. No matter who goes in and what they do, it will always be in crisis. No matter how much money is spent, it will remain a funding black hole. In fact, there is a simple policy change that would transform the situation, which is to adopt a policy of building a properly-funded national health service. That service would have one tier rather than two, would not require people to pay out of pocket for medical expenses or private medical insurance and would ensure that everybody has equality of access to the health services they need. That is the policy change we require and it would transform people's lives. Unfortunately, Government policy points in the opposite direction.

I will focus on a discrete area of the health service, the ambulance service, to illustrate the point I am making. I got an answer from the HSE last week to a question regarding its expenditure on private ambulance services in the first eight months of 2019. I was informed that €7 million was spent filling the gap in hospital transfers, which involves the use of taxis.

4 o'clock

It is there. It is relatively small in the grand scheme of the health service but it is a clear ex-

ample of an underfunded ambulance service, made up for by paying for private operators to step in. That happens at the same time as the disgraceful union busting treatment of the ambulance workers, personally directed by the Minister for Health against those who want to be members of the National Ambulance Service Representative Association, NASRA, and who are told after seven days of strike action they cannot join NASRA and the HSE will not deal with NASRA. Every time they protest outside the Dáil, we raise it in here and we get the same answer from the Minister every time, which is basically saying the Government thinks there are enough unions currently organising for ambulance workers and paramedics and therefore they should not be entitled to have a union of their choice. It is utterly scandalous but it is replicated in the treatment of workers across the health service.

That is one area but I mention the creeping privatisation, although the word “creeping” might understate it at this stage. The expansive but not openly declared privatisation of our health service takes place throughout the service. It takes place in the National Treatment Purchase Fund, the payment of agency nurses as opposed to employing people directly to work as part of the health service, private consultants using public hospitals, and people being able to jump queues and so on. It is everywhere. The alternative is to invest in a national health service. That would make a huge difference in people’s lives and health outcomes and in equality in our society. Health inequality is huge in Ireland and statistics continually come out about that.

It would also make a difference to people’s pockets. I got an answer from the Minister this week about the amount an average household spends on private healthcare and private health insurance each year. The Minister confirmed the average household spends €960 per year on medical expenses, covering things like GP, dentist and hospital visits etc. The household budget survey gives a combined figure for medical and dental insurance in the same period of more than €1,200 annually. As we do not have a national health service, households in this State are already spending over €2,000 on average to try to access the healthcare they need.

The consequences for this underfunding are very clear. They are spelled out by Phil Ní Sheaghda and the Irish Nurses and Midwives Organisation, INMO, in the various press releases put out about the coming winter crisis. The HSE predicts nearly 4% more patients will attend emergency departments, but that will be with 400 fewer staff nurses and midwives in the coming crisis if the recruitment pause is not ended and if there is no proper staffing of our health service. The most extreme consequence of this underfunding is the estimated 300 to 350 people who will die as a consequence of overcrowding and of being stuck on trolleys etc. between now and next year. It is horrific, and that goes on top of the experience of sitting on a trolley, the experience of a family member being on a trolley, and the experience of one in ten of the population sitting on outpatient lists, unable to access the healthcare they need. We need a national health service. A national health service is a part of a green new deal for Ireland. Employing the proper number of staff to resource our health services properly means creating thousands more jobs, and those are low carbon jobs. They are low carbon, high quality and high value jobs for our society.

It also means taking on the power of the pharmaceutical companies. We regularly deal with scandals here with people seeking to access necessary pharmaceuticals and medicines, often for their children, and being unable to do so because of the ransom these pharmaceutical companies are attempting to extract from people. It points to the need for public ownership of the pharmaceutical companies, and in the meantime there is a need for a programme of generic production through publicly owned pharmaceutical companies to ensure life-saving drugs can

be accessible to all. It means taking private hospitals and healthcare companies out of the hands of profiteers, and in that way building a national health service that is equitably accessible to all who live here.

Deputy Thomas Pringle: I am sharing time with Deputy Broughan. The Minister is probably tired of hearing this discussion in the Dáil. It gets a bit depressing having to come in here and say it all the time but it deserves to be said. Everybody has their local hospital and every hospital is in the same level of crisis. It comes down to a lack of management. It has started from the wrong place. I agree with a lot of what Deputy Paul Murphy has said. We are always starting in the wrong place, and as long as we do that, we will always be in this situation. If Fianna Fáil jumps over into power, it will have the same problem, it will say the exact same things the Minister is saying now, the Minister will be on the Opposition benches saying the exact same things Fianna Fáil is saying, and it will be the same crap.

The reality is this started with Mac the Knife back in the late 1980s and that process was continued by Fianna Fáil. The Minister has continued it on hell for leather. When will they learn it is not working and it can never work? The reality is we cannot keep cutting and expect it to work. The reality is we cannot keep focusing on budgets and expect to get more for it because it will not happen and it cannot happen. The reality is we have to bite the bullet and decide to provide more money for the health services so the service can deal with the problems it has. We have an ageing population, we have an increasing demographic that needs the treatment and we need the proper home care services so people can get services at home. That will help our hospitals and that has to be done. Unfortunately, this Government is not doing it, Fianna Fáil will not do it and no Government in this State will do it if it only concentrates on funding and budgets as a way of doing it because that will not make any difference.

The way the Government is focusing on the problem has led to 49 people waiting on trolleys in Letterkenny University Hospital this morning. That is up four from yesterday when it was 45. It remains the second most overcrowded hospital in Ireland for the third consecutive day. For the month of October, the INMO confirmed a total of 693 people were either on trolleys or waiting on wards in the hospital over the four-week period, making it one of the most overcrowded hospitals in the country, and this could be repeated across the board. At Letterkenny University Hospital, there were 19,108 people awaiting inpatient or outpatient treatment at the end of June. That is up 1,906 from June 2018, an increase of 11%. In Letterkenny University Hospital, over 2,000 more people are awaiting an outpatient appointment. A total of 1,783 women are waiting for a gynaecologist appointment at Letterkenny University Hospital. That waiting list has been growing for the past five years. The recruitment embargo has prevented management at Letterkenny University Hospital from recruiting the nurses, doctors and support staff required to reopen the hospital short stay ward fully. Those are the facts of the matter and that can be repeated across the board. In Letterkenny University Hospital we also have an ambulance service that is run for a big county but where most of the ambulances are sitting at the hospital waiting to discharge patients into it. That is fucking ridiculous. This has gone on and on and we are here all the time talking about it. It should not continue but the Minister is not dealing with the problem properly because the problem is a funding issue and that is where the solution will be. If the Minister is constantly talking about doing more for less, he will do less for less. That is the reality of the situation and that is all that will happen.

I personally have a problem with the €1.5 billion we give in VHI tax breaks. Why do we not put that into the health services? That would raise €1.5 billion straight away. Instead of giving people tax breaks for having private health insurance, and I pay for other people to have private

health insurance, we should put that money into the health services and make sure they are responsible towards our people. Then we might see some difference. However, it will go the way the Minister is going, we will go into an election with the Minister in crisis mode, Fianna Fáil will say it is terrible, it will go into government, it will do the same and Fine Gael will say it is terrible. That is all that will happen.

Deputy Thomas P. Broughan: It is laughable that Fianna Fáil has brought forward the motion when it and Fine Gael have been joined at the hip in deliberately capping health expenditure over the past 12 years or so. They have reduced the number of badly needed acute hospital beds and, disgracefully, the number of HSE staff under the three austerity Governments since 2007. We on the Committee on Budgetary Oversight have year after year examined the budgets and, inspired by people such as Fr. Seán Healy and others who have appeared before the committee to give us evidence and ideas, have found that health budgets are consistently too small. That is the bottom line. Budget 2020, which was announced a few weeks ago, outlined Estimates for the health Vote, Vote 38, of €18.3 billion for 2020, €18.4 billion for 2021 and €18.5 billion for 2022. Where did the Department of Finance get those suspiciously similar figures? What about the delivery of Sláintecare or of additional services? Everyone in the House and all our constituents know that these Estimates are significantly too low to address the crucial needs outlined in the motion. Even in the case of the additional funding the Minister brought forward for Sláintecare, there was a €20 million integration fund and a €12 million core redesign fund but we have not received reports of what is happening in that regard or how it will help. All the new expenditure, such as the €25 million for the NTPF he mentioned, the €10 million for palliative care and so on, are simply too low, or at least too low together, and they leave out crucial sectors of the health service. Most members of the Committee on Budgetary Oversight have consistently sought realistic, sustainable budgets for a well-functioning health service in order that we will not keep reverting to crisis after crisis. The Minister for Finance, Deputy Donohoe, and Deputy Michael McGrath of Fianna Fáil have together agreed four budgets over the past four years which have simply failed to deliver that, which is why it is ironic to hear the health spokesperson of Fianna Fáil so upset by the matter.

At 8 a.m. today, 360 people were on trolleys around the country, with 174 people waiting on wards, which included ten people on trolleys at Beaumont Hospital. There were 30 people on trolleys at the Mater Hospital, eight at Crumlin hospital, 23 at Tallaght Hospital, 25 at Cork University Hospital, 23 at Mercy University Hospital, 27 at University Hospital Galway, 25 at University Hospital Waterford, 30 at University Hospital Limerick and so on. One of the most despicable aspects of the statistics is that it was reported in October that 107 children had been forced to wait on trolleys for beds to become available. Professor Malone, the master of the Rotunda Hospital, whom others reference, has told us graphically that overcrowding contributed to one premature baby dying and two others being infected with meningitis because of beds being so close together and that approximately 4,500 premature babies are born each year. He seeks an additional €50 million for the neonatal intensive care unit.

Ms Eilish O'Regan, the distinguished correspondent of the *Irish Independent*, reported yesterday that waiting list surgery will have to be scaled back in December and January to free up hospital beds for patients on trollies in overflowing accident and emergency departments. Service plan targets set by the Minister to reduce waiting lists to below 500,000 and surgery waiting lists to below 60,000 will reportedly be abandoned. Will the Minister confirm this? Like other Deputies, I have contacted Mr. Paul Reid, the CEO of the HSE, and the Minister since the spring about reports on health service constituents who briefed me on the 2019 embargo on staff

appointments. The Minister has denied that the embargo is happening, as have the Taoiseach and Mr. Reid, but I have learned of appointments made last April for which the new workers, whether front-line or support staff, will be taking up their jobs in January 2020. That is clearly based on financial and administrative grounds. The embargo did happen. It was disgraceful and it should not happen again because there should be a realistic budget for 2020.

In general terms, the motion lays out the horrendous aspects of the health system. We must support urgent action on it.

An Leas-Cheann Comhairle: I call Deputy Michael Healy-Rae.

Deputy Michael Healy-Rae: I thank Deputy Donnelly and his colleagues in Fianna Fáil for bringing forward this important motion-----

An Leas-Cheann Comhairle: My apologies. Deputy Naughten wished to share time with the previous group.

Deputy Michael Healy-Rae: That is not a problem.

An Leas-Cheann Comhairle: We all make mistakes.

Deputy Denis Naughten: I have three suggestions for the Minister in respect of the issues at accident and emergency departments across the country. First, we need to better utilise our injury units, which can provide for quick diagnosis and discharge back into the community and ensure that people do not have long stays for tests that can be provided there. Currently, people go directly to accident and emergency departments rather than to injury units and an effort needs to be made to encourage people within the catchment area of injury units to go there in preference. If they do present at an injury unit, they should be considered as having been admitted to an accident and emergency department and get credit for when they go there. To send a clear message on the matter, I ask the Minister to make one change, namely, to reduce the charges for people presenting at an injury unit. One pays the same charge for presenting at an injury unit as at an accident and emergency department. There is no incentive there. If the policy is to encourage people to go to injury units, which it should be, we should not charge them the same fees as for going to an accident and emergency department. There are state-of-the-art equipment, diagnostics and even staff on call in many of the injury units, yet the doors are locked at 8 p.m. Surely it would make far sense if the GP out-of-hours service based beside such facilities operated out of them and had access to the diagnostic facilities.

Second, we need to utilise vacant nursing home beds available throughout the country to assist with the discharge of patients from hospital.

Third, we have to lift the embargo on critical appointments. I flagged in the Chamber last week the issue of vacant posts for public health nurses in Ballinsaloe and it is welcome that we have made progress and two of the posts will be filled. Nevertheless, two community nursing posts that could assist in the discharge of patients from Portiuncula hospital remain vacant, and it makes more sense to make that investment now.

Deputy Michael Healy-Rae: I compliment the people working in accident and emergency departments at University Hospital Kerry in Tralee, Cork University Hospital and the hospital in Limerick. These people are at the coalface, working very hard, but they are not happy with the management of the HSE, the Minister or his Department because of what they see as fail-

ings in the system. I was grateful to the Minister in the past when I brought the management of what we will call the private hospital in Tralee to meet him to discuss very important issues such as how we in Kerry could use a model that is second to none in Ireland, given that a public hospital and a private hospital are located within 1 km of each other. The two hospitals could work far better together to achieve a reduction in waiting times. Solutions at the time were given to the Minister and his officials. The HSE, both in Kerry and Cork, knows how we could better utilise the services of the two hospitals but I am still looking for that to happen. Both are excellent hospitals in their own right, but by putting them working together, we could help dramatically to reduce the waiting times. It is inhuman to think of a person, whether old, young or middle-aged, going to an accident and emergency department and wondering whether he or she will be there for one, two or three days. It is outrageous. It should not happen at any hospital in the country that an old person would sit on a trolley and wait for hours or days. I ask the Minister, once and for all, please to try to sort it out.

Deputy Mattie McGrath: Like the previous speaker, I compliment Fianna Fáil on tabling the motion. I thank the Minister for visiting places in Clonmel, such as the hospital and the doctor's surgery at Mary Street Medical Centre, which has fabulous diagnostic equipment. He worked hard to secure a contract to allow the medical centre to provide diagnoses privately. It was the shortest contract in the history of the State, a 14-day contract that lasted for eight days. There is bedlam in the HSE.

I thank the Minister of State, Deputy Daly, for coming to see us in Tipperary recently. What will it take for the Minister to resign? There is nothing personal about this; he can laugh if he likes. What disaster will be sufficient to make him think that he is perhaps not up to the job? It is one of the great mysteries of Irish politics that he has managed to stay in his position despite the unique and catastrophic leadership he has displayed in respect of his brief.

Deputy Anne Rabbitte: Jesus.

Deputy Mattie McGrath: Could I carry on without the Lord's name being taken in vain from some inadequate people behind me? There is cursing and swearing.

Deputy Anne Rabbitte: Inadequate-----

Deputy Mattie McGrath: If they have to resort to taking the Lord's name in vain, what else is there?

An Leas-Cheann Comhairle: The Deputy should not-----

Deputy Mattie McGrath: It is unbelievable. I am trying to concentrate. I have a script.

Deputy Simon Harris: Apologise to Deputy Rabbitte.

Deputy Anne Rabbitte: On a point of order-----

An Leas-Cheann Comhairle: It is not a point of order.

Deputy Anne Rabbitte: May I interrupt? Deputy Mattie McGrath has said I am insulting. He is showing no respect whatsoever to the Minister.

An Leas-Cheann Comhairle: The Deputy should not cast stones because there are times-----

Deputy Mattie McGrath: Apologise for-----

An Leas-Cheann Comhairle: I will remind the Deputy of this before the night is out when she is talking to her colleagues. Let us move on.

Deputy Mattie McGrath: I would like to continue without being interrupted.

An Leas-Cheann Comhairle: The Deputy was not being interrupted.

Deputy Mattie McGrath: The Deputy was using the Lord's name in vain within earshot of me. To date this year, 100,000 patients have gone without hospital beds and have had to wait on trolleys in emergency departments. To the end of October last year, the numbers were the worst in the world. They have increased this year. I am out of time, but I appeal to the Minister, Cabinet and Taoiseach to do something because there has been failure after failure. Front-line staff are at their wits' end and cannot cope or continue because they are under appalling pressure. The same is the case in mental health services. Let us not mention the waste in the saga that is the national children's hospital. It is a black hole which is being filled every day. The failed project is continuing. It cost €3 billion-----

Deputy Catherine Byrne: The Deputy should travel out to have a look at it.

Deputy Mattie McGrath: I and my colleagues have been out to see it.

Deputy Simon Harris: He has never been.

Deputy Mattie McGrath: We know what is happening. I ask the Minister to check his conscience. A 102 year old recently spent three days on a trolley in University Hospital Waterford. Does the Minister have any moral compass or fibre? Does he think about the people who are waiting and being neglected and abused? I ask him to think of the staff.

Deputy Danny Healy-Rae: I am glad to have the opportunity to talk about this issue, but in the couple of minutes I have I cannot cover what I should be covering. The people working in the accident and emergency department of University Hospital Kerry in Tralee have to be complimented. Oireachtas Members had a meeting with officials from the HSE a couple of weeks ago and I highlighted the fact that people in Tralee who have letters from doctors stating that they need X-rays still have to go through the accident and emergency department despite the fact that GPs have told me they should not have to do that. This policy is clogging up the system. People aged 92, 93 and 94 years of age are waiting on trolleys in the accident and emergency department for hours and hours. Many go home without being seen.

I have highlighted the need to fully open Kenmare Community Hospital. For the minute I have available to me, I would be very grateful if the Minister would listen, but he does not want to listen.

Deputy Simon Harris: I am listening.

Deputy Danny Healy-Rae: He will listen to the people on the doorsteps and he will listen to them when he comes to Kerry. It is a fact that only half of the hospital in Kenmare and half of the beds in Dingle are open. At the same time, people are crying out loud to get into hospital. The Minister is doing nothing about that. He said he has advertised for staff, but he will not pay them or give them fair conditions.

Deputy Simon Harris: Are we not paying staff?

Deputy Danny Healy-Rae: It is the same for the GP services in Milltown, Rathmore and other places. The Minister should not make faces or make fun of me.

Deputy Simon Harris: The Deputy said we are not paying staff.

Deputy Danny Healy-Rae: I will tell the Minister the truth. Deputy Mattie McGrath called for his resignation a long time ago. I am calling for it now because he does not deserve to be in office as he is a shame and a downright disgrace. He is not listening; he is laughing, grinning and making faces at us. He has no realisation of what he has done to the people in Kerry and the services he is not providing to them. It is not fair that people who are almost 100 years of age have to stay on trolleys for two or three days. The Minister is out of order.

Deputy Simon Harris: Thanks for coming to the Dáil today.

Deputy Danny Healy-Rae: He is a shame and a disgrace.

An Leas-Cheann Comhairle: The Minister is not going to-----

Deputy Danny Healy-Rae: I mean that from the bottom of my heart.

Deputy Simon Harris: Thanks for coming to the Dáil today. A rare appearance.

An Leas-Cheann Comhairle: The Minister is not going to have-----

Deputy Danny Healy-Rae: He is a disgrace.

Deputy Michael Harty: Inequality lies at the heart of this motion. Health inequality is a major factor in disease development and inequality is now built into our two-tier health system. Inequality is also built into our public health system and health inequality kills. There is no argument about this statement. It kills patients worldwide and Ireland is no exception. Political policy and inaction regarding health inequality kills.

There are 577 patients on trolleys today, according to the IMO and INMO, 75 of whom are in Limerick Regional Hospital. According to the HSE's TrolleyGAR figures, there are 39% more people on trolleys today than on this day last year. We do not have a flu epidemic and are not yet in midwinter. As Deputy Kelly said, the mid-west is under-resourced by 20% compared to catchment areas of a similar nature. This is a €40 million under-investment in the mid-west per year. This institutional inequality kills people in the mid-west

Health inequality needs to be addressed immediately and urgently by the Minister. He has data and blueprints, but lacks the will to properly implement Sláintecare and address the core issues, namely, capacity and consultant and GP vacancies. What the Minister said bears no resemblance to reality. He is not addressing the core issues and is not listening to front-line staff or people who deliver services. That is why we have health inequality, and health inequality kills.

Deputy Seamus Healy: The health service is in chaos and crisis, whether it be the hundreds of thousands of people who are waiting to be seen as outpatients, those on inpatient waiting lists, the 100,000 people who have been on trolleys to date this year or the 300 elderly patients who will die unnecessarily this year on trolleys in our overcrowded hospitals. I raised this matter with the Taoiseach recently on Leaders' Questions and was shocked to hear him respond as

if this situation was normal or acceptable. It is not normal or acceptable. In fact, it is the result of a deliberate policy pursued by successive Governments. It goes back quite some time, to the Hanly and Fitzgerald reports. Those reports were not accepted at the time. The policies underpinning those reports and their recommendations had been implemented on an ongoing basis by successive Governments. They took every opportunity to implement the recommendations, including during recessions. The saying is that one should never waste a good recession.

These policies were sold on the basis that big is best, centralisation is good and centres of excellence were needed. Big is not always best. Centralisation is not always good. All of our hospitals should be centres of excellence, and they can be if they are supported, funded and resourced properly. We need specialist hospitals to provide specialist services, but general medical services, such as general surgery, paediatrics, maternity care and accident and emergency departments can and should be provided locally to a standard of excellence. This is being done despite significant pressures on staff who work above and beyond the call of duty on an ongoing basis. We can see the results of the policies pursued by this and previous Governments in our health service. There is absolute chaos, with severe overcrowding in hospitals and some 100,000 patients already obliged to wait on trolleys this year. At UHL, as many as 70 patients are often on trolleys, while nearly 50 patients are in a similar situation in South Tipperary General Hospital. That is the situation as it stands, and those are two of the worst hospitals in the country for overcrowding. However, every hospital is suffering as a result of that problem.

The overcrowding in our hospitals is inhumane. We have to remember that patients on trolleys are human beings and are entitled to service and respect. They are not getting that from the health service today. We know from professionals who have brought this matter to public attention, that this year and every year some 300 elderly patients will die in our hospitals unnecessarily, because of overcrowding, time spent on trolleys and the general chaos in the system. This situation has arisen due to the policies of successive Governments. My area includes Limerick and the mid-west, as well as what was formerly the South Eastern Health Board area and is now the South/South West hospital group area and these policies started to be implemented there way back in 1988. That was when the Government of the day closed 50 beds in St. Vincent's Day Hospital in Tipperary town. Taking those 50 beds out of the system immediately put great pressure on the other hospitals. That policy was continued when Our Lady's Hospital in Cashel was closed and another 30 beds were lost. That is a total of 80 beds having been taken out of the system in the south Tipperary already.

Turning to the mid-west, on the basis that big is best, that centralisation was needed and that an excellent service could not be provided in our local hospitals, which we can now see was incorrect, the Government of the day closed Nenagh Hospital, Ennis Hospital and St. John's Hospital in Limerick. We know and see the result of those closures daily in UHL. To give a concrete example, in South Tipperary General Hospital in 2011, when Fine Gael came to power first, some 700 patients were on trolleys. Some 6,000 patients on are now on trolleys in that hospital. It is a similar story in every other hospital.

South Tipperary General Hospital operates on the basis of 120% occupancy, while the medical department there operates on the basis of 150% occupancy. The generally accepted safe level of occupancy is 85% to 90% at most, so there is great pressure. We have to come to terms with the policies that various and successive Governments have been pursuing for years. We also have to face up to the fact that these policies were wrong, should not have been implemented and should now be reversed. The accident and emergency departments at Ennis and Nenagh should be reopened, because there is no doubt that the situation at UHL has been

gravely exacerbated by the closure of those departments. Thankfully, we are eventually going to get our 40-bed unit in South Tipperary General Hospital. We hope that will be before the end of January 2020. Overall, however, we lost 80 beds in the area and we need at least another 40 or 50 in a new block.

The Minister was in Tipperary two or three years ago and he visited Our Lady's Hospital in Cashel, which is a state-of-the-art facility. Some €14 million was spent on upgrading that hospital, but there is not a single bed in it because it has been vacant for the past ten years. It is definitely time for that hospital to be opened because it can and should be able to provide step-down facilities. The expenditure on the hospital was intended to provide district hospital beds, palliative care beds and step-down facilities, but it has been vacant and left in pristine condition for the past decade. The hospital should be opened immediately.

As other speakers indicated, the moratorium - and that is what it is - on recruitment of staff must be lifted. General nurses tell us that 400 staff are needed in their area, while psychiatric nurses estimate that there are approximately 500 unfilled posts. The moratorium on home help hours must also be lifted. The recent increase in the funding for home help hours, well and good as it is, will cater for less than 50% of the existing backlog. Another area in need of urgent attention is GP services and availability. I also want to state that I support the comments of Deputy Paul Murphy and I would also like to see a proper national health service.

An Ceann Comhairle: We move next to Deputy Aylward, who is sharing time with Deputies Niall Collins, Dooley, Murphy O'Mahony and Lawless.

Deputy Bobby Aylward: We have two minutes each. I listened with interest to the Minister earlier as he blamed Fianna Fáil for the current state of the health service. I remind the Minister that his party has been in power for more than eight years and each and every year during that time the number of people languishing on trolleys in our accident and emergency departments has risen. Fine Gael has broken the wrong kind of historic records in respect of the numbers of people on trolleys annually. Some 28 people are languishing on trolleys in my local hospital, St. Luke's, in Kilkenny, and another 20 are on trolleys in University Hospital Waterford.

In the south east, we are still fighting for equality of cardiac care. It is the only region without 24-7 cardiac facilities and people are fearful that recent overspending in other areas of the health service could keep us waiting even longer for those essential lifesaving services. The situation in our hospitals is scandalous and unfair on our hardworking staff, as well as our sick and vulnerable citizens. There is a major problem with GP retention in rural Ireland and the Government must focus on this issue and incentivise GPs to avail of contracts in rural practices. It must also be ensured that these practices are adequately equipped, resourced and staffed.

If we can treat more people in GP surgeries, we will then have fewer people being admitted to accident and emergency departments. The Government must also address the many issues relating to delayed discharges. This is a major problem in Kilkenny and home care packages are needed to facilitate care and healing in the comfort of people's own homes. Too many beds are being taken up by people who have been officially discharged by hospitals but who cannot go home as they have no home care packages in place or are awaiting approval of their applications.

The Minister owes it to the hardworking staff in our hospitals, who have held the health system together in recent years, to ensure that he does not continue to preside over such chaos.

I ask him to take the seriousness of this situation on board, given that we are not even near the end of the winter yet. We have another month to go during which there may be sickness, such as that caused by flu epidemics. The conditions in hospitals will get worse unless and until we do something about them.

Deputy Niall Collins: The situation with accident and emergency care in Limerick, as the Minister knows, has gone beyond the point where we just condemn it and express outrage. We now need action. People in Limerick and the mid-west region are aghast and afraid to go to that department. It saddens me to have people describe that department as a cattle mart and the last place in the world to which they want to go. People should have confidence in that accident and emergency department. I know the Minister is due to visit shortly and he really needs to focus, through his office and Department, in addressing that issue.

On primary care, the Minister has concluded a deal with the GPs and that deal has been accepted. We need to continue to energise, recruit and qualify GPs, however, because that is a critical pipeline. Within five years, half of County Limerick will not have a GP service available. The way in which primary care centres are structured in relation to the HSE in terms of placing the risk in developing them onto both developers and general practitioners is counter-productive and is simply not working.

In the few seconds remaining, I will refer to the embargo. I received an email from a nurse who works in an accident and emergency department in London. Having been offered a position in Galway, she has been told she cannot take it up because the funding has been held back. To give another example, a constituent of mine who applied for home help hours for her parents, both of whom have a critical need for the service, was told by the local public health nurse that there is an embargo in place. Her parents cannot avail of the service as a result. I also received an email from a nurse who took a career break to go to Australia and has since returned. She has not been allowed a pathway back into her job because of the embargo. The Minister contends that there is no embargo but it is in place.

If we could unwind financial emergency measures in the public interest as they apply to pharmacists and get rid of the pay inequality that applies to some doctors, particularly consultants, it would go a long way towards attracting and retaining staff in front-line health services.

Deputy Timmy Dooley: Like other Deputies who represent the mid-west, I draw the Minister's attention to the crisis at University Hospital Limerick. From an accident and emergency perspective, it is wholly unacceptable. I do not want to fan the flames or personalise this matter. The whole political process and a whole-of-Government approach are needed here. I will cite a couple of cases that I have found striking. One relates to a woman who spent five days on a trolley in the past week. That case has been well versed in the local media and I am sure the Minister has heard about it. In another case, only last month, a farmer in his 70s who collapsed on his farm was rushed to the accident and emergency department in Limerick where he spent two days on a trolley in his dirty farm clothes. He was squashed beside a patient with ulcerated legs. If that does not flag a serious crisis in terms of cross-contamination, what does? A fantastic new facility accident and emergency facility has been built at the hospital but there are enough beds in the hospital or in the catchment area to get patients through the system. That is a serious issue.

On waiting lists, I understand the reason for the focus on accident and emergency departments because that is the front line. I will give the Minister three examples of constituents who

are on waiting lists. A 70 year old woman, who is incontinent, has been waiting for three years to get an appointment. To date, I have been able to get an appointment date for her. There was much talk last week about the respect and dignity that was not afforded to a prisoner who had to slop out. What kind of respect or dignity has been shown to a woman who has been waiting for three years to have an issue with incontinence addressed? Can the Minister imagine what that does to that woman? It beggars belief. In another case, a 55 year old woman with an arthritic condition has been waiting three years for an appointment. Even using the parliamentary questions process, I have been unable to get a date for her. Another woman of 65 years of age has been waiting for a year to see a consultant about a hip complaint. She was told via a parliamentary question that I tabled that she would wait for at least four years. Somebody in the health service wrote to her informing her she would get an appointment within four years, after which she will have to go back on the list to have surgery done. I could go on but I am giving the Minister a flavour of the issue.

The Minister is also an elected politician who meets people every day. This problem is not his fault *per se* but he has the responsibility to try to find a solution. I ask him and his Government colleagues to develop a process to end to this outrageous situation which people must encounter.

Deputy Margaret Murphy O'Mahony: In 2011, the then Taoiseach, Deputy Enda Kenny, vowed to bring an end to hospital overcrowding. All these years later, that vow has still not come to fruition. Many other promises made at the time did not come to fruition either but today is not the day to go into all of that. Never before have so many people been waiting on trolleys. Never before have so many old people been left waiting on trolleys for more than 24 hours. This is only the start of the winter. We have not had a flu epidemic or major crisis, yet there is an overcrowding crisis. What will it be like if there is a problem further down the road?

There are ways to deal with this, including addressing delayed discharge and providing more home supports and financial help for general hospitals. I have spoken to the Minister many times about Bantry General Hospital in my constituency. Rural general hospitals could ease the pressure on hospitals in Cork city. I ask the Minister to do his best and sort out this overcrowding problem.

Deputy James Lawless: We have had a number of fake news election slogans in recent years, including "Make America Great Again" and "Take Back Control". Who would forget the former Taoiseach, Deputy Enda Kenny, standing beside a billboard stating he would end the scandal of hospital waiting lists? Deputy Murphy O'Mahony alluded to that promise. Enda has been and gone but the waiting lists are still here and are, in fact, worse than ever.

Naas General Hospital in my constituency serves a large hinterland of County Kildare and west County Wicklow. In September, the number of people on trolleys at the hospital fluctuated between 25 and 32, making it the most overcrowded hospital in the eastern region, including the Dublin hospitals, on a number of days in the past two months. We are disappointed that a regional hospital is more overcrowded than hospitals in the capital city.

I have raised previously with the Minister the issue of a new endoscopy unit in Naas hospital. There have been a number of false starts. The hospital, which serves a large hinterland and population, has one endoscopy unit located in a prefabricated building adjacent to the hospital building. Many promises and commitments have been made and there has been talk of a funding announcement. Every year, it is *déjà vu* when we hear yet another announcement and

commitment. The hospital is still waiting. Patients are having endoscopies performed in what is effectively a prefab, which is often cold and where there is a serious lack of privacy. To be practical about the issue, the throughput and volume cannot be managed because only a single patient can be treated at one time. The hospital is crying out for a new, upgraded endoscopy unit. One has been in the pipeline for some time but it has not yet arrived. I ask the Minister to put that on his radar and take action on it.

The Lakeview psychiatric unit at Naas hospital also needs significant attention. A project has been in the pipeline for some considerable time but it has not come through. People cannot wait any longer. Almost ten years after the then Taoiseach, Deputy Enda Kenny, made a promise in 2011, we need to see action on these projects.

Minister of State at the Department of Health (Deputy Jim Daly): This has been an important debate this afternoon and the contributions demonstrate the importance Deputies attach to the health services. It must be acknowledged that attendances at our emergency departments are growing year on year. As the health service capacity review indicates, Ireland has among the highest acute bed occupancy rates in the developed world. It must also be acknowledged that there has been an increase in delayed transfer of care and that there are challenges in ensuring timely discharge of patients who no longer need acute care. Given the challenges, my Department is engaging extensively with the HSE this year to identify mitigating actions to bring down trolley numbers and waiting times in the emergency departments. The €26 million in additional winter funding secured by the Minister for 2019 will help to relieve demand for emergency department services, support more timely discharge of patients and deliver other initiatives to help hospitals deal with the challenges associated with winter. This will be achieved through the provision of additional transitional care beds, increased funding for the fair deal scheme and provision of additional home care packages.

The nine winter action teams have been in operation since the beginning of October 2019 and are responsible for the co-ordination of a range of integrated hospital and community actions on a daily basis. Each winter action team reports weekly to the winter oversight group, with enhanced reporting by sites in particular difficulty or at times of exceptional pressure. The winter oversight group is chaired by the chief operations officer of the HSE and its membership consists of senior HSE staff across the relevant divisions.

Improving timely access for patients is at the heart of Sláintecare. Building upon the progress made in recent years in this area, the Sláintecare Action Plan 2019, published by the Department of Health, includes a specific work stream on access and waiting lists. In addition, many of the other service reforms and enhancements included in the action plan will support timely access to care for patients in the coming years. Progress has already been made in implementing the Sláintecare action plan's access actions this year.

We all acknowledge that the challenges we face are significant. Of that, there is little doubt. However, it is my firm belief that all of us want to find the right patient-centred, evidence-based, results-focused and sustainable solutions to the challenges facing our health services. Investment alone will not deliver the health service we aspire to, and nor will reform or productivity improvements on their own. All three efforts, including additional capacity, must be delivered in tandem if we are to achieve the vision set out in the Sláintecare report of a universal single tier health and social care system where everyone has equal access to services based on need and not ability to pay.

I repeat the point that the most effective way of achieving the Sláintecare vision which has the support of all parties is by backing the Government's continued implementation of the Sláintecare plan.

An Ceann Comhairle: Deputy O'Rourke is sharing time with Deputies Breathnach, Rabbitte, Ó Cuív and Donnelly.

Deputy Frank O'Rourke: I thank Deputy Donnelly for bringing forward this relevant and important motion. I will focus on the delayed discharges and the impact they are having on families and the patients. I can offer some statistics for the Minister as he leaves the Chamber. From January 2019 to date, Naas General Hospital has lost 5,883 bed days due to delayed discharges. This figure is one of the highest for a hospital outside Dublin. Another statistic relates to people over 75 years of age. In October, there were 69 people over 75 years of age on trolleys in the emergency department for more than 24 hours. From January to date, the total was 851 people over 75 years old on hospital trolleys in the emergency department for 24 hours or more. That is just a flavour of the reality on the ground. We are all trying to work together but the Government must bring forward solutions to improve these statistics for the most vulnerable.

The main reasons for delayed discharges are the lack of access to appropriate step-down care, such as the home care that we have discussed with the Minister of State, Deputy Daly, on a number of occasions, and the lack of housing adaptation grants, particularly for local authority houses. For example, €450,000 was allocated to Kildare County Council to provide housing adaptation grants for its housing stock. That is not nearly enough and discharges are being delayed as a result. People cannot go home because they need adaptations carried out in their houses. With regard to home care, people are assessed in the hospital but what they require cannot be delivered because the funding is not available. That is causing them to stay in hospital, thus leading to bed blocking and so forth in the hospital.

These are two fundamental areas that require attention and delivery. People want to be at home in their houses because that is where they are happiest and can live independently. That frees up the health system for the treatment of other patients. The home care team in community healthcare organisation, CHO, 7 has told me that it cannot approve home care packages due to the lack of funding. That is leading to bed blocking and has the knock-on effect of patients being unable to access hospitals, including the National Rehabilitation Hospital in Dún Laoghaire, due to delayed discharges. The solution is clear. We must put further resources into the home care area, in which the Minister of State is involved, and housing adaptation grants. That combination will facilitate discharges and help people to live independently at home. Along with the housing issue, this is the single biggest crisis that all Deputies deal with in their constituencies each week.

Deputy Declan Breathnach: Christmas may be coming and the geese may be getting fat, but so are the numbers relating to delayed discharges, the trolley crisis and the bed crisis in our hospitals. Like Deputy O'Rourke, I wish to focus on the home care supports that would go some way towards alleviating the growing problems with delayed discharges. Our Lady of Lourdes Hospital in Louth has 14,941 lost bed days, the second highest number in the country outside of Dublin. These lost bed days mean that there were people who were eligible to be discharged from hospital but they did not have access to appropriate step-down facilities. The almost 15,000 bed days lost to delays are outrageous. The simple fact is that there was nowhere else for those people to go. A total of 296 people over the age of 75 years spent more than 24 hours on trolleys or chairs in Our Lady of Lourdes Hospital since the beginning of this year.

Overcrowding, cramped wards and the trolley crisis will continue unless urgent funding is provided for step-down facilities, home care packages and creating a speedier fair deal process. I am dealing with a number of cases where a person is in a hospital and the family is awaiting finalisation of the fair deal. They can be waiting up to 12 weeks for the process to be completed. Surely the person could be given a cheaper facility in a nursing home in the meantime while the decision is made on the fair deal.

The issuing of crisis medical cards is taking seven to eight weeks. With urgent cancer cases there should be a mechanism whereby somebody who has a serious diagnosis could have a consultant sign a form and be urgently provided with a medical card, rather than it taking six to eight weeks to happen.

Deputy Anne Rabbitte: I thank Deputy Donnelly for bringing forward this motion. I am a Galway Deputy and University Hospital Galway is always in the limelight for the wrong reasons with regard to trolleys. Today, there were 40 people waiting on trolleys in University Hospital Galway. On 4 November, there were 71.

The Minister addressed the embargo and I wish to follow up on that. At present, we are waiting for Saolta University Health Care Group to release the funding for 24 consultant positions to ensure that those consultants can properly engage in the function of running the hospital. It is very hard for hospitals to function and to expect the staff who are there to operate with 24 fewer consultants. Twenty of the positions are permanent and four are temporary. The embargo is affecting the position of dietician in the endocrinology department. Not having a dietician in that department has mammoth ramifications for all patients. This year there have only been ten surgeries. With bariatric surgery the band that is required can only be put in place with the assistance of a dietician. The dietician was awarded the contract last February, but because of the embargo she has not been given the opportunity to take up her position. The same has happened with a number of physiotherapy positions.

To refer to the public health nurse position for Ballinasloe and Portumna, it took a number of weeks to resolve that. The nurses were expected to work with one third of the staff. It was resolved last week when we got two public health nurses, but we are still awaiting the approval of two community nurses. We are talking about step down facilities. These are the people in the community who will integrate people coming home from cancer treatment or after having an accident or surgery to ensure they are cared for and to avoid the blocking taking place.

St. Brendan's Community Nursing Unit in Ballinasloe has 24 vacant beds at present. The unit is for older persons' care. I am sure that if we could release some of the people in UHG it would take serious pressure off the number waiting on trolleys.

Deputy Éamon Ó Cuív: I do not have enough time to do justice to these issues, but I am grateful to my colleagues for raising them. The large number of speakers on this side of the House demonstrates the scale of the crisis. As my colleague, Deputy Rabbitte, said, University Hospital Galway is a disaster. The latest dream is that we are going to get a brand new hospital. I would love to have a new hospital in Merlin Park, but in the meantime we must solve the problems there now. We want no reneging on the commitment to Newcastle Road in respect of the emergency department that we have been repeatedly promised since 2011, although it is no further forward since then.

There are many issues we could discuss. One of the extraordinary ones was the fact that

after training nurses in Galway, UHG did not offer them contracts. They can be taken back on a contract but they are not getting permanent jobs in the hospital. We are constantly being told that there are not enough nurses to take up the jobs. That was an extraordinary decision. When I ask the Minister about the policy on this or something else, I get an answer from the HSE. It appears that the Minister and the Department do not have any overriding policy. I always thought that the idea behind a semi-State agency was that it implements Government policy, but time and again this Government tells us that it does not have a policy and that the agency has the policy. Most of those policies are negative.

One of the problems with getting into hospital is that the hospitals are critically short of beds. The other problem is that people cannot get into the hospital because people cannot get out of it. They are waiting for the fair deal. It is an enormously costly wait because every week costs almost €1,000. If a person is waiting 12 or 14 weeks between the assessments and the approval being given financially, it is a huge amount of money. Another problem is the critical shortage of home care. If people being discharged require a high level of care, it is not possible to facilitate them.

5 o'clock

We could be here all evening on this but I hope the Minister of State gets the message. We are in a crisis and it is only the beginning of winter. I hate to think what faces us over this winter, particularly if there is a flu outbreak.

An Ceann Comhairle: We will hear some brief concluding remarks from Deputy Donnelly.

Deputy Stephen Donnelly: So passionate are my colleagues that they forgot to leave time for a wrap up. That is a reflection of how seriously we take this issue. I will speak briefly. I will not waste too much time talking about Sinn Féin's nonsense. Its contributions spent more time talking about Fianna Fáil than they did about the patients waiting on trolleys. Deputy Ó Caoláin said that Fianna Fáil was here for the shock and not for action. This from the party that in 2016 ran away from Government talks in Dublin and in 2017 collapsed Stormont and keeps it closed. In 2018 and 2019, its representatives sat in their offices in Westminster hiding while wafer-thin Brexit votes were won and lost, with abstentionism in one hand and the Queen's pound in the other.

An Ceann Comhairle: All right, Deputy.

Deputy Stephen Donnelly: I will take no lectures from Sinn Féin on action from political parties. I will address the remarks of the Minister, Deputy Harris. Unfortunately, he has left the Chamber, but he said that Fianna Fáil's plan is very familiar. That is good because it means that he understands what needs to be done. However, I found his speech very familiar. It contained no apology to the 100,000 men, women and children who have waited on trolleys.

An Ceann Comhairle: The Deputy is out of time.

Deputy Stephen Donnelly: There was no acknowledgement of his Government's failures, yet he was somehow trying to blame Fianna Fáil and Deputy Micheál Martin. One might as well talk about Deputy Michael Noonan as health Minister or Erskine Childers.

I will make one final point if I may, and I appreciate the Ceann Comhairle's indulgence. Many speakers from the Opposition were saying, "Arrah, Fianna Fáil, Fine Gael, it has always

20 November 2019

been thus.” I say to every Opposition Member of this House, every time they state publicly that Fianna Fáil is the same, they are letting Fine Gael off the hook and they are factually incorrect.

An Ceann Comhairle: Thank you.

Deputy Stephen Donnelly: Thirty seconds please, a Cheann Comhairle. As I listened, I went back and looked at the trolley figures. In 2005, it was 230; 2006 it was 198; 2007 it was 250-----

An Ceann Comhairle: All right, thank you.

Deputy Stephen Donnelly: In 2007 it was 250. Then it went into the 300s and 400s, and today it is 577. We must never conclude that the way patients are being failed is inevitable - it is not - and that it has always been thus.

An Ceann Comhairle: Thank you, Deputy.

Deputy Stephen Donnelly: It has not. If the Government withdraws its amendment, votes for the motion and implements Fianna Fáil’s plans, those patients will be off the trolleys.

Amendment put.

An Ceann Comhairle: In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 21 November 2019.

Prohibition of Nuclear Weapons Bill 2019: Order for Report Stage

Minister of State at the Department of Foreign Affairs and Trade (Deputy Ciarán Cannon): I move: “That Report Stage be taken now.”

Question put and agreed to.

Prohibition of Nuclear Weapons Bill 2019: Report and Final Stages

Minister of State at the Department of Foreign Affairs and Trade (Deputy Ciarán Cannon): I move amendment No. 1:

In page 4, between lines 9 and 10, to insert the following:

“(4) In proceedings for an offence under this Act, a weapon or other explosive device capable of releasing nuclear energy is presumed to be designed for a hostile purpose or for use in armed conflict unless the court or jury, as the case may be, is satisfied, having regard to the whole of the evidence, that there is a reasonable doubt that it is so designed.”.

The purpose is to insert a clause for the purposes of prosecution that weapons or other explosive devices falling under the remit of the Bill are presumed to be designed for a hostile purpose, which is for the purpose of causing, or being likely to cause, death or serious injury to any person or substantive damage to property or the environment. This means that a defendant would be responsible for raising a reasonable doubt to rebut that presumption. This category of

clause has previously be contained in other similar legislation including the Biological Weapons Act 2011.

Deputy Seán Haughey: Fianna Fáil supports the Bill and the amendment, which gives a definition of a nuclear weapon or other explosive device in the context of the Bill. Fianna Fáil is very supportive of the Bill generally. The treaty enables Ireland to become a state party to the 2017 Treaty on the Prohibition of Nuclear Weapons. It prohibits participation in a range of activities relating to the transfer, development and use of nuclear weapons. Ireland has a great record on this issue. Nuclear weapons continue to pose a major threat to us all. Recent events do not give us much cause for hope, particularly the US Administration's recent decision to cease the long-standing Intermediate-Range Nuclear Forces, INF, Treaty with Russia, the US Administration's decision to withdraw from the Iran nuclear deal, and the breaching by Iran of the nuclear deal and the limit on uranium stockpiles. These are all causes for concern. I hope that the Bill, now in its final stages, has a very speedy passage through the Houses and is enacted as soon as possible.

Amendment agreed to.

Bill, as amended, received for final consideration and passed.

An Ceann Comhairle: The Bill will be sent to the Seanad.

Finance Bill 2019: Report Stage (Resumed)

Debate resumed on 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.”.

-(Deputy Richard Boyd Barrett)

Deputy Richard Boyd Barrett: Sometimes we are so focused on individual measures we do not take the time to step back and look at the big picture in terms of the economy, the amount of wealth that exists in the economy, who gets the benefit of that wealth, how it is distributed, and whether it is distributed fairly. The only opportunity to do that is during the Finance Bill, which is why I have tabled a series of amendments asking that the Government produce reports to get the information we need to examine these issues. Even with the sources available to me as the finance spokesperson for a small party with limited resources, I find the situation shocking.

When we discussed this yesterday, I noted that most people would be shocked to know that the net worth of Irish households currently stands at €740 billion. That is the net figure, after liabilities. If that was shared out equally, everyone would have €150,000 each. Of course, the truth is the vast majority of people have no savings at all and often owe more than they own. That enormous wealth, which has been generated and increased dramatically over the past

seven or eight years, is concentrated in the hands of a tiny group of people. It is not me saying this; the information is from the Central Bank's quarterly statistics, which show that 53% of the €740 billion of wealth I described is concentrated in the hands of 10% of the population. The top 5%, comprising 85,000 households, have roughly €3.26 million each, on average, which is incredible. Vast amounts of wealth are concentrated in the hands of an absolutely tiny group of people while the vast majority either owe more than they own or have no savings and struggle just to pay bills relating to childcare, mortgages or rent. They survive on meagre earnings.

Other figures that I do not have to hand - I do not believe the Minister of State disputes these because I spoke to him earlier as he has examined them - show the share of national income that goes to profits versus that which goes to wages. That has dramatically shifted in favour of profits over the past 20 or 30 years, more so in Ireland than in any other country in the western world. Far from there being a trickle-down of wealth as Ireland records some of the highest levels of economic growth anywhere in the western world, it is gushing upwards into the hands of a tiny group of people.

By means of these amendments, I am arguing that we need to address this and see it as a problem. Of course, it is a social problem. In the early 1970s, people in average jobs, if they had jobs, could hope to be able to afford a mortgage. Now, well-qualified people with jobs cannot do that. It is a real and tangible expression of this growing inequality in the distribution of wealth. People work really hard in jobs and qualify for skilled work but their earnings are not enough to be able to put an affordable roof over their heads. This arises because much of the real wealth in the economy is invested in property assets and these are rented back to the people who cannot afford them at an extortionate price. People are sitting on money and it is making more money for them; they are getting richer while, in real terms, ordinary workers are getting poorer.

It is in this context that we argue that there should be wealth taxes. This would help redistribute the fruits of large economic growth, and specifically the growth in household wealth, in a fairer way to the benefit of the majority and not just a super-wealthy minority.

Minister of State at the Department of Finance (Deputy Michael D'Arcy): Ireland already has a variety of taxes on wealth, including capital gains and capital acquisitions taxes that levied on individuals or companies on the disposal of assets, in the case of capital gains tax, or the acquisition of an asset through gift or inheritance, in the case of capital acquisitions tax. The local property tax introduced in 2013 is based on the market value of residential properties and can also be categorised as a tax on wealth.

It is important to understand where Ireland stands in the context of the distribution of wealth. Officials examine all items relating to taxation, including wealth taxation, on an ongoing basis. For example, in 2016 and 2018, Department officials conducted two research projects in conjunction with the ESRI on the distribution of wealth in Ireland and the potential implications of a wealth tax. The resulting research papers, *Scenarios and Distributional Implications of a Household Wealth Tax in Ireland*, are available on the ESRI website. Both presented results on the composition of net wealth - assets less liabilities - across both wealth and income distribution in Ireland. A number of wealth tax scenarios, including regimes from other jurisdictions and hypothetical scenarios, were applied to the Irish data. In each case, the associated tax bases and revenue yields, the number of liable households across income distribution and the characteristics of the household affected were outlined.

Looking at the composition of households under the different tax scenarios, the studies found that even with a narrow base and high threshold, some households in low income deciles were affected. This is because of the imperfect correlation between income and wealth. Furthermore, if a wealth tax were applied in addition to the related forms of wealth taxation, it could have the disincentive effect of causing large changes in the level and type of assets held by Irish households. Households could be expected to respond to high effective rates of tax and capital income, for example, by reducing holdings of assets in Ireland or relocating wealth holdings to asset types facing a lower wealth tax charge. Additionally, the distribution implications of a wealth tax across different types of households should be taken into account. A larger proportion of a wealth tax burden would fall on older households than the share of net wealth might indicate.

With regard to increases to taxes on high-income earners, in 2020 it is projected that the top 1.5% of taxpayer units - those with annual income in excess of €200,000 - will pay 26.5% of the total income tax and universal social charge, USC. This is a very large proportion of the total income tax and USC take for such a small cohort of taxpayers. In comparison, 72% of taxpayers - those with annual income of less than €50,000 - will pay 15% of income tax and USC. To further demonstrate the high amount of tax being paid by high earners under the current income tax and USC system, figures indicate that in 2020 it is expected that there will be approximately 2.78 million taxpayer units, including married couples under joint assessment, bringing a yield from income tax and USC of just over €24 billion. There will be 2.3 million taxpayer units with incomes of less than €70,000 per annum and the remaining yield of over €17 billion will be paid by fewer than 440,000 taxpayer units earning over €70,000 per annum.

A broad-based progressive income tax system whereby the majority of income earners make some contribution but according to their means is the fairest and most sustainable income tax system in the long term. The Department of Finance will continue to monitor and consider any additional information or data that comes to its attention. It will continue to examine existing and alternative potential taxation sources. The Minister does not have any plans to introduce tax measures along the lines indicated in the report sought by the Deputy. As a result, I do not propose to accept the amendment.

Deputy Richard Boyd Barrett: The vast majority of the increase in household wealth is in the value of property assets, as the Minister of State has acknowledged. Financial assets are significant at €374 billion but there is €534 billion in housing assets. The Minister of State argues that if we impose a wealth tax, these people might move out of the country and take their assets with them. They could not take housing with them and one cannot carry land and property assets from the country. It might not be bad if these people moved their money from property because it could lead to the extortionate price of property assets falling. That would not be bad at all. I do not really see the downside.

We could put just a 2% annual tax on the top 5%, comprising 85,000 people, who have an average of €3.26 million each in assets. If we were to allow them €1 million each, excluded from that, for their own families, we would raise €3.85 billion. They would not feel the loss of a 2% tax on that level of income. In fact, they would probably be richer the next year than they were the previous year given the current level of inflation on property assets. However, the revenue that would accrue from such a tax would amount to a great deal of money that could be spent on health, education and dealing with poverty and all the infrastructural crises - the desperate needs of our society expressed in here day after day. Does the Minister of State not consider that would be fair and reasonable?

An Ceann Comhairle: Is the Deputy pressing or withdrawing the amendment?

Deputy Richard Boyd Barrett: I will press it.

Amendment put and declared lost.

Deputy Denis Naughten: I move amendment No. 14:

In page 48, between lines 25 and 26, to insert the following:

“27. The Minister for Finance shall, within 90 days of the passage of this Act, publish a report on the extension of the relief under Chapter 1 of Part 9 of the Taxes Consolidation Act 1997 to the industry which has the potential for significant job creation in Clonifeen Townland, Co. Offaly, Aghamore Townland, Co. Longford and Lanesborough Townland, Co. Longford.”.

I have been at a committee meeting dealing with the same issue and apologise that I inadvertently did not get the opportunity to move amendment No. 12. That amendment and amendment No. 14 deal with the same issue. Amendment No. 14 refers to the townlands in which the two peat-fired powered stations in Lanesborough and Shannonbridge are located. Amendment No. 12 references the 20 sites across the midlands where there are Bord na Móna workshops, which are directly relevant to the cessation of peat harvesting across the midlands. I seek a specific tax incentive be put in place in respect of these 20 sites to encourage replacement employment for the significant job losses we are facing in the ESB in 13 months and in Bord na Móna in the coming weeks. As many people from the midlands would know, because there is already a stockpile of peat on our bogs, there will not be any peat harvesting next year. That means all the seasonal jobs in Bord na Móna are now gone. On top of that, that is a significant threat to the permanent jobs. As I said to the Minister, Deputy Bruton, and as I said on Committee Stage to the Minister for Finance, this is effectively the equivalent of Google deciding to pull out of the city of Dublin. That is the impact and the scale of this decision across the midlands that will impact on people between now and the end of next year.

While the action by Government is welcome and any progress in this area is very welcome, and the appointment, in particular, of Mr. Kieran Mulvey, is a very positive one, the reality is we need to encourage private sector investment in our region. When I discussed this issue with the Minister on Committee Stage, he said I was defining a tax incentive for all of the midland countries, that it was far too broad and that I needed to have something that is focused and targeted. That is why I have specifically identified 22 sites across our bogs at the sites of our two peat-fired power stations for this particular incentive. I cannot be any tighter or more specific than that.

I seek to ensure the provision of an additional incentive for business that would create jobs and decide to invest on those sites in Tipperary, Kildare, Longford, Westmeath, Offaly, Laois and Galway, right across the midland counties. The difficulty is those sites are competing with Dublin, Galway and the other cities to attract business investment and those cities are far more attractive for investment. We note the challenges IDA Ireland has in bringing foreign direct investment into our region. By providing a specific tax incentive very much focused on creating employment in those locations, it would act as an incentive for companies to come and at least look at these sites, which are located in rural communities across the midlands that have been so dependent on peat harvesting and employment in Bord na Móna and the ESB until now.

I agree we need to leverage EU funding. The coal regions in transition platform will help to provide us with EU funding, but there is also the opportunity of European Investment Bank funding for our region. However, to do that we need to engage the private sector and get it involved in our region. That is not forthcoming. This is a dispersed and diverse region that has found it very difficult to attract foreign direct investment. Until now, it has not come by preference or by choice to our region. I believe there is a responsibility now on Government to look specifically at these sites across the midland counties and acknowledge these are the specific identified sites where more than 2,000 staff were employed and where an additional 2,000 jobs were indirectly dependent on those and to provide an incentive to bring new employment into the region, whether it is in light manufacturing, the energy or horticulture areas or whatever area. It should bring employment back into those communities that are about to be decimated by the decision of An Bord Pleanála and the ESB not to submit a new planning application.

I was disappointed that the ESB did not decide to submit a new planning application. The decision in respect of An Bord Pleanála is very tight and the ability to appeal that is very limited. However, the decision by the ESB not to submit a new planning application is potentially the death knell in respect of the development of a biomass sector in this country. The development of a biomass sector was key to the creation of jobs across the midlands and key to maintaining jobs in Bord na Móna across this transition over the next decade. If, in putting a particular tax incentive in place, we can get the ESB, Bord na Móna or another company to re-examine the development of the biomass sector here, it is warranted and important. Every 15,000 ha of willow that would be grown across our region would create 470 long-term jobs in the harvesting of that particular crop.

Deputy Barry Cowen: I welcome the opportunity to speak on this amendment. I take it, having missed the opportunity to move a previous amendment, Deputy Naughten is only able to move this amendment that refers to Lanesborough and Shannonbridge, which would not be fair to the many other parts of the region throughout the various counties he mentioned.

Deputy Denis Naughten: Yes.

Deputy Barry Cowen: That being the case, it offers an opportunity for me, like Deputy Naughten, to speak to this issue again and use every opportunity we have, within the availability of time and instances that provide such opportunities within the House, to highlight again the position in the region as a result of a recent decision by the ESB and, I might add, the Government.

I negotiated on behalf of our party with my colleague, Deputy Michael McGrath, many aspects of the budget that was put before the Dáil and agreed by the House. One aspect of that related to the carbon tax revenue. We sought a direction whereby a portion of that would be directed to those regions most affected by transition as it occurs. The midlands is one of those greatly affected and hence the reason for €32 million out of the €80 million to be specifically targeted to that region. I refer to €6 million in a transition fund, €20 million in a retrofit programme for social housing, €6 million towards rehab, and a few more million towards pilot projects for alternative farming to assess the new methods of reducing carbon and so forth. That would have been sufficient in the event of the commitments made by Government, the ESB and Bord na Móna a year ago when they said that transition would take place over the next nine to ten years. That is not now the case as a result of the decision of the ESB not to appeal An Bord Pleanála's decision, which went against the grain of the Government's own policy. As Deputy Naughten said, we have made that point on many occasions, most recently to the ESB

itself at the Joint Committee on Climate Action within the past hour. I would have thought there is ample reason for Government to insist that the ESB seek a judicial review on a point of law to address the failure by An Bord Pleanála to acknowledge Government policy as laid down in this House and to the European Union.

This failure to do so means that Shannonbridge and Lanesborough power stations will now close next year, although peat will be burnt at those plants for a further year. The response of the Government and the ESB, which is not to pursue the Government's policy, will have repercussions. It will have repercussions for the ESB, which believes it has answered up to its responsibilities by placing another €500 million in the transition fund. I do not believe that is enough. It is not appropriate and it does not acknowledge the significance of its decision, especially in light of the commitment it made to Government last year. There will also be repercussions for the Government, including increased responsibilities, both financial and otherwise. For example, we expected that €6 million to be increased annually. We also anticipated the Government of the day insisting that not only increases in carbon tax but existing carbon tax revenue be geared in that direction. This revenue is currently €400 million, not including this year's increase. I am not saying that this should have been done in one fell swoop, but it should have been done in conjunction with, and parallel to, the transition we had been anticipating and expecting and that we had been promised. That promise is no longer to be fulfilled.

There will also be other repercussions. The public will have its say and will adjudicate on what those repercussions should be. I will definitely be at the doors telling people that I was very surprised that those in Government with responsibility for this area did not at least ensure that a new application was made or a judicial review sought. This application could have been cognisant of the conditions associated with the planning decision.

It seems the likes of An Taisce are given a lot of weight. An Taisce does good, reputable and commendable work as an advisory body, but it is not a democratically elected body. It does not have representatives in this House representing the public. We fulfil that role. We are here to ensure that the offices of the State adhere to the democratic process, which includes following Government policy as laid out by this House and in legislation. The Government failed to ensure that was the case. That is very regrettable and very unfortunate.

While I acknowledge and commend the thrust of this amendment, as I have said, I do not think it appropriate or fair that one is accepted and another not. That being the case, I am not in a position to support it. I am conscious of what the Minister said previously and I await his response to this matter, having not been present for his reply the previous day.

I take the opportunity to further enlighten the representatives of Government here today. There are increased responsibilities on them as a repercussion of the decision of the ESB, which means we are now playing a different ball game. The €6 million, increasing annually, available to the midlands or Offaly is no longer sufficient. This decision will have a knock-on impact on Bord na Móna and the revenue resource for Offaly County Council. In the same period in which we expected it to receive €60 million, it will lose €40 million in lost rates revenue. That is a swing of €100 million in the space of a few weeks. Our county can hardly afford a swing of €1 million, let alone €100 million. Deputy Naughten is right in saying that the decimation now taking place in our region is equivalent to the Dublin region losing a company like Google.

Back in the 1930s and 1940s, Government charged Bord na Móna with a remit. It was to create jobs in a desolate region. It did that. It reached its peak of 8,000 jobs in the 1980s. The

Minister cannot be at the wheel and allow the region to become desolate again while we sit on our hands.

Deputy Michael Lowry: I support the sentiment of Deputy Naughten's amendment. There is a lot of focus on, and discussion of, the traumatic effects of the closures in the midlands and what is likely to happen to those communities. We have a living example in Tipperary. The facility in Littleton was closed with the loss of 120 jobs, including seasonal jobs, and an associated loss of work for contractors, local suppliers and those who assisted and supported that industry. The Littleton plant was part of the fabric of the local community. In fact, the community was built around it. When Littleton first came into operation in the 1950s, schools and shops were built. The local community built houses around the facility. It mushroomed and became an industry that sustained a local community for a lifetime. People reared and educated their families and the local economy thrived. I shudder to think about what will happen in the midlands because we have seen an example in what has already taken place in Littleton. It has had a devastating impact on the local economy. People feel forlorn and desolate. There is no future and there are no alternative jobs.

It is disappointing to see Bord na Móna making these decisions without any forward planning. There is no semblance of a plan in place to replace the jobs lost or to assist the local communities. I agree that we should have a targeted programme and dedicated plan. That will obviously involve some form of tax incentive to encourage people who are prepared to invest or who have innovative ideas to establish in the area to give work and opportunities to local people.

The plant in Littleton and the examples to which Deputies Naughten and Cowen referred cover vast areas. They have huge workshops and all of the services that industry requires, including electricity, water, sewage and sanitation. Everything is of a very high standard and quality. These centres will be left and forgotten unless there is some kind of dedicated plan and co-ordinated approach. That will require additional incentives to attract people out of the cities down to local areas such as Littleton. I appeal to the Minister. A lot of money is available as a result of the carbon tax. Some of these funds should be diverted to support and assist industry in getting up and running in these areas. I ask that Littleton be one of the areas considered and that it be covered by the Bord na Móna transition fund.

The harsh reality has set in for us. The jobs are gone and the factories are closed. We have 10,000 acres of bogland stretching from Littleton up to the Laois border. What is to be done with it? There are obviously opportunities there. Bord na Móna has no plan to utilise that bog or to create opportunities and new alternative jobs. We need an approach from Government. Bord na Móna needs to be told that it has a responsibility and an obligation to these areas and to the families who relied on it for sustenance down through the years.

Minister for Finance (Deputy Paschal Donohoe): I thank Deputies for their contributions. I acknowledge that in much of the engagement leading up to the budget, Deputy Cowen had raised this issue consistently on behalf of his constituents and that, on Committee Stage, Deputy Denis Naughten also raised it on many occasions. I have also heard Deputy Lowry's remarks about his constituents who have been affected.

I had a very small taste of the issues the Deputy's refer to when I visited Lanesboro last week upon the announcement of the change in the licence. I met many of the people who had been working with Bord na Móna and the ESB and who have been significantly affected by

this decision. Many of them explained that their grandparents had worked for ESB or Bord na Móna and that they themselves had been anticipating jobs and careers that stretched well into the future. In fairness, while there was a sense that their jobs were changing and that they would come to an end at some point in the future, they were not expecting and they were not prepared for it happening on the basis of the current timeline. This underscored for me a point I made previously to the effect that when we talk about the different effects a change in our economy will bring, we tend to think about it in terms of a change in income for people, for example, as a result of increases in the price of fuel or changes in the price of carbon. Although a change in a person's income is significant, it is far more fundamental when a citizen loses a job or believes that a job he or she was going to have into the future will no longer be available.

Each of the Deputies expressed their concerns on this issue. While I do not represent those constituencies, I am aware of the real anxiety, especially as we approach Christmas, regarding to what will happen. I appreciate that the key issue is not just about the loss of the jobs, it is also the indirect effects of this in the local community, the other employment that was dependent on these jobs, and the effect it will have on the rates base of Offaly County Council and other county councils in the areas mentioned. In the context of what we are going to do, it is my very strong view that the need for a transition - be it the so-called just transition or the simple need and imperative to come up with new work and new jobs for people who will be affected - will claim one third of the revenue raised by the change in carbon pricing. I will play a role in ensuring that the communities mentioned this evening are at the forefront of the planning in this regard. This is why we have looked to put in place a just transition structure within the communities referred to by the Deputies. Mr. Kieran Mulvey will lead this on behalf of the Government. I have had extensive, personal experience of Mr. Mulvey in the work he does, and he is especially strong in working with local communities to address these kinds of issues. I have a lot of faith in his ability to do this.

There are two main reasons I am not accepting this amendment and for asking the Deputy to consider withdrawing it. From an EU regional aid guideline perspective, we are not able to provide geographically targeted tax incentives. If we were to do this, and if we were to go down the route with a move such as proposed in the amendment, there is no doubt that Deputies Lowry, Kenny and others who may have communities affected by the changes, would want their communities' and their towns' names in the tax code. Legally we cannot do that. Even if we could do it, I hope the Deputies will appreciate that if we begin to single out specific communities or towns we would run the risk of the likelihood of every Deputy wanting the same. I have no doubt that in the ensuing debate on the issue in the Dáil and in the relevant Oireachtas committees, our ability to respond back to the changing jobs - as referred to here - will be the key way in which the Government is evaluated in the context of how we use the money that will be raised by means of the change in carbon pricing. I am very committed to playing my part in ensuring that we work hard to find sustainable employment for those who have been affected by the changes relating to Bord na Móna and in the ESB. I know why these semi-State bodies were first set up in these parts of the country in which they are located. I know the needs that exist. Through the change we make in carbon pricing and by means of other policies at the disposal of the Government, we will play our part in trying to come up with a different future for those citizens who have been affected by this licence change.

Deputy Denis Naughten: I want to make two points. I am not looking for whole swathes of the State to be designated. We are talking about 22 specific sites in the area stretching from Tipperary in the south up to Westmeath, over to Kildare and back to east Galway. The Minister

made the point that EU regional aid guidelines would not enable the Government to do that but he will be aware that this area is now accepted by the European Union as being unique. It is part of the EU designated coal region in transition. As a result, there is an opportunity to look at unique and targeted supports for these communities. I do not believe we can have it any tighter than 22 specific sites across the State. This is the equivalent of Google leaving Dublin.

We need to put some type of incentive in place for private sector investment. Yes, we will have some public sector investment, but it is important to encourage private sector investment also. In that context, if we had a designation in place I believe the ESB may consider submitting a new planning application. I believe the ESB should have submitted a new planning application for 100% domestically-sourced biomass facilities in Lanesboro and in Shannonbridge. That the ESB has not done this will create, I believe, a very dangerous precedent in the development of a biomass sector, which is fundamentally important to us in reaching our climate change targets and providing sustainable, long-term and green employment across the midlands.

Deputy Barry Cowen: I acknowledge the Minister's response. I note the difficulty he attested to in naming and designating specific areas at the expense of others, and that might be recognised later. I also acknowledge that the earlier, more expansive amendment was not moved. Let us deal with the facts.

Deputy Denis Naughten: One cannot be in two places at once.

Deputy Barry Cowen: Neither can I. Be that as it may, the rules of engagement are such that we are debating an amendment that only contains two named areas, Lanesboro and Shannonbridge, and the parishes therein.

On those areas specifically, I am fearful that the conditions associated with their permission - which expires next year - would oblige the ESB to dismantle those plants and to turn them back into desolate fields in the middle of those regions. The plants cost the State €450 million 15 years ago. There was an understanding, a belief and a contention at the time that they were constructed in such a way that there would be capacity to transfer from peat to biomass, either exclusively or with co-fuelling. As I said earlier, Government policy reflected this. Unfortunately, An Bord Pleanála in its wisdom decided against a permission that would have acknowledged Government policy. As has been said repeatedly, the decision not to submit a new application, which would have been cognisant of other aspects of the decision, notwithstanding the fact that Government policy was ignored, was made by the ESB following consultation with the relevant Minister. I acknowledge, insofar as I can, having negotiated and discussed this at length with the Minister prior to the budget, as he alluded to, that the funding in the carbon tax revenue package was provided on the understanding that transition would take place in the region over the next eight or nine years. This is not now the case and we are in a new space. There needs to be a new and improved commitment that recognises this and gains our support and, association, that of the people.

Deputy Paschal Donohoe: I thank the Deputies for their contributions. The very specific references being made to these particular locations do not help with the issue in terms of the clear advice I have that we cannot do this. We cannot make tax support available to locations that are smaller than our country. In particular, I hope Deputy Naughten can appreciate the practical difficulties we would have in making it available to particular towns and areas that are even smaller than county level. The Deputy is correct with regard to the new designation af-

forded to parts of the country with regard to post-coal status but I have checked and it does not change the advice I have on this matter.

With regard to what Deputy Cowen said, it is the case that while it is fair to say we knew there was a risk of the licence not being available in future, that was not known at that point in time because the decision had not been made by the semi-State company on whether it would reapply for a licence. Of course, neither the workers nor their representatives were aware of what was going to unfold two weeks ago.

I ask Deputies not to ask for a report in the Finance Bill because I do not believe the Bill is the place for a commitment to reports or measures that I have told the House that I, the Government or a future Government cannot produce or take. Given the importance of this matter, I will commit to coming back to the finance committee or the Committee on Budgetary Oversight, perhaps at the end of the first 12 weeks of next year, to give an account of how the carbon pricing money is being used, where it is going and the degree to which planning is under way to respond to the issues being raised by the two Deputies.

Deputy Denis Naughten: The reason I picked the 22 sites was that when I listed the counties on Committee Stage the Minister told me I was being far too broad. Now he is using the argument that this is too defined. In the interests of trying to progress the issue, and in light of the comments the Minister has made, I am prepared to withdraw the amendment. We will hear what the Minister has to say in the new year. This can be revisited by whoever our successors are this time next year.

Amendment, by leave, withdrawn.

Deputy Paschal Donohoe: Can I make a comment?

An Ceann Comhairle: No.

Deputy Paschal Donohoe: It could be of help to the House.

An Ceann Comhairle: Perhaps when we come to amendment No. 15 the Minister can add it on if he wishes. I invite the Minister to move the amendment and say whatever it is that he wanted to say.

Deputy Paschal Donohoe: I move amendment No. 15:

In page 62, to delete lines 11 to 15 and substitute the following:

“(f) in section 739O(1), by substituting “person, or connected persons within the meaning of section 10,” for “person”, and”.

I was about to say that regardless of whether the locations are too broad or too narrow, the principle remains the same. The Deputy has withdrawn the amendment and I thank him for that.

Amendment No. 15 is a technical amendment to correct a drafting error in a Committee Stage amendment to the Irish real estate fund, IREF, provisions in section 29 of the Bill as published. An amendment was brought forward on Committee Stage to remove a proposed amendment to the holder of excessive rights provision in the Taxes Consolidation Act due to unintended consequences identified following the publication of the Bill. However, a drafting

error has been identified in the Committee Stage amendment and this amendment, therefore, is required to fully remove the provision from the Bill. This will ensure the existing holder of excessive rights provision, as currently contained in the Taxes Consolidation Act, remains in force. I commend the amendment to the House.

Amendment agreed to.

Deputy Richard Boyd Barrett: I move amendment No. 16:

In page 92, between lines 14 and 15, to insert the following:

“Report on minimum effective corporate tax rate

34. Within 6 months of the passing of this Act, the Minister shall produce a report on establishing a minimum effective corporate tax rate of 12.5 per cent.”.

When people go to the Revenue website to look at corporate tax reliefs they get a table in a small font. I have been straining my eyes. A few years ago, I would have been able to see these figures.

Deputy Martin Kenny: The Deputy is getting older.

Deputy Richard Boyd Barrett: I seriously challenge anybody to read the figures in this table. This is with regard to access to important information. This is public money that is every bit as real as money that is announced in every budget to great fanfare, much public attention and scrutinised heavily with regard to the amount spent directly on health or education and allocated to various Departments. Depending on how it is calculated, and there is an interesting debate on what is in the base and not the base, the budget scrutiny committee estimates there is approximately €15 billion worth of tax expenditure every year and most of this rolls over from year to year. This is a lot of money. I emphasise that the Minister has had meaningful engagement with me on this matter. I also acknowledge that in the area of film relief he has genuinely listened and that he has also made some positive moves on IREFs and so on in the budget. However, as I have said to him many times, there is a whole lot more that needs to be looked at. Frankly, I still believe this is a massive scandal. To emphasise the point, in 2012, at the bottom of the crash, €74 billion of pre-tax profits were recorded. The figure for 2017 was €159 billion, which means profits have doubled more or less. The problem is that even the very modest 12.5% corporate tax rate is not paid on these enormous profits, which have doubled. When all of the loopholes in the interesting table that people cannot read are applied, the taxable income, as opposed to the pre-tax profit, drops from €159 billion to €79 billion. We have €80 billion worth of loopholes, expenditures and reliefs that write down the taxable profit so that the effective rate of pre-tax profits is not 12.5% but 5%. If the Minister imposed a minimum effective rate on pre-tax profits, he would generate approximately €9 billion extra in revenue a year and these companies would still be very profitable.

There are lot of areas to look at but the one I really want to stress this year in the short time I have is intra-group transactions. I had to really look closely at the table to see this one. Intra-group transactions are mostly transactions between subsidiaries of the same company lending each other money. One company sets up a lot of subsidiaries and lends itself money and charges itself interest.

6 o'clock

The interest it has to pay back to itself is tax deductible, thereby writing down its profits and allowing it to pay less tax. We discovered this with, for example, Larry Goodman's companies in Luxembourg and so on, but they are all at it.

It is amazing that the figure on this fascinating list for tax forgone due to intra-group transactions, which amounted to €9 billion in 2016, saw a massive jump from the previous year. I do not have the exact figure, but it was approximately €2 billion or €3 billion then. Guess what it was in 2017. It was €16 billion. It went from €9 billion to €16 billion between 2016 to 2017. God knows what it will be in 2018 and 2019. This is the major mechanism through which some of the most profitable companies owned by some of the richest people avoid paying their proper share of tax. They are lending themselves money and charging themselves interest, paying which reduces their profits.

An interesting provision is that of losses forward whereby the banks that brought this country to its knees can use previous losses to write down their tax liabilities, meaning that Bank of Ireland, AIB and so on pay virtually no tax on the enormous profits they are now generating. Another interesting provision is the category called "Certain company reconstructions and amalgamations". It was in place last year but I am not sure as to whether it was in place the year before. This tax expenditure increased from €189 million in 2016 to €425 million in 2017. This is tax avoidance on a massive scale and is robbing the taxpayer of significant amounts of money that could go into health, education, public transport or a just transition in terms of climate change. One could go through the list of possibilities.

I appeal to the Minister. A report on this is important. The Committee on Budgetary Oversight has started some of that work, but the next issue we need to examine closely is intra-group transactions. That the figure mushroomed from €9 billion to €16 billion in one year shows that it has become the major loophole through which many of these companies are writing down their tax liabilities. We need to examine what is going on, who is benefitting from the loophole and how to shut it down.

Deputy Joan Burton: I have proposed a minimum effective corporation tax rate many times. The recent publication by the OECD that recommended a minimum effective tax rate in parallel to the BEPS process is a warning note to the Government to the effect that this particular regime will not last forever. Assuming that Ireland will continue to be an attractive destination in the EU post Brexit, the Minister will have a problem on his hands. If we have significant transfers of financial companies from the City of London to Ireland, I assume that they will be accompanied by significant transfers of intellectual property rights, which were the basis of Deputy Boyd Barrett's contribution. Those rights are moving from certain jurisdictions to Ireland, but not just because of taxes. We are probably a more attractive destination for a variety of reasons, including our location and the fact that there are many people in Ireland or who are prepared to come to work in Ireland who have the skills that the companies require. However, it is foolish in the extreme to allow very profitable companies to pay reduced rates of taxation. A minimum rate could be identified.

The Minister spoke about the consequences for the midlands of the recent decisions on decarbonisation and proposed an oversight and commentary role for the Committee on Budgetary Oversight. One way of addressing the issue would be to make more detailed information available on the figures behind the figures. The Department should be able to provide that fairly easily. Perhaps it could be provided via the work of the officials who are working with the committee. We could then have a discussion and see whether there is a pathway through this.

Via President Macron and others in Europe, we are still facing the likelihood of digital taxation. It is not a perfect mechanism of tax, but many countries will be frustrated with the approaches taken by a number of states, including Ireland, where their nationals are buying significant amounts of services or products that are effectively taxed at close to zero, leaving no flow of money to national exchequers. That is profoundly unfair and the Minister would be well advised to reconsider it. If the Committee on Budgetary Oversight were to be an acceptable mechanism to him, that work could be done through it.

I doubt that there are many in this country who want to sell Ireland as an international tax haven. We want to sell Ireland as a location for international investment and employment. I imagine that there is mostly agreement on that in the House. Given the country's focus on education, we are well placed to take advantage of that, but we must be prepared to address the tax issue. When I was in government, we went into the BEPS process in great detail. The latest iteration of that is the OECD's proposal to move towards a minimum effective tax rate. The alternative is a digital tax. Maybe the Minister has undertaken studies on the likely impact of digital taxes. I have asked him detailed finance questions on the increasing amounts that have been claimed back by countries like Italy. Having introduced their own taxation measures, they are claiming back payments that Ireland will consequently find are due to them. All of this could be the subject of detailed reports. Since I regularly get answers on this matter from the Department of Finance and the Revenue Commissioners, the data are available even if they are not complete.

We have discussed how the Minister is locked into the problem of the banks' enormous losses forward, the basis for which I am unaware. Is there a country that allows this kind of continuous losses forward over a very long period? We are in year 11 since the bank crash. Those losses started to be built up from 2007. We are talking about 12 year old losses and banks that in some cases have profits in the realm of €500 million to more than €1 billion. It is silly that they can continue doing this. The most valuable aspect of the banks is possibly these losses forward. We are in a situation where there are all sorts of demand on the Exchequer, ordinary workers have not got any tax relief even though incomes for many will rise by 3% per year and people in receipt of social welfare have got no increases. It seems profoundly unjust in terms of the principle of taxation that very profitable organisations should continue to get major tax breaks while ordinary workers, people on social welfare and pensioners get little or nothing out of the budget. In the case of this amendment, if the Minister is prepared to put forward a format for reporting and discussion which meets his requirements, that would be a positive development.

Deputy Mattie McGrath: I do not support the amendment. I have to be honest and fair in this matter. I was arguing with the Minister last night about a land tax, which could have brought in a lot of money, and the situation where executives earning huge money get certain preferable tax allowances. The Minister tried to make the case that he had reduced such allowances greatly, which may be true. There are nearly 5,000 good FDI jobs in my own town of Clonmel. Merck Sharp & Dohme, MSD, is there nearly 50 years and we also have Boston Scientific, Abbott Laboratories and others. Those companies provide valuable employment and also offer spin-off benefits for the service and other industries which meet the needs of people coming to live in the area.

I am a big supporter of retaining the corporation tax regime as it is. The Minister alluded last night to the amount these companies pay in PRSI and other taxes, which is never mentioned. I completely support the retention of the 12.5% rate. It is a useful tool to have at our disposal. Other countries have different creative measures which they use to attract industry

to their jurisdictions. What we have is an upfront and straightforward tax and we need to keep it, especially in these times when we must deal with President Trump's various opinions, ideas and schemes.

Deputy Martin Kenny: I support the amendment. Many people, including the types of workers referred to by Deputy Mattie McGrath, who are in good jobs in high-tech businesses, pay a lot of tax and sometimes feel aggrieved that they can hardly afford their rent or mortgage. They perceive themselves as being in the squeezed middle while large corporations pay very little tax. Moreover, it seems that the larger the company, the lower the rate of tax it pays. That has an impact on our hospitals, schools, roads and, indeed, on every part of our society. It means that more and more ordinary working people, who go out and do their best every day, are finding they cannot afford to live, get a mortgage and provide for their families.

We see the evidence of this clearly in the north west. *The Sunday Business Post* magazine last Sunday included a list of how much Enterprise Ireland has spent in every county. Nearly two thirds of the moneys were accounted for by Dublin and the counties in the Dublin circle, namely, Kildare, Wicklow, Louth and Meath. County Leitrim, on the other hand, received only some €350,000, and Sligo less than €700,000. I am not saying that this is the fault of the Government. The problem is that there are not enough businesses investing in those areas, and that is because the emphasis is not being placed on ensuring that the places which have the most potential are given the most help. All the money is flowing into the region where there is the most pressure, the highest rents and where people cannot afford to live. I am all too aware of this as the parent of college-going children. County Leitrim has the highest number of graduates per head of population but there are no jobs for graduates in my area. That is a scandal in a context where we have a 12.5% tax rate for corporations. Those companies absolutely should be paying that rate in full. There is an additional problem in that we currently have no ability to direct where that work should be going and where people should be getting a chance. I want to see my children do better than I have done, as do most people. However, people living in Leitrim, Sligo and Donegal see them doing better somewhere else, not at home. That is something the Government must address.

If we are going to make the changes that are needed, the emphasis on what the Government invests in must change. There used to be a saying in rural Ireland about rubbing more butter on the fat sow's back, which is applicable to the current situation. Everything is happening in the greater Dublin region and the pressure there is huge. Rents are through the roof for people looking for a home and students seeking accommodation. Meanwhile, the west and other areas are continually left behind, the most recent evidence for which was *The Sunday Business Post* report to which I referred. These issues have an impact on people throughout the country. If this Government is about fair play, then it must ensure that corporations play fair. The types of breaks they currently receive should not be given. Deputy Burton referred to the banks, which are a typical example. Banks in this country that are owned or partly owned by the State are getting away with paying no tax and making billions in profits. By contrast, if a rural publican is a month late submitting his VAT return, Revenue will come down on him like a tonne of bricks.

I am not here to beat up on the Government. We all have a responsibility to address these issues, and Government has a particular responsibility to deliver for everyone. The problem we see - it is an acute problem for people in the north west, in particular - is that too many people feel they are not getting fair play, and there is anger and resentment because of that. This how the politics of fear evolves. People feel the Government has let them down and not delivered

for them. Its promises are no longer believed, as we have seen in respect of the national broadband programme. The Minister has a huge job of work to do to change that. Problems we are seeing, such as those concerning direction provision facilities, are all part of this same problem that so many people in rural areas feel neglected and left behind and that Government is not in tune with their lives. If the Minister and his colleagues do not change that, there will be fertile ground for the far right to move in and instil a politics of fear. As we go into the next decade, we should be seeking to move past the politics of fear and towards a politics of hope and reform. The reform we need is to invest in the regions where there is most potential and where we can deliver for more people. That is the future we can have but it requires the Government to stand up and not just talk about taking action but actually deliver it.

Deputy Michael McGrath: There is real value in having certainty around our corporation tax offering. As such, we must be careful in making changes that could undermine that offering and, as a consequence, our ability to continue to attract foreign direct investment. The system we have is statute-based, with the deductions that result in profits being reduced to a certain level before the tax rate is applied set out in legislation. They include research and development tax credits, capital allowances and losses forward. The headline profits are reduced to taxable profits and the rate is then applied. We have had reports comparing Ireland's effective rate of corporation tax favourably with that of other countries with a higher headline rate of tax. Different jurisdictions have very different systems in place.

Listening to the debate on these issues, one would be forgiven for thinking that corporation tax receipts were not booming, which they absolutely are. In fact, it is estimated that some €10.5 billion will be collected from this source by the end of the year. The issue we have had in terms of profits being shifted from one jurisdiction to another is principally in the area of transfer pricing and royalty payments. That system is the subject of significant international change through the OECD's base erosion and profit shifting, BEPS, process, which is right and proper. It is not fair that companies would have an opportunity to shift profits, without any substance to that transaction, from one jurisdiction to another. In the round, we have to defend our offering and our corporation tax system. It is transparent and we have to continue to co-operate with the international reforms through the OECD in dealing with transfer pricing.

Deputy Paschal Donohoe: I thank all the Deputies for their contributions. It is important to open with some of the facts on this area that touch on some of the points Deputies Martin Kenny and Boyd Barrett made in their contributions. If one looks at the most recent information available, namely the estimates the Revenue Commissioners produced for 2017, it indicates that for those companies that pay corporation tax, the effective corporate tax rate they paid was 10.2%, an increase on the 10% figure in 2016. For the top ten companies the rate was 12.7% and for the top 100 companies it was 12.3%. The gap between the effective tax rate and the nominal tax rate is very small. In the debate that is under way on what level of taxation is paid by the largest companies, it is important to note the gap between the rate they are meant to pay and the effective tax rate they pay is minimal. That is a key point of difference with many other countries and jurisdictions we compete with that would have a nominal tax rate that would be far higher than Ireland's but then because of the very many deductions they would make available, they have an effective tax rate that is some way below that. That is not the case in Ireland.

Deputy Boyd Barrett made the point about the surge in profitability that has happened for large global companies. Consequent to that, there has been a huge increase in the amount of corporate tax profit that has been paid here in Ireland. The Deputy may be interested in the technical paper we published last week on the Department of Finance's website that looked to

correlate the amount of corporate tax being paid with the share performance of very big corporate players. It found a real correlation between how much additional tax is being paid in Ireland and the business performance of many of the huge companies the Deputy has referred to.

On the different points made by Deputy Burton, the establishment of a principle of minimum global effective taxation would provide particular challenges for Ireland because if that principle was established the figure would at one point be below the 12.5% in Ireland but my expectation is that at another point in the future the figure would then move above that, which would have consequences for our ability to retain our tax rate as it is. That principle could yet emerge from the OECD. As Deputy Burton knows, within the OECD we do not have a veto. It is not like, for example, the European Union. It is an organisation that works on the basis of influence and negotiation. I am alive to what the consequences of a minimum effective tax rate being established through the OECD for the world would be for Ireland.

On the debate on digital taxation, the view I took 18 months ago is that if the European Union or individual countries went down the route of a digital services taxation outside of agreement with other global trading blocs, that would result in the risk of reaction from other countries that have been affected. I have been proven right in that assessment and that is what is now happening. For example, America is saying that if American companies are treated in a different way in other jurisdictions, America will respond to that. That has happened in the negotiations that have ensued between France and America, for example. I argued in front of the Committee on Budgetary Oversight that I did not believe it would be in our interest for Ireland to face such a scenario too. I was correct in my concern on what could happen if we went down the unilateral route in digital taxation. That is not a path Ireland should go down. Deputy Mattie McGrath supports the approach we are taking. Deputy Michael McGrath touched on the fact there has already been a big increase in corporate taxation receipts.

Deputy Boyd Barrett touched on the issue of intra-group transfers and how they are facilitated. In this Finance Bill, there are significant changes happening in transfer pricing that will have an effect on that issue. We are making those changes, mainly because we are part of the OECD approach on that work and also because we need to play our part in ensuring companies are paying a fair and effective tax rate and that there are no mismatches in transfer pricing rules that might allow the movement of revenue and profitability between different parts of companies in a way that is not sustainable. I emphasise that significant changes are happening in transfer pricing rules that are partly driven by the kind of issues the Deputy has raised.

I listened to what Deputy Martin Kenny said too. I make the point to him that for many different parts of our economy, the majority of jobs being created are outside of Dublin city. The main reason I supported the decision on the national broadband plan was to respond to the diagnosis the Deputy offered. I salute the approach the Deputy has taken to argue for a different political approach to the fears his constituents have. It is that kind of approach I want to play my part in. I also want to respond to the fears the Deputy has articulated. I strongly believe the approach we are taking with the roll-out of the national broadband plan will make a difference to the employment concerns in the many communities across the towns and villages of our country that the Deputy raised.

An Leas-Cheann Comhairle: That exhausts the seven-minute slots. Does anyone want to come in?

Deputy Richard Boyd Barrett: I will comment briefly. It is around the area of whether the

effective rate of corporation tax in this country is as the Minister stated or whether it is not that the debate centres. I dispute it because the Minister is referring to taxable income after all the reliefs, exemptions and deductions in the list I referred to have been applied. To me, the essence of the problem is the total declared profits, which have mushroomed, are not what are taxed. About half of that is taxed. How €159 billion in profits suddenly turns into €79 billion in profits - with €80 billion in the difference - and how the 12.5% tax rate is only applied to that second lower figure is the problem. At the centre of that, as the Minister rightly says, are intra-group transactions. As I tried to stress, intra-group transactions and transfer pricing involve subsidiaries of the same company moving money around in order to avoid paying tax. That is wrong and we have to address it. I accept the Minister is looking at it and I accept there are some measures here, as part of the OECD process, that are moving to address some of these problems but we are not going anywhere near far enough. Equally, it is shameful the banks are not paying tax because of losses forward. I did not mention the research and development tax credit. Again, it is mostly going to this same group of companies when it could be better directed, in my opinion, into public universities for research and development that would benefit the domestic economy. We disagree but I have put the point and hopefully it has some impact on Government thinking.

Deputy Joan Burton: One area of taxation of the types of sectors about which we are talking is a financial transactions tax, which would have a massive impact on poorer countries around the world. One of the side effects, perhaps unsought, of the type of tax regime Ireland and Luxembourg have developed is that poorer countries are relieved of their tax earning capacity in respect of raw materials. The Minister will know this because a number of years ago, he arranged to meet representatives of Oxfam, for which I was grateful. I acknowledge he has provided for changes to transfer pricing in the legislation. It is not yet clear how they will play out but I acknowledge that he aims to make the system fairer.

On transfer pricing, there has to be some way, in a globalised, financialised world, of ensuring that people who earn a great deal of money will pay tax. Otherwise, people who have no money, who are at the bottom of the heap, will have no income, which means their basics in life will be unavailable and unaffordable to them. That is why the OECD-type approach is the best one, accompanied by good governance and high-quality taxation systems. The Minister is working on the Augustinian principle of, “O Lord, make me tax effective, but not yet.” We will end up paying, as we already do, large amounts to countries such as Italy, which has located various types of digital taxation in the country. That means it can take into account, for instance, activities and taxes that companies have paid, such as on labour. Ultimately, such countries can come back and seek what we could call a refund from us, which they increasingly do.

It is a mug’s game to stick our head in the sand and deny what I have outlined. The Government has to be able to show some progress on some areas.

Deputy Martin Kenny: The Minister stated he concurred with my analysis that we need to change the politics and to invest more in rural areas and the regions where we have most potential, but that will require the finance to do so. The difficulty is that an awful lot of people find that the pressed middle, or the ordinary worker, provides all the finance for everything. The issue, as has been pointed out by Deputy Boyd Barrett, is that the Minister suggested that companies pay practically the same rate they are charged, but the truth is that is the rate after they have taken into account all the other breaks, which needs to be examined. I refer in particular to the research and design break. It is scandalous that large corporations get away with it time and again. They move large portions of their profit, which should be taxable, into a research and design account and the money sits there to be spent on measures the corporations should be

taking in any event. That significant loophole needs to be examined.

If we are to change the politics, we have to act on it, not just talk about it. We have to see the results in rural Ireland. The Minister mentioned the broadband programme. We have been around the mill so many times with broadband that nobody in rural Ireland believes the Government anymore. Its problem is it has a considerable credibility deficit in that regard.

Deputy Paschal Donohoe: Ireland can only tax income that is taxable. We can only tax income declared in Ireland. Deputies Boyd Barrett and Martin Kenny are correct that reliefs are available. They are applied and the income thereafter is what is taxed, but that is a feature of tax codes, whether for an individual, an SME or a major multinational company. Indicating we will change that in the future is the very kind of unpredictability in our tax code that will affect jobs and investment in our country. Every time I make such a point, I am charged by some with creating a sense of fear and undue panic. All I can do is give my view of how competitive the international environment is for jobs and investment. It is not a path of uncertainty that Ireland should go down.

I again point to the fact that the gap between the effective tax rate and the nominal tax rate in respect of Ireland's corporation tax is small. That shows that an approach of having a wide tax base, with a small number of reliefs and a consistent rate applying to the entire tax base is the right way to go.

On what Deputy Kenny said about the deficit, since 2016, we have increased by €4 billion the amount of investment in our economy, with a significant focus of that sum being the investment in towns and villages throughout the country, an approach with which we will continue.

Deputy Richard Boyd Barrett: There is a global move for such corporations to start paying their taxes, and we should not be the laggards on the matter, but we are. Even though we know the curtain is starting to come down on the corporations, we think we should try to get as much as we can out of it before it does. That is a mistake, however, because we could get more by getting ahead of the curve than by being the laggards. I do not believe the idea that if we introduce a minimum effective tax rate to apply to companies that make the scale of profits that such companies make in Ireland, which will ensure they do not benefit as much from the clear loopholes they exploit and that we will get a bit more as a minimum - a minimum of billions of euro - they will all run out of the country. There is nowhere left for them to run, particularly in the English-speaking world within the EU, which is where they want to be, even more so after Brexit.

The minimum effective rate would still be well below what the rest of Europe pays because, as the Minister rightly said, the nominal rates in Europe are considerably higher and probably average at more than 20%. Even with the reliefs they give, however, which might reduce the effective rate to 10%, 9% or whatever it is, the rates are still higher than what we pay on pre-tax profits. We could pitch it higher, get in a fair bit of money, and we would not risk them all running for cover because there is nowhere left for them to go. We should do it because it would give us a great deal of money for the infrastructure, housing and public transport on which they, as much as anyone else, rely, although they do not pay the fair share as a proportion of their profits that they should towards them.

Amendment put and declared lost.

Deputy Denis Naughten: I move amendment No. 17:

In page 97, after line 32, to insert the following:

“40. The Minister shall, prior to 1 May 2020, publish a report on reducing the impact of carbon tax on agricultural production in light of the fact that there are no viable low carbon alternatives available to farmers.”.

We discussed a similar amendment in detail on Committee Stage. Its focus is to consider the issue of carbon tax on agricultural diesel. Carbon tax is about bringing about change, not about bringing in more income to the Exchequer. The idea and pitch behind carbon tax is to drive change. The objective is that people will get out of the car and use public transport because it is more carbon efficient and they will pay less in fuel taxes.

The agricultural community does not have that choice because we do not yet have electric tractors and it will probably be a while before we have them in this country. As they do not have a choice, they should not be liable for the tax.

When we discussed this earlier, the Minister made the point that there is a double income tax relief for farmers. The difficulty is that a farmer has to be generating an income to avail of the income tax relief. As the Minister knows, very few beef farmers will pay tax this year because of the devastating year they have had. Only a handful of beef processors in the country will have a tax liability. Having a taxable income is the only way farmers can avail of relief for carbon tax paid on agricultural fuel. We need to consider another mechanism to ensure that people who do not have a choice, that is, farmers, have mechanisms whereby they can avoid paying the carbon tax on agricultural vehicles.

This leads us to a broader issue in terms of carbon taxes. The carbon tax structure in this country disproportionately impacts on people in rural Ireland. A typical commuting family in rural Ireland will pay an extra €6 per week in carbon tax, yet the equivalent family in Dublin will pay about 30 cent a week in additional carbon tax. The sum of €6 per week is a significant amount of money for a family, but alternative transport is not available to them. They have to absorb this as an additional cost. However, families in Dublin have alternatives, particularly the bus service, which is subsidised by the State, but 30 cent a week will not motivate any family to leave the car keys at home and get onto a bus. This tax disproportionately hits those who cannot avoid paying carbon tax.

Amendment No. 23 has been ruled out of order. It proposed that we try to restructure the motor tax system to drive the type of change that is needed, based on the fuel efficiency of a vehicle. A diesel car travelling through Dublin city is far less efficient than the same car travelling from rural Ireland to a job in Lucan or Leixlip. If the taxation system was restructured to take account of that, it would encourage people to leave their cars at home in Dublin without disproportionately penalising those living in rural Ireland who do not have a choice. We will not have the opportunity to discuss that amendment.

I want to flag this issue relating to agricultural fuel. The amendment would ensure that many farmers who do not have a taxable income would be able to avail of the relief.

Deputy Martin Kenny: I support the amendment. As I live in rural Ireland, I am very conscious of the issues facing the farming community. Given that farmers make very little money, for quite some time there has been little opportunity to tax them, in particular farmers with smaller holdings on poorer land in the west. They are the very farmers who will be impacted the most by the carbon tax that has been spoken about and a carbon tax in general.

It is an issue that goes beyond farming. It will affect families living in rural areas or regional towns who do not have buses or other transport options in place. They are being pressed the hardest. The symbolism of accepting the amendment would show that the Government accepts that the agricultural sector, in particular, needs some understanding from the Government that farms are not profitable and farmers do not have alternative options. There is no such thing as electric tractors. Even if there were, they would be well beyond the means of the vast majority of farmers living in rural Ireland, as are electric cars. If the Minister accepted the amendment, it would show that the Government has some level of understanding of that.

Deputy Michael D'Arcy: It is important to note that the vast majority of greenhouse gas emissions from the agricultural sector, that is, methane, are not subject to carbon taxation. The main agricultural exposure to carbon taxes comes from fuel imports, primarily through the use of marked gas oil, MGO, or, as we know it, green diesel. It is subject to the lower excise rate of 10.2 cent per litre. The increase in carbon tax will increase this to 11.8 cent per litre. The increase to MGO will apply from 1 May 2020. The excise rate on MGO compares very favourably with the excise rate applied to auto diesel, which is 49.5 cent per litre. There is a difference in price of almost 40 cent per litre between road diesel and MGO. When the carbon tax was introduced in 2012, provision for a double income tax relief for farmers to compensate for this increase was introduced. This relief continues to apply. In light of the very limited exposure of the agricultural sector to carbon tax increases and the availability of other income tax reliefs for farmers that are directly related to increases in the carbon tax rate, I do not see the benefit in conducting a report on the impact of a carbon tax on the agricultural sector.

I live in the countryside, down a country lane. I am very strongly supportive of rural planning. We had a conversation earlier about the fact that An Bord Pleanála has turned down applications for one-off developments in rural areas. The Irish rural housing stock is dispersed throughout the country, which I support. People should be able to look for planning permission to build houses in rural areas. However, we cannot expect the State to subsidise those living in rural areas. The State does not subsidise wastewater. People have to install their own septic tanks and provide their own water. Where there is a market failure, the State will step in in the form of initiatives such as the national broadband plan we have launched.

People cannot expect the State to do everything for rural Ireland. It is wrong of people to keep talking about Ireland being desolate and dying because it is not. Many areas are thriving and doing exceptionally well. Not everywhere is like that and that is why we are spending billions of euro on the national broadband plan, the national rural regeneration plan, and town and village renewal schemes. People would think none of this happening and the money is being spent in Dublin city and nowhere else. That is not the case and it is disingenuous of some Deputies to say everything is wrong in rural Ireland because it is not.

Deputy Denis Naughten: I will not dwell on the point I made on Committee Stage. I want to pick up on two things the Minister of State said. He said rural Ireland is not desolate. The competitive funds provided by the rural and urban regeneration schemes encourage communities to come forward with innovative ideas, and they are very positive. The difficulty is that the vast majority of people living in rural Ireland have to commute long distances to get to work, something about which Deputy Kenny spoke earlier. People in my constituency have to travel long distances to get to work.

If we are going to deal with the challenges of congestion and housing in Dublin city, we must recognise that we can never build enough houses to meet demand. We need to bring about

balance. The Government is doing that through the incentives it is providing and so forth, and that needs to continue.

I am glad the Minister of State brought up the issue of methane. It is not subject to carbon tax, despite the Citizens' Assembly recommending that it should be. I do not believe it should be. We need to examine seriously the issue of carbon leakage because of the European accounting structure for carbon. We are penalising agricultural production in Ireland. What is produced in the agricultural sector here feeds the European Union. We are trying to shut down the sector and import products from an alternative source in South America, where people are being moved off the land. That is bringing about a devastating impact on the climate and destroying the lungs of the globe in the Amazon basin. We need to look again at how we calculate and treat methane emissions.

Deputy Martin Kenny: I want to respond to the comments about rural housing and people who live in rural areas. We need people to live in rural Ireland and we need to grant planning permission for people to do so. Those people are not some kind of a pollutant to be stamped out. Some people would think that was the case. In fact, the vast majority of people living in rural Ireland are much more efficient ecologically than people living in many other areas. I agree that rural Ireland is not dying and that there is vibrancy and energy there. The problem, however, is the lack of investment necessary to allow those communities to flourish in the way that they might. That is certainly the case in many places.

I frequently come across people in my constituency who cannot get work in the areas in which they live. They have to travel long distances to work. When those people get there, they discover they could do their work from anywhere if they had broadband. Broadband was mentioned earlier and we are putting in hubs in some areas where work is under way. What we really need to do, however, is recognise that while there has been great investment, and reference was made to corporation tax and investment in large corporations and foreign direct investment, there has not been as much emphasis on growing our domestic economy and developing the entrepreneurs and enterprises needed in rural areas, small towns and villages. That is a big job of work and it will require a new emphasis in politics over the next decade.

We are not in different places in the context of our views on this subject. We should be coming at it with a unified approach to developing solutions that will serve everyone. To do that, we have to recognise that there are major deficits. Those deficits are real, not imagined. People know they exist because of their life experience.

Deputy Michael Fitzmaurice: From the point of view of farmers, contractors and the carbon tax on the agricultural sector, I ask people to have a look at the position relating to beef and sheep. Farmers are trying to produce a quality product, but they are not getting enough of a price to even keep family farms going. We are considering contractors and farmers. There will be reference to double taxation for the farmer. That only applies to a limited number of people, however, as probably 90% of all work is done by contractors. There are few alternatives to the machinery used in that work. Electric tractors are not in Ireland yet and the machinery used all runs on diesel. That is the reality, and solutions have not even been enacted in Europe. We need to ensure that we send out a signal that we at least care about these people. Yet, in their hour of need, we are giving them a kick in the teeth with this carbon tax. It is anti-rural and anti-farmer and any Government that brings this tax in should think twice about what it is doing. Do we want rural Ireland to survive or do we want to pack it with wolves, as some in this House have suggested?

An Leas-Cheann Comhairle: I call Deputy Danny Healy-Rae, but I ask him to say everything he has to say in two minutes.

Deputy Danny Healy-Rae: That is fine. I am just glad to get the opportunity to say a few words on this matter. I got annoyed when I heard the Minister of State saying that people in rural Ireland should not expect to be paid to live there.

Deputy Michael D'Arcy: I did not say that.

Deputy Danny Healy-Rae: I am just asking him to leave the people of rural Ireland alone and that is also all those people are asking for. He will not leave them alone, however. He was talking about the rebate scheme, but that does not apply to green diesel. The cost of fuel is going up and many people cannot get a rebate on white diesel either. It is not possible to go anywhere in rural Ireland without a car. I cannot understand Deputies in this Government, as well as others in the House, complaining about the carbon tax after talking about climate change. That is giving me bother as well. Deputies are complaining about the carbon tax, while at the same time supporting the notion of climate change. The climate will always change, but we will differ on what is causing that to happen.

I am only asking the Minister of State to leave people in rural Ireland alone. Those people are footing the bill for this Government's notion of closing down the bogs and power stations in the midlands. That is what is happening now and that is the honest truth. That is where the carbon tax is going and it will not even cover the cost involved because the closing down date was brought forward by six or seven years. The Minister of State said that people in rural Ireland should not expect to be paid to live there. All I am asking the Government to do is leave those people alone.

An Leas-Cheann Comhairle: This amendment relates to publishing a report on reducing the impact of carbon tax before 2020.

Deputy Michael D'Arcy: I want to correct Deputy Danny Healy-Rae. I did not say that the people of rural Ireland should be paid. I ask him not to say that I said something I did not say. I am very clear on that.

Deputy Danny Healy-Rae: I heard him saying that. He said that he supported-----

An Leas-Cheann Comhairle: Please Deputies-----

Deputy Paschal Donohoe: He did not say that, though.

Deputy Michael D'Arcy: I very clearly did not say that. The Deputy said I said it and he was wrong to say that about me.

Deputy Danny Healy-Rae: I heard the Minister of State saying it.

Deputy Michael D'Arcy: The Deputy did not.

An Leas-Cheann Comhairle: Let us have some order, please.

Deputy Michael D'Arcy: We will not leave the people of rural Ireland alone. We will invest in rural Ireland-----

Deputy Mattie McGrath: Oh.

Deputy Michael D’Arcy: -----and we will continue to invest in rural Ireland. Deputy Danny Healy-Rae does not want to hear that. He does not want to hear about the town and village renewal scheme, the rural regeneration scheme or the national broadband scheme. My county of Wexford-----

(Interruptions).

An Leas-Cheann Comhairle: The Deputies might not agree but they must listen to others. Nobody in this House has a divine right to keep interrupting.

Deputy Michael D’Arcy: My county of Wexford will receive some €88 million to bring broadband connectivity, by fibre, to 22,000 homes. Deputy Healy-Rae does not want to hear that because it does not fit into his narrative that rural Ireland is dead, desolate and finished. It is not finished, it is vibrant in many places and areas.

Turning back to the item we are actually discussing, the introduction of carbon tax for marked green diesel, it will be €16 per 1,000 litre fill. Most average to small farmers might do three or four fills of diesel.

Deputy Michael Fitzmaurice: That is two days on a tractor for contractors.

Deputy Michael D’Arcy: It is €50 in the year and that is the full amount. It is important for people to not overstate this. The impact of the carbon tax will be about €50 a year for the average small farmer in respect of marked gas oil. We brought this in at a low rate and it is not coming into force until next May and that is about as reasonable as it is possible to get.

An Leas-Cheann Comhairle: Is Deputy Denis Naughten pressing the amendment?

Deputy Denis Naughten: Yes.

Amendment put and declared lost.

Deputy Richard Boyd Barrett: I move amendment No. 18:

In page 97, after line 32, to insert the following:

“Report on carbon tax

40. Within 6 months of the passing of this Act, the Minister shall produce a report on the carbon tax, fuel poverty and income inequality.”.

Our opposition to the carbon tax is well known. It is not necessary when opposing an unjust, regressive and counterproductive tax to suggest that climate change is not a serious and urgent problem.

7 o’clock

It is an urgent problem. It is an emergency. We have a short timeframe to address that emergency before we do irreversible damage to climate, to biodiversity and to the conditions which sustain human existence on this planet. There is no question but that we need to address it.

The problem is the carbon tax will not address it. First, we have a carbon tax and it has done nothing - less than nothing - to reduce CO2 emissions. CO2 emissions continue to rise. Ireland is failing spectacularly in meeting its targets, is facing hundreds of millions of euro of fines as a

result and is trying to buy its way out of its emission reduction targets through the carbon trading system. The carbon trading system itself is another example of how trying to put a price on pollution is not the way to address it. The big idea ten years ago was that with carbon trading one can buy one's way out of the problem. Of course, that became an area for speculation and for the big polluters to buy the right to pollute more from poorer countries which emitted less. It is completely counterproductive.

It is also counterproductive from the point of view of trying to win over the majority of ordinary people to support the fight for radical climate action and I ask the Government to consider this. If we are to make this change we need to have everybody on board. They must feel they have a stake in taking radical climate action and that they will not be punished for the crimes of polluting corporations and Government failure to address CO2 emissions. We know 70% of global emissions come from a few hundred companies. In fact, governments resist efforts to tax those corporations and use some of the enormous profits they generate from polluting industries, such as the fossil fuel industries, to redirect revenues into making the necessary transition. Instead of doing that, we punish the people who are not responsible and potentially alienate them from the battle to address the climate emergency.

This amendment I have put forward particularly asks the Government to look at the issue of fuel poverty. It is estimated that 400,000 households or 28% of the population in this country are living in fuel poverty. The majority of those people are living in G-rated homes, in other words, poorly insulated homes, and are already suffering from poor insulation. They do not want to have to spend large sums heating their homes. They must do so because their homes are badly insulated. A very significant portion of them can do nothing about it because they live in private rented accommodation. They cannot do it. The landlord has to do it. Alternatively, they live in public rented accommodation - local authority homes - and they cannot do it. In fact, I spend quite a lot of my time making representations to the local authority asking on behalf of local authority tenants if it will insulate their homes and the local authority says it has not got the money to do it. By the way, and here is an interesting twist, in Dún Laoghaire-Rathdown County Council, in the budget recently passed by the new coalition of Fianna Fáil, the Greens, the Social Democrats, the Labour Party and Independents, they have cut the retrofit budget. They totally slashed it in their first budget. What already was a snail's pace of retrofitting of local authority homes will be slashed entirely. It is shocking. It is disgraceful that they would do it. It is unbelievable that the Greens would do it. It is also shocking that the Government would allow them to do it given that we need to ramp up dramatically the retrofit of homes.

We need to dramatically ramp up the grants to address the fact that 760,000 of the people in this country - one in six - live in poverty. How the hell are they supposed to retrofit their homes to insulate them, which would be of benefit to them? They would not be against the idea. They would be very much in favour of it because it would reduce their energy bills and would make their homes warmer. However, they are not being given the resources to do it. Now we will punish them for that fact with a carbon tax. We will punish them for that fact by taking public service obligation bus routes out of their areas in many cases with the BusConnects plans, by the reduction in subsidies, for example the public service obligation subsidies, to Dublin Bus from €87 million a decade ago to €50 million, and by us having fewer buses in the Dublin Bus fleet than we had ten years ago. Already, people who depend on public transport who do not use private cars will now be doubly punished. They have already got poorer public transport service and now they will be punished again with a carbon tax and possibly with higher fares. Public transport fares in this country are some of the highest in Europe and they have gone up

by 80% in the past ten years. We continue to allow bus fares to go up when we should be reducing or abolishing fares and increasing the subsidies. There are many more areas I could go into.

For rural Ireland, what is necessary is to give a sustainable living and payments to our farmers to enable them to move to forms of agriculture that are sustainable and do not emit so much CO₂. Our rural colleagues are correct to be concerned about these matters because they have to be guaranteed investment and schemes that will make it possible, and not be punished for making a necessary transition.

Deputy Michael Fitzmaurice: I support this amendment.

The average family farm in a rural area of 50, 60 or 70 acres is not viable on its own and the farmer must go to work. As has been pointed out, if the income threshold is €30,000 including everything, one is not entitled to all the Minister might say. The Minister will say he has given a few pound to this and that. The Minister should think of the people who are rearing a young family and who have a mortgage. They might have children going to college. They drive to work every day - 40 or 50 miles. They keep a community viable in a rural area. They come home in the evening and do a bit of farming. They help in their community. What will they pay in the year?

The Minister talked about farmers and what they will pay. The Minister is correct in his statistics about the farmer but the contractor works for the farmer. What will the contractors do? They will not suck it up. They will pass the cost on to the farmer.

What will happen the food that they will buy in the shop? Every bit of food in this country that is flown in is still without any carbon tax. If we want to go on our holidays we do not pay carbon tax and if we want to go to work in Ireland, we pay it. The food that is transported, either in a rural area or a city area, is transported by lorry and there will be a knock-on effect there. There will be a knock-on effect for the contractor who comes in to do the work. If one adds it up, the average household that is not entitled to all that the Minister talks about and the earnings of which are above the threshold - one need not be too high to be above that - will end up €300 to €350 worse off between the car, the contractor, the bit of farming, going to work and heating their house. There is no piped gas in rural villages. Oil is the general fuel.

The Minister will talk about the retrofitting. There is no-one saying that it is not a good thing but one has got to have lolly in one's pocket to get it. One does not get it all because one is over the threshold. One must have money to retrofit one's house.

The couple to whom I refer are paying a mortgage already. Many such couples are only surviving and now we are deciding to make sure that we give them another puck. Middle Ireland pays for everything. That is the total of it.

An Leas-Cheann Comhairle: I remind the House that we are not on Second Stage. We are talking about producing a report.

Deputy Brendan Ryan: The amendment seeks a report on the carbon tax, but I will approach it from a different perspective. My party supports carbon tax changes generally. In fact, we might have gone a little higher. The matter I wish to raise, and this appears to be the appropriate time to raise it, relates to how carbon tax is being applied, particularly by utility companies. My question is whether it is being applied correctly and, if so, how that can be the case. To give an example, I have some figures from a gas bill from a utility gas provider. The

total gas charge is €75.03. The standing charge is €14.18. Carbon tax is €5.17 based on an application figure of 0.00370 kWh. That brings the total to €94.38. This customer gets a discount of €3.75 because of a direct debit. The total is then €90.63. VAT is applied on the total figure. We are applying VAT on a tax. How can that be? Is this the way it should be applied? Perhaps it is an error on the part of this utility company but, if not, it is applied across the board by other utility companies. I probably should have seen it in my utility bills, but I did not. It was brought to my attention by a constituent. This matter is becoming more important as the carbon tax increases over time. It is grossly unacceptable that there should be a tax on a tax. I will be interested in the Minister's response on this.

Deputy Paschal Donohoe: I will comment on each of the contributions. Deputy Boyd Barrett knows that I have great respect for the different points he makes and the views he brings to Dáil Éireann but this will be one of my contributions in which the differences between us are more apparent than what we have in common. I continue to be reminded of the near uniqueness of the Irish left. On the one hand, it warns Governments of their over-reliance on corporation tax yet, on the other, it fiercely resists any efforts that are made to widen the tax base to use increased taxes to pay for better public services. Deputy Boyd Barrett is against the local property tax, water charges, carbon taxation and the different forms of taxes that have either been introduced or that we attempted to introduce in order to try to raise revenue to pay for the public services he wants more of. When he responds to me he will likely argue that the wealthy should pay more, but he will not give any credence or recognition to the fact that we have such a progressive income tax system that the more income people have, the more taxes they pay. If he does not make that argument, he will argue that large companies should pay more. If he makes that point, he should also be cognisant of the fact that large companies in Ireland have paid significantly more in terms of the corporation tax receipts in recent years.

I ask Deputy Boyd Barrett to name any credible expert who is arguing that we can respond to the approaching climate change crisis without changing the price of carbon. His commitment to tackling climate change is hollow when he does not acknowledge that if we are not willing to change the price of carbon, we are not going to change the incentives around it. The honesty and commitment the Deputy has in other areas of endeavour are lessened if he is not willing to acknowledge that if we are asking people to use less carbon, there is a case to be made for the price of that carbon going up. That is the argument here. If we want less carbon to be used, a case can be made for changing and increasing the price of carbon as the way of doing that and for the additional revenue from the higher price of carbon to be used for reinvestment in our economy. That is what this Bill seeks to do.

Regarding the arguments made by Deputy Fitzmaurice, I understand the effect of carbon pricing for families that do not have access to the forms of public transport that are available in our large cities. However, this is an argument about taxation. Deputy Fitzmaurice is aware of the income reliefs that are already in place for carbon taxation in the agriculture sector. The double tax relief is available for the agriculture sector to offer mitigation against the effects he mentioned of higher carbon pricing. There is a wide array of tax reliefs and supports available through the tax code to offer support for the families the Deputy spoke about. The Deputy might make the point that it does not affect those who are involved in farming who are not getting enough income to be entitled to the relief. One of the reasons they are not paying tax is that the thresholds on income are set at a particular level. If one is a farmer or a worker in other parts of our economy, we want to set the threshold at a particular level to ensure that if the person's income does not cross that threshold, he or she will keep that income. That is in recognition of

the fact that up to a certain level of income the person is not earning enough to be paying higher rates of tax. The reason we have these thresholds in place is to protect low income farmers and workers and to ensure they are only paying tax on higher levels of income. However, I again emphasise that there is an array of reliefs across the tax code because of the value that is placed on the contribution that farming makes to our economy and society.

What Deputy Brendan Ryan described is correct. The VAT is levied on the total bill and part of that bill includes the carbon tax. He is also correct that over time as the bill goes up and if a contributor to the bill is a higher level of carbon pricing, the VAT will be charged on the total amount. What he read to the House is correct. I welcome the fact that the Labour Party supports higher levels of carbon pricing. Its view is that we should have made a larger move in carbon pricing in this budget. It was arguing for a multiple of the move we made, but it is in recognition of the issues raised by Deputy Fitzmaurice that I believe a larger change in carbon pricing in this budget would not have been appropriate.

Deputy Michael Fitzmaurice: I hear the points made by the Minister. Only for the fact I know a little about this, I would almost believe him. The Minister of State, Deputy D'Arcy, indicated that it is €15 per 1,000 litres for the average farmer. I did not talk about the average farmer. I spoke about the farmer with the family farm. I am not worried about the €15. What worries me is that if the farmer calls in a contractor, there is no rebate or allowance for that under the normal taxation system. The farmer will hand it on. I am a contractor. When I am balancing for somebody next year, I will hand it on. It will be coming in on 1 May and the bales will be made from May onwards. It is as simple as that. It will be handed on. The Farm Contractors of Ireland have said this. Some 90% of farmers' work is done by contractors. I am not talking about paying €15 for someone to fee cattle or spread a bit of fertiliser. That is not it. We know there is double taxation and I acknowledge that part but I spoke about the family farm where a person is getting a contractor in to do the work. The Minister of State will know this well from his own neck of the woods. These people drive to work every day, because their farms are not sustainable on their own and therefore they will pay more tax. Obviously there is no rebate for driving to work. In addition, the fuel used to heat their houses is also diesel. These people are getting hit three times. It is probably increasing the cost of the food they eat too because it is hauled by a lorry, or at least some of it because they may be growing some of their own. This is the problem I am highlighting. I am not saying there is not certain alleviation for the double taxation that the Minister spoke of - that is agreed, I never disputed that - what I am highlighting is where it is catching these people on the treble. The Minister needs to understand that these are people on 60, 70 or 80 acres who may be farming beef for suckler and sheep. No one here will deny that they are struggling. That is the matter I am raising.

Deputy Richard Boyd Barrett: I assure the Minister that I am very sincere about addressing climate change. Our policy is very detailed. We have just produced an extensive document on it and our budget submission, which we produce every year, also shows precisely how we will pay for it in a whole range of areas. I will not deal with them all now, but it includes aviation fuel charges, for example. That would raise a lot of money from the people who actually make profit from polluting. That is the difference. What about the big agrifood barons who are making profit out of one of the big polluting areas, not the small beef farmer who is struggling to survive? Do not punish him or her, punish the guys who are declaring their profits in Luxembourg and who are making a fortune out of this sector and who then use the money raised to ensure a just transition for the small farmer.

I must question the Government's bona fides on this. In the first instance, it is not address-

ing the main problem, namely, that putting a price on pollution has failed. We have been doing it for several decades with carbon trading and with carbon taxes and it has not worked. I defy anyone to show me any evidence that would allow us to meet the targets in the eleven years available to us. We need much more radical actions. That means focusing on the main areas. In the context of energy, the Government should stop issuing fossil fuel licences now. Do not lock us into liquid natural gas infrastructure that will lock us into fossil fuel use for decades.

Housing is another big sector. We need to retrofit approximately 120,000 homes a year every year for 20 years, which means the State is going to have to do it. No one else can afford the cost, it must be done by the State. Transport must be made cheaper and the subsidies have to increase. People will not get out of cars unless the Government provides better public transport. During my time in this House, more than anyone else I have raised the issue of afforestation. Since the first year I arrived here, I have spoken of the need to increase the pathetic levels of forest cover in this country. Our targets are pathetic but our delivery is about 50% of those targets. That has been consistent since I entered the Dáil. Furthermore, the forestry we do plant is often worse for the environment than no forestry at all. We need to dramatically change the forestry model, increase the level of planting and invest in renewable energy and in research and development around producing renewable energy sources. That means funding our universities which we are not doing either.

Deputy Brendan Ryan: I return briefly to the Minister's response to my points. He made no attempt to justify it other than to say that is the way it is. I cannot understand how it is justifiable. How can one tax a tax? Will he at least try to justify it? If one is to tax a tax and describe that as value added, I ask where is the value added to a tax?

Deputy Paschal Donohoe: I will come back to the Deputy with a note on that. VAT does apply to the value of the total bill.

On Deputy Boyd Barrett's remarks, the reason we are continuing with liquid natural gas for a time is because it is a transitional fuel that we believe is necessary to ensure we are able to meet the State's energy needs. In order to proceed with an ambitious retrofitting programme for local authority housing stock, we need levels of taxation that can be used to pay for that. One of the three pillars for how the additional tax revenue for the higher carbon pricing will be used is paying for the retrofitting of homes, and particularly local authority housing, and also to ensure that the relevant grant scheme needed from Sustainable Energy Ireland has additional revenue going into it.

On public transport, the Government recently decided to go ahead with the order for additional train carriages to ensure that the rail network will be able to increase its capacity in the future. There are longer Luas carriages in place to ensure the additional public transport capacity that is needed is in place as Dublin becomes increasingly busier. However, I return to the core point which is the fundamental area of difference between myself and Deputy Boyd Barrett. I acknowledge that increasing carbon pricing does have significant and difficult effects for some of our citizens but that is why we have increased the energy allowance and is also the reason why many on low incomes who are in receipt of social welfare payments will be protected from the effects of this change in carbon pricing.

Deputy Richard Boyd Barrett: I do not see how the Minister can say that they will be protected when they clearly are not protected as it stands and I cannot see any measures here to protect the 400,000 households living in fuel poverty. Many or most of them cannot afford to

do the retrofit they would like to do, which would improve their quality of life. They just cannot afford it and in some cases they would not be allowed to do it by their landlord, private or public. How can the Minister say it is fair to impose additional costs on people already suffering fuel poverty? I cannot see how he can possibly justify it. Nor do I see how the Minister can justify allowing bus and train fares to go up and the subsidies to public transport to go down. I do not see how he can justify that and say that the Government is serious about climate change.

On gas as a transitional fuel, in the past week the European Investment Bank has made a decision that, as of 2021, it will not lend any more money for fossil fuel projects. That includes gas. The gas industry is going ballistic about that because it was looking for special exceptions for gas on the basis that it is a transitional fuel but the European Investment Bank said no to that. As a result, fossil fuel lending will come to an end as of 2021. We, on the other hand, have put into the European Union as a priority project of common interest a liquid natural gas infrastructure to import fracked gas from the United States that will lock us into importing one of the most toxic CO₂ emitting forms of fossil fuel for decades, long after we are supposed to have reached carbon neutrality and long after the environment needs us to reach carbon neutrality. The Government needs to take a long hard look at whether its policies are serious in addressing this emergency.

Amendment put and declared lost.

Deputy Michael Fitzmaurice: I move amendment No. 19:

In page 100, to delete line 12 and substitute the following:

“with subsection (4).

(3A) The purchase of diesel by a haulier will be claimable against income tax payable.”.”.

I will not linger on this as we have covered most of the issues. As I pointed out earlier with respect to food and transport around the country, whether there are inputs or outputs from the agricultural sector, although there is the possibility to claim back money through the tax system, the carbon tax is an issue regardless of whether a person lives in the city or country. Everything goes by the road and damn all goes by rail. Will the Minister consider this, although I will not harp on again about everything I spoke of in the past few minutes? The haulage business is a tough game, to put it simply, whether a haulier is bringing timber from a wood, meat or fertiliser.

An Leas-Cheann Comhairle: The amendment concerns the purchase of diesel being a claimable expense for a haulier.

Deputy Mattie McGrath: I am well aware of that and my name is on the amendment. The haulage industry is so vital that one of the Fine Gael candidates in Wexford is part of it. The party must be getting around to understanding how vital it is. As Deputy Fitzmaurice has said, we have so little rail, canal or other type of transport, the road haulage industry is vital to our survival in terms of both imports and exports. Very little of our farm produce goes by air and any other goods we export internationally go via a haulier.

I salute the hauliers. Many of them started very small but now have gone to five or ten trucks and some have dozens or more. They have gone through hell in the past number of years

because of many issues. The Government has done nothing about insurance and although a diesel rebate scheme was introduced, it is difficult to reclaim any money. Why will the Government not do anything tangible? Goodness knows diesel is dear as it is for a car or a van, never mind the big trucks where it might cost €600, €700, €800 or perhaps €1,000 to fill them. This rebate scheme is not doing what it says on the tin. The hauliers will have an annual night of lobbying here next week or the week after and they come every year. We know the issues and the Government must know them as well. The Ministers of State, Deputies Moran and D'Arcy, should certainly know as they are from rural Ireland, where many of the haulage companies are based. There are some in Dublin as well. These companies are struggling.

The Road Safety Authority, RSA, is certainly needed but there are certain roads, including one in Deputy O'Keeffe's native county from Mitchelstown to Mallow, where lorries are being checked regularly by the authority. There are bushes hanging over roads and road inclines that do some shocking damage to those trucks but the RSA personnel are waiting at the other end to penalise the hauliers. The hauliers must operate to a very high standard now and it is right that trucks and trailers have tachographs and are tested twice a year. One journey on a road and the equipment, including suspension and mirrors, can be knocked out of kilter. It can cost up to €500 for a mirror. These hauliers need support with tangible measures. They do not need to be victimised and the RSA must understand that the laden weight on axles and their calibration can easily be shifted or distorted. I understand a bit of this. If a lorry comes upon a joint checkpoint with the traffic corps and RSA, the calibration could be out when it is checked. The trucks might then be brought to a weighing station that could be a large distance away. The drivers would get penalty points if there are issues. We should be fair to the people who have their trucks tested. Motorways are fine, thank God, but we do not have a great road network. The Acting Chairman will know this is the case in parts of Galway and around the country. The Irish Road Haulage Association has produced many videos demonstrating how drivers must keep to the middle of the road to avoid overhanging trees or otherwise they break the mirrors.

The rebate scheme introduced two years ago is not easy to navigate. That is what hauliers have told me. I am an agricultural contractor, not a road haulier, but I certainly understand the issues and we have no rebate scheme. One might say a bird in the hand is worth two in the bush.

Deputy Kevin Boxer Moran: How many bushes?

Deputy Mattie McGrath: There are many bushes. That is the problem. The Minister, Deputy Madigan, will not allow us to cut bushes. We debated that for two years but we finally passed legislation allowing people to cut bushes under supervision in March and August. The Minister just drove a coach and four through it. The Minister of State, Deputy Moran, knows hauliers and can speak to them. The truck mirrors are being broken. These people are doing their best but there are onerous restrictions with respect to tachographs, insurance and driver issues. I salute the drivers but we must consider what they face in Calais. We are talking about migrants and stowaways and these people are trying to protect their trucks. These are innocent or unsuspecting drivers and there are all kinds of sophisticated methods to get access into a truck with a sealed container by cutting off the hinges. As the hauliers must live with this as well, they need some tangible support.

The industry is vital to our economy. The Minister of State might laugh if he likes about the bushes but this industry provides massive employment and a dedicated service to rural Ireland. The bulk tankers go in and out boreens to collect milk and that is much more difficult to transport because it moves and sways. The drivers must be very careful and respectful. The RSA

must be pulled back and the benefit of the doubt given to drivers. I am sure Deputy O’Keeffe agrees that the road I mentioned is desperate and needs improvement. When drivers travel that road, the RSA is waiting at the other end. The trucks might have been perfect before hitting that stretch of road. There are many other stretches of road like that but I have been lobbied about this by a big haulage company from Cahir. When the lorries are pulled in, people in white overalls lie under the trucks with equipment to check the calibration. That is grossly unfair. These are decent people providing much employment and ensuring that our imports and exports in particular get to ports on time. They ensure the products get to their destinations on time. We know many of those products have a limited shelf life. The hauliers must be supported.

This scheme is too cumbersome. Why is there a rebate rather than something across the board? Diesel prices have increased enormously in the past year. Why not give these people something up-front rather than having them paying now before getting something back a couple of months from now? I know how difficult it is to get rebates. This is not working and I appeal to the Minister, on my behalf and that of Deputy Fitzmaurice, to show some solidarity with hauliers. They are worried about Brexit and everything else.

Fine Gael has an election candidate in Wexford who is a good friend of mine, Ms Verona Murphy, so the party should show her that it means business and will not silence her on any issues. It should support her and ní neart go chur le chéile. She is a good lady who understands the pressures of the haulage industry intimately. One would think I am canvassing for her.

Deputy Kevin Boxer Moran: Fair play to Deputy McGrath for canvassing for her.

Deputy Mattie McGrath: Fair is fair. I praise the bridges I go over. She knows her stuff and she is very capable.

Deputy Kevin Boxer Moran: I did not know we were having a discussion on the by-elections.

Deputy Paschal Donohoe: I thank the Deputies for their contributions. Deputy Fitzmaurice has already gone through these issues and I will not repeat the views we exchanged earlier. I take a different view to the Deputy on the matters he is referring to but I respect all he knows about these issues and the way he is putting them forward. I do not believe Deputy McGrath understands the haulage sector at all and he has no knowledge of it. He admitted he was not a haulier and although I am not one either, I have had significant engagement with the haulage sector. The support through the rebate scheme and the different changes we have made are appreciated or understood by the sector. They have made a very big difference to the various issues they have put to us over recent years.

I support road safety and the Road Safety Authority. The work it does is very valuable in keeping our roads safe, as well those who drive our trucks and other road users. The Deputy does not appear to place such a value on those matters but I do. The type of work that is happening and that the Road Safety Authority is doing is critical in ensuring road users, including those who drive trucks, are kept safe.

The diesel rebate scheme was put in place to recognise the importance of the haulage sector to our economy. When this Finance Bill brought in a different level of carbon pricing, we made the changes that were needed in the diesel rebate scheme to ensure the haulage sector would receive a degree of enhanced protection from the higher level of carbon pricing precisely because I recognise the important role that sector plays in transporting goods around our country and the

critical role it plays in our export sector.

I understand the sector but Deputy Mattie McGrath does not. We have put in place significant supports for the sector that are understood, appreciated and recognised by it. I will continue that approach but I must get the balance right between ensuring that incentives are in place for those road users who use diesel to make us more energy efficient and to make the types of changes needed over time and having in place the type of support the haulage sector needs, which is what the Government and I have done.

Deputy Michael McGrath: As amendments Nos. 19 to 21, inclusive, are being discussed together, may I speak to amendments Nos. 20 and 21, which are in my name?

Acting Chairman (Deputy Catherine Connolly): Yes. Amendments Nos. 19 to 21, inclusive, are being discussed together.

Deputy Michael McGrath: I heard most of the Minister's response. We discussed these issues on Committee Stage. These amendments relate to both the diesel rebate scheme and the call for a similar scheme for agricultural contractors. Regarding the diesel rebate scheme, I understand the objective of what was provided for in the budget and set out in the Finance Bill was to provide some additional relief to the haulage industry, taking account of the increased burden of the carbon tax. However, there are concerns within the industry that it will not meet that objective and that it will not provide further relief. As the Minister will know, the request that was made, which we discussed earlier in the process, was that the threshold be reduced to €1, above which the rebate would kick in and that the rebate would be increased to over 9 cent. I am interested to know whether the Department has done an assessment of what has been proposed. Is the Minister satisfied it will provide extra relief? Those who operate this scheme and who have benefited from it so far have raised serious questions about that. It is a technical calculation in the way that it depends on the price of fuel and so on.

Amendment No. 21 pertains to the request for a similar rebate scheme for agricultural contractors. The point that can be made, which we discussed on Committee Stage, is that the most efficient way for many farmers to carry out many of the high-volume usage of marked gas oil tasks is through agricultural contractors who have the best and most efficient machinery. They are able to make the necessary investment to stay up to date with the most environmentally friendly and the most operationally efficient equipment but there is not a similar rebate scheme for them. If they have to pay additional carbon tax, then, as night follows day, that will be passed on to the farmer and it will increase the cost of the various services provided by those contractors for the farmers. That is the concern. The argument being made is that the same issues and principles apply for those contractors as apply for the haulage industry. If the Minister is not prepared to move on it in this Finance Bill, it is an issue he should examine and perhaps commit to preparing a paper or report to examine the feasibility of introducing such a scheme for contractors working in this space.

Deputy Kevin O'Keeffe: I would like to lend my voice to that of previous speakers in support of amendments Nos. 19 and 20 on the issues concerning road hauliers. We must acknowledge they are engaged in a competitive business. I know that from what happens in my own backyard. With the co-operatives tendering for routes for lorries to collect milk and the cut in prices, I do not know how some of them keep going. Deputy Mattie McGrath was right in what he said. They have extraordinary costs and due to the state of our road infrastructure, hauliers return to their depots day in, day out with broken mirrors and so on. They cannot claim for

those costs and must carry them.

Amendment No. 21 was tabled by my party colleague, Deputy Michael McGrath, and I thank him for that. Agricultural contractors could be compared to the meat in a sandwich, in that they are not eligible for a carbon tax write-off even though all the work activities are for farmers. The contractors' association requested that agriculture, farm and forestry contractors who are registered with the Revenue Commissioners and employ a minimum of four full-time machine operators should be allowed a similar annual carbon tax deduction against business profits. In other words, having regard to the previous amendments, agricultural contractors should be treated the same as ordinary farmers in terms of the use of diesel. We much remember that with the change in farming methods, increasingly more farmers depend on contractors to do their work. Farms are becoming bigger and more intensive and the margins are very tight. The cost of carrying machinery on a farm is astronomical. Like any business, farmers subcontract. Some of the major co-operatives at one time owned their milk lorries. Farmers have contracted their work to agricultural contractors. Contractors are subject to the provisions of the Road Traffic Acts in the same way as other vehicle users or lorry drivers. They have to comply with stringent standards for road safety purposes. More importantly, their staff are well trained in health and safety in the operation of farm activities. When we hear of farm fatalities, it mostly involves farmers who were doing work in their farmyard which perhaps contractors could have been doing. We should be encouraging contractors to be more competitive to do this work for farmers, as it is becoming a problem.

In terms of climate change, I noted the document entitled 'Ag-Climatise' - A Draft National Climate & Air Roadmap for the Agricultural Sector to 2030 and Beyond. It refers to changing farming practices and what will be required down the road. It will mean more carbon-neutral management of the land and more control in the spreading of slurry and reseedling. That will involve massive intensification of work for farmers in reseedling and doing all that work. They need to get contractors on site but at a reasonable cost. That is why we are seeking this reduction. A question was asked about this area in Seanad today. The Minister of State, Deputy D'Arcy will be aware of the low emissions slurry spreading regulations and that 12 months ago, there was a requirement to have new slurry equipment for the correct spreading of slurry. Contractors had to buy this equipment. The farmer could buy the equipment and apply for a targeted agricultural modernisation scheme, TAMS, grant and be up and running and have a tank that he used a few days a week in a year, while contractors who follow health and safety regulations and buy the machinery are not given any relief. I ask that some consideration be given to provide rebates for agricultural contractors. They are in the middle, as it were, between the lorry driver and the farmer who uses a tractor and they do not seem to be given any consideration. Whatever about climate change, they do not have alternatives in terms of fuels they can use to reduce their carbon emissions. They will still have to rely on diesel products until new innovations come on stream. I ask the Minister to reconsider his position on this tax on contractors.

Deputy Paschal Donohoe: I thank the Deputy for the points he has made. Much of this has focused on where we are in respect of the agricultural contractor. The Deputies will be aware such contractors are excluded from this particular scheme because reliefs under section 664A of the Taxes Consolidation Act 1997 require a person to occupy farmland, which agricultural contractors do not. That is why they are not entitled to this particular relief. I accept the point made by Deputy Mattie McGrath. As we look at the future position in respect of carbon pricing, which will increase over time, we should assess this issue in the context of next year's budget

and the preparatory work for next year's finance Bill. The reason contractors cannot avail of this particular relief is that their occupation is not included in the definition of "farming".

With regard to the point in respect of the rebate scheme, I supplied to the committee a note that explains how the scheme protects those involved in haulage from most of the effects of the change in carbon pricing. There have been many cases made to broaden or review the relief scheme we have in place. I do not believe we should do that. The rebate scheme currently in place is proportionate. The change in the pricing of carbon is being used as a lever to broaden the rebate scheme beyond its current design. I do not believe that is appropriate. The scheme in place is proportionate.

As I have said, the Department can have a look at the role of agricultural contractors and whether any changes need to be made in that regard in the run-up to next year's finance Bill. I do not believe they are merited in this Bill or in this year's budget but I am sure it will need to be assessed as the price of carbon increases over time.

Deputy Mattie McGrath: I resent the Minister's tone, attitude and patronising statement suggesting that I do not understand the haulage industry. I have worked in it. I have loaded lorries and been a passenger in lorries, although I have never driven them. I have repaired lorries. I understand the axles, the calibration and the suspensions now used. How dare the Minister make such a statement? He has probably never been in a haulier's yard in his life, let alone in a truck. He should take a spin in a truck along the road from Mallow to Mitchelstown to see for himself. It just goes to show the Dublin-centric carry-on of the Minister.

I am a member of Farm Contractors Ireland, FCI. I am a contractor and I declare that here and now. I know plenty about them. Deputy O'Keeffe mentioned the fatalities. Farmers are under pressure. They are getting grants for bigger slurry tanks while the contractor cannot. The Government is encouraging dangerous practices. No one has the tractors to run them. The FCI maintains a high standard. It continuously educates its members. It requires proper brakes, proper tyres and safety measures.

I will take no lecture from the Minister or his cabal in this Dublin-centric Cabinet that knows nothing about rural Ireland. Deputy Danny Healy-Rae asked the Minister to leave it alone, and he should. I am in favour of road safety. I have no issue with road safety. I was referring to cases where a lorry, which was tested and found to be in perfect condition, enters a bad stretch of road and leaves out of calibration. It is like shooting fish in a barrel. That is what I totally resent. I support the drivers and the hauliers. I know plenty about lorries.

Was the Minister ever in a cattle truck? Was he ever in Mullinahone? He was not. A man who has never been to Mullinahone has never travelled at all. He probably has not been outside the Pale. I had enough of his arrogance when I saw him fire out the 300 pages of the programme for Government and ask that people read it in an hour. He is getting away with it but there are people waiting in the long grass for him including the contractors, the farmers including those who have experience of fatalities, and many other people. How dare the Minister suggest what he suggested? I know plenty about road haulage. I support the hauliers and they know that I do. They know that the Minister knows sweet ... I could say another word but I will not. I was not going to say the F-word but I could because it applies to most things about the Ministers, Deputies Murphy and Harris, and the Taoiseach. They know nothing about rural Ireland and care about it even less. The Minister for Finance adopted a patronising attitude to tell me that I am not in favour of road safety and that I know nothing about the Irish Road Haulage Associa-

tion. How dare he?

Deputy Kevin O’Keeffe: I acknowledge the Minister’s response. He referred to a 1997 Act. I am sure we could get that amended or introduce changes to the definition of agricultural contractors’ activities. Would he be in favour of that? Can that be done? Farmers in many sectors are under fierce pressure. The overheads for beef and tillage farmers are colossal. The changes in the Bill will come at a phenomenal cost to many farmers in the coming 12 months. Contractors will have to increase their charges by 5% at a minimum. Some are in debt because they have already agreed credit terms with farmers. This only makes the situation worse. I ask the Minister to reconsider.

Deputy Michael Fitzmaurice: Many agricultural contractors throughout the country are registered as sole traders. I accept what the Minister said about examining this issue in advance of next year’s budget. It would be prudent to devise a definition of an “agricultural contractor”. We could then probably move forward. It would give clarity with regard to the difference between a civil contractor and an agricultural contractor. I will not say any more on it. It is just something the Minister might consider.

Deputy Paschal Donohoe: I will respond to those who engaged in constructive discussion, namely Deputies O’Keeffe and Fitzmaurice. Alas, Deputy Mattie McGrath is not here to be excluded from that definition. Deputy Fitzmaurice makes a fair point. I am not at all blind to the point he is making. I accept that much work on farms is not carried out by individuals who fall inside the definition of “farmer” used in the tax code. This has not been an issue in the past but will be in the future as the price of carbon increases. I respect the Deputy’s opposition to carbon pricing. As the Department of Finance prepares for next year’s budget and finance Bill, we will have to take a look at the definition of “contracting” and see if a register can be compiled or work carried out to better understand who is involved in this work. We do have a rebate scheme in place to recognise the effect of carbon pricing on those who are involved in haulage. We will have to assess whether other changes need to be made as the price of carbon increases.

Deputy O’Keeffe asked whether this change can be made in this year’s Finance Bill. The truthful answer is that it cannot but, as I said to Deputy Fitzmaurice a moment ago, we will consider this matter as we get ready for next year’s work and as we see the price of carbon increase, which I believe it will.

Amendment put and declared lost.

Amendments Nos. 20 and 21 not moved.

8 o’clock

Deputy Michael McGrath: I move amendment No. 22:

In page 103, between lines 34 and 35, to insert the following:

“Report on betting duty relief

47. The Minister shall, within 3 months of the passing of this Act, prepare and lay before the Oireachtas a report on the betting duty relief and its impact on the bookmaking industry.”.

The amendment relates to the changes to betting duty relief as introduced in the budget and

in this Bill. It is important to recap on the background to this. One year ago, the betting duty doubled from 1% to 2%, which had an impact. Has the Department carried out an assessment on the impact on the independent bookmaker sector in respect of the numbers of outlets that have closed and the number of jobs that have been lost?

The Minister offers *de minimis* relief in this legislation. He undertook, as he committed to do last year, a review in the tax strategy group papers of the betting tax duty and of the proposals made by the sector for a gross profits tax. The group reached the conclusion that it was not possible to introduce the tax the sector had proposed, and that it was not possible to differentiate between profits achieved as a result of online betting and profits achieved in the outlets. That proposal was deemed not to be possible. *De minimis* relief was outlined, and what the Minister has brought forward in the legislation is a variation of that. It is provided for in section 46. Will the Minister indicate whether the likely impact of this has been assessed? Will it save jobs in the sector? Will it stem the tide of closures of small, independent bookmaker outlets? The maximum relief is €50,000. Even if a firm has two, three, four or five outlets, it is limited to a once-off relief of €50,000. Will the Minister confirm whether this proposal has cleared the hurdle of state aid approval? *De minimis* relief was outlined in the tax strategy group papers, and he had indicated that it would get through. Will he confirm that what is proposed in the Bill has been approved and will come into effect on 1 January 2020?

Deputy Kevin O’Keeffe: I support my colleague. It is 12 months since we initiated this tax increase. As the Department will be aware, bookmakers are closing office in small towns and so on in rural Ireland. It is hard enough to lose post offices and other facilities in our towns and villages but it is also hard when one sees towns being hit with the closure of other businesses and premises. These businesses create employment and it has a knock-on effect for the other establishments. As Deputy McGrath said, we need a review of this tax. The Minister has initiated a procedure with the €50,000 cap, but nowadays one must ask how many bets that would take? It does not do any good for the larger outlets who have shops in our towns and major villages. Perhaps the €50,000 cap could take into account that some businesses operate across different units. This is the only way we can keep the bookmakers’ shops open.

Deputy Paschal Donohoe: I appreciate the issues raised by the Deputies. The first issue is the impact that the increase in betting duty had on the sector over the year. It is difficult for us to assess what the effect is of the change in betting duty in isolation, given all the other factors that affect smaller and independent bookmakers currently. The move to betting via mobile devices and phones has been a big factor in the consolidation that is happening in the betting sector. It is tough to be able to provide an exact impact on the betting sector of last year’s budget move.

I will give two sets of figures for bookmakers and the number of registered premises. In November 2018, there were 277 bookmakers and 847 registered premises. In October 2019, there were 280 bookmakers and 863 registered premises. Those figures do not indicate that there has been significant contraction in the numbers of bookmakers or registered premises. Within that figure consolidation could have occurred. Smaller independent bookmakers might have moved into groups of larger owners but, on the face of it, the figures indicate that the numbers of bookmakers and licensed premises are broadly stable, which is different from the expectations that were created when we brought in the duty increase in last year’s budget.

Deputy McGrath asked specifically if the relief would need further consent from the European Commission. This must conform to the Commission regulation on *de minimis* aid. This is why some time is being made available. The measure is subject to commencement to allow

the Revenue Commissioners to put in place the administrative measures that will be needed. While I want to respect the independence of the European Commission, I am confident that this measure will comply with the different arrangements we will be required to have in place.

Deputy Michael McGrath: A number of factors at play here. There are different moving parts. There is no doubt that the move to online betting is pretty incessant. The high street outlets are more labour intensive and more employment rich than online betting. The relief provided here by the Minister will be of benefit to small independent bookmakers who might have one or two shops. Because the relief is capped at €50,000, it will be of limited value to the more mid-range bookmakers.

The Minister quoted overall numbers as evidence that there has not been a significant number of closures. It could well be the case that there is a time lag involved. On the basis of the feedback I have received, many of the smaller bookmakers are hanging on. They are certainly suffering from behavioural change and the move online. The fixed costs for the outlets are of a different nature. Albeit a limited relief, it is important that it is put into effect as quickly as possible. I understood from reading the tax strategy group papers that the relief as set out, which I believe was a maximum of €66,000, was pretty much approved by the European Commission. I assume, as the Minister has indicated, that approval from the Commission for this relief, which is capped at €50,000, should not be problematic. It is, however, important that the relief comes into effect as quickly as possible.

Deputy Kevin O’Keeffe: With regard to the closure of bookmakers and not seeing an immediate effect, the Minister will be aware that when a business is going down, it does not just shut overnight. It tries to pull through the storm and perhaps can leave it too late to close down and end up in a worse position. Hopefully, that is not happening.

Mention has been made here about behavioural change, behavioural attitudes and rural Ireland. We have gone through serious issues with the recent Road Traffic Act whereby we have seen pubs closing down and now there are very few pubs open during the day in many towns and villages. People have turned towards their local bookmaker’s office to sit down and watch the racing or to have a chat with their friends and so on. I have come across this. I have seen people who I believed had no interest in horses using the bookmaker’s office as a place of communication. More important, I would rather see people betting in the bookies than going home to the armchair, having a few bottles and betting online. It is unknown what is happening behind closed doors in many houses because of the change in attitude towards rural Ireland and how we acknowledge its traditions. Will the Minister conduct the review?

Deputy Paschal Donohoe: Yes, we are going to try to implement this measure as soon as possible. We are confident we will be able to do it. I take the point made by Deputy O’Keeffe. I know that bookies are also places to socialise. I agree with the Deputy and I would prefer to see bets being placed in an atmosphere in which they can be better regulated and it is just simply the case this can be done if there is a person at the counter as opposed to by use of a phone.

I also take the point that there is sometimes a lag between a change in taxation and the effect it has on the number of people within a sector. That is a fair point but I still make the point, and I think it is worth recognition in the debate, that the number of bookmakers is pretty stable versus where we were this time a year ago, as is the number of registered premises. Perhaps this shows the ability of the sector to respond to a change in tax.

I reiterate what I said a year ago, that a 1% betting duty was too low a level of tax for any sector to pay. The change that we are making is needed. All parts of our economy must make a contribution to the public services that are very important to our country and a 1% levy was too low and needed to increase. I am introducing a very targeted change for independent and, likely, very small bookmakers. I believe it will have an effect. I notice some are already complaining that it could allow small bookmakers to become too competitive. This shows it is a targeted measure that I hope will have an effect on very small operators.

Amendment, by leave, withdrawn.

Acting Chairman (Deputy Catherine Connolly): Amendment No. 23 has been ruled out of order.

Amendment No. 23 not moved.

Acting Chairman (Deputy Catherine Connolly): Amendments Nos. 24 and 25 arise out of committee proceedings. They are related and will be taken together.

Deputy Michael McGrath: I move amendment No. 24:

In page 106, line 16, after “where” to insert “, on or after 1 February 2020,”.

We had a good discussion on this issue on Committee Stage. It relates to the extension of VRT relief on certain hybrid vehicles in 2020. This has been restricted from the level of relief available hitherto. The Minister is not moving to the full worldwide harmonised light vehicle testing procedure, WLTP, system until 2021, and this is the right decision under the circumstances because it could have had quite a significant effect on the motor industry if the Minister had done so in one fell swoop in 2020.

The central point I made on Committee Stage was that restricting the VRT relief on hybrids will have the effect of making certain hybrid vehicles more expensive relative to diesel vehicles for one year only. What the Minister could actually see in practice is an increase in the sale of diesel vehicles in 2020 which, I am sure, is not what the Minister has intended. This would be because of the threshold he has set for vehicles to qualify for the extension of the relief in 2020. From looking at the data I have been able to see that hybrid vehicles are still far more environmentally friendly than the vast majority of diesel and petrol vehicles. For many people, hybrid vehicles are a stepping stone to full electric vehicles but I understand that in 2020 the majority of hybrid vehicles will be more expensive because the relief will have been removed from them. The purpose of the amendments I tabled on Committee Stage and these amendments was to allow at least the vehicles that have been ordered to wash through the system in the early part of the year. I am flagging and forewarning the Minister that the effect of what has been done could well be that sales of more environmentally damaging vehicles could increase in 2020 *vis-à-vis* hybrids which, in the round, are less damaging.

Deputy Paschal Donohoe: Deputy McGrath raised this issue on Committee Stage. The proposed change to the WLTP was something with which elements in the motor industry had many concerns, particularly if it was going to be combined with the changes we are now making in carbon pricing. It is fair to say there is a possibility of a mismatch for a period of time but, of course, for diesel vehicles people will also pay the higher level of carbon price with regard to the diesel to be purchased for those vehicles.

With regard to why I will not accept the amendment, and I appreciate why the Deputy has tabled it, the key reason is this change was so well flagged. Anybody who had followed the debates that took place, in particular on Committee Stage on the previous Finance Bill, would have been aware this change was coming. Last year, I indicated I would give very serious consideration to this change. They were due to expire and we had much debate regarding the changes that were due to take place at that point. The tax strategy group paper after that debate set out very clearly the environmental rationale as to why a further extension was not merited. If I were to defer this change to 1 February it would ensure that one third of new cars sold in a particular year were not covered by the change. In good conscience that could not be a change we make. I accept the point made by Deputy McGrath but in light of how well flagged and ventilated the debate on this issue was, I ask the Deputy to consider withdrawing it.

Deputy Michael McGrath: It was well flagged but it was well flagged that it would happen in tandem with full implementation of WLTP and that that would happen at the same time. It was widely understood that there would be a full step change to WLTP in 2020 that would coincide with the removal of VRT relief on hybrids. In that context the hybrid vehicles would live or die by virtue of the emissions measures and they would be relatively better than petrol or diesel vehicles. It was all meant to happen together and being well flagged was in this context, whereas the WLTP has been pushed out for a year, and for one year only we have the partial restriction of this relief. It could create an anomaly throughout 2020. We will just have to see how it plays out. The wider point I make is the work done by the tax strategy group on this issue was helpful and it should update the assessment in 2020 because decisions will have to be made in 2021 to put into effect in full the move to the new emissions system. I expect the tax strategy group will revisit the issue in the summer of 2020.

Deputy Paschal Donohoe: I thank the Deputy for his constructive approach to this. There will be significant changes in very important areas in motor taxation. The WLTP system in particular and the need to implement it in Ireland is a very important and complex move. There are other moves with regard to car taxation that I believe will need to be made. The tax strategy group papers will provide a very valuable way in which those who work in the motor industry and those planning to purchase cars will gain a very clear sense about the type of changes coming. I look forward to seeing those changes happen. Beginning the journey with higher levels of carbon pricing and making a group of other changes in the taxation of vehicles would have been a complex debate to win but with the tax strategy group process approaching for next year it will provide a clear way to signpost the type of change that is approaching.

Amendment, by leave, withdrawn.

Deputy Michael McGrath: I move amendment No. 25:

In page 106, line 36, after “where” to insert “, on or after 1 February 2020,”.

Amendment, by leave, withdrawn.

Deputy Michael McGrath: I move amendment No. 26:

In page 108, between lines 30 and 31, to insert the following:

“Report on VAT on food supplements

55. The Minister shall, within 3 months of the passing of this Act, prepare and lay

before the Oireachtas a report on the treatment of food supplements in terms of VAT and whether they can be zero rated.”.

We went through this issue in some detail on Second and Committee Stages. The Government has made the decision that food supplements will be subject to VAT at the rate of 13.5%. My understanding, which is worth putting on the record, is that the key reason for the Government saying that it cannot zero rate food supplements is that, under the transposition of the EU VAT directive, the legislative provision for food and drink that was in place on 1 January 1991 made no provision for food supplement products. The Government’s view is that, therefore, it cannot legally zero rate them now. There is going to be a court challenge on this issue, and we will see how that plays out in the coming months, but a number of points need to be clarified. Do we now have a clear definition of what a food supplement is or are we going to have ongoing disputes between operators in the sector and Revenue as to what constitutes food and what constitutes food supplements? The position of Revenue and the Government is that food supplements are not food. That is the bottom line. I do not want a situation where this is a rolling debate, with new products being introduced in the market and the sector saying they are food while Revenue says they are food supplements. Do we have absolute clarity as to what constitutes a food supplement and what constitutes food? From now on, they will have a different treatment in law in terms of the application of VAT.

Now that we will hopefully have clarity on the VAT treatment of food supplements, do we have an assurance that no retrospective issues will be raised and that outlets that have been selling food supplements will not be subject to revised assessments by Revenue of their VAT liabilities for previous years on the back of this legislation? This is an important point and people want that reassurance.

The bottom line is that consumers will be paying more for these products from now on because of this change in the taxation code. There will be a court challenge and we will see what the outcome of that will be, but I am concerned that this will be a rolling debate, given that new products will constantly be introduced. I do not see a categoric definition of what a food supplement is. Perhaps that will remain a matter of interpretation by Revenue as the issue evolves over time.

Deputy Joan Burton: I made my views on this matter clear on Committee Stage. I understand that food supplements are recognised as food under Irish and EU law. Specifically, EU Directive 2002/46/EC on food supplements was enacted in Ireland under statutory instruments in 2007. The health food industry is required to adhere to all food regulations to ensure quality and consumer safety.

I understand this is a money-raising measure by the Revenue Commissioners on behalf of the Minister for Finance, but it is short-sighted. Many people visit health food shops to buy food supplements to supplement their efforts to address well-being issues and improve their health, perhaps after a bout of illness. For instance, they might take probiotics in the context of having been prescribed antibiotics. Such a duality is common in a large number of European countries through the prescription of what one might call formal and therapeutic medicines administered by the medical system, including chemists, and the taking of food supplements, which are sold to supplement something that the person feels he or she needs. Many elderly people use supplements. Many parents give them to their children whose recovery they are seeking to promote after a bout of illness. The purpose of these supplements is well-being.

Most of the shops that sell health food supplements are small-scale owner-operated shops. That may be changing in some of our larger towns and cities, but they remain owner-operated for the most part and make an important contribution to small shopping centres.

The Minister moved the applicable VAT rate from the 23% he proposed last year to 13.5%, but even that is excessive. The 13.5% rate should be examined anyway. While in government, we applied the 9% rate to certain areas of activity, such as labour cost activities in hotels and catering. The Minister should rethink this matter. At a time when many small shops, be they in cities or towns, are being tightly squeezed, food supplement shops and health food shops are doing fairly well.

We are not talking about items that clearly fall outside what the discussion has been about. Rather, we are talking about specific supplements that people find to be serious additions to their attempts to achieve well-being and recovery or to help with chronic conditions, for example, arthritis. The Minister is wrong and his colleague in the Department of Health will not thank him, given that this decision will affect people who are addressing their issues on their own. Take fish oil as an example. Many supplements in health food shops contain fish oil, which is a traditional remedy that goes back eons, in various forms and with different levels of omega-3 and so on. If eaten as part of a fish, fish oil would definitely be considered a food. If it is extracted from the fish and sold as a health food supplement, why is it suddenly not a food? The Minister must explain himself. I am sure that he has taken various remedies that people have recommended, possibly including cod liver oil for a bout of flu.

Deputy Kevin Boxer Moran: To make himself younger looking.

Deputy Joan Burton: People remember in their childhood being force-fed various kinds of fish oils and, particularly among people on the west coast, seaweed products-----

Deputy Kevin Boxer Moran: Bread and milk were all we had.

Deputy Joan Burton: ----for coughs and other ailments. They work for many people. If they were being sold in their original food form as generated, they would not be subject to VAT. As such, I fail to see why the Minister would want to do this other than it being a money-raising measure. In a certain sense, he is hiding behind the Revenue Commissioners and getting them to do the work of raising more taxes.

Acting Chairman (Deputy Catherine Connolly): Does Deputy Boyd Barrett wish to contribute?

Deputy Richard Boyd Barrett: I will wait for the Minister. I want to hear what he has to say.

Deputy Kevin Boxer Moran: We all do.

Deputy Michael D'Arcy: Whatever he says, Deputy Boyd Barrett will disagree with him.

Deputy Joan Burton: We want to know whether the Minister is taking or has ever taken a food supplement. Answer "Yes" or "No".

Deputy Paschal Donohoe: A number of issues were raised. I am not hiding behind anyone in respect of this matter. It has been the subject of a great deal of debate on Committee Stage and in the Chamber. I answer questions relating to it, not the Revenue Commissioners. That is

my job. I am not hiding behind them, but I listen to their advice. The advice they have given me, which has persuaded me, is that the way in which this concession was being interpreted and its parameters were continually being pushed was not consistent with how we believed tax policy should be applied in this area and that there were issues of fairness for companies in the sector. I was persuaded by these arguments. This measure is not being introduced to raise revenue, as Deputy Burton suggested. I am bringing it forward because I accept the advice given to me on this matter by the Revenue Commissioners. The issue has been well aired in the debate both on this Bill and last year's Finance Bill.

I will set aside the question about which supplements I consume, the answer to which it would not be helpful to share at this point in the debate.

Deputy Joan Burton: Go on.

Deputy Paschal Donohoe: Deputy Michael McGrath's question about definitions will be dealt with by guidance that will be issued by the Revenue Commissioners. That is the appropriate way to deal with it. If we were to look to define either a food or a food supplement by way of a legal definition, it would be a catalyst for this issue to continue to cause problems into the future. We can be certain that shortly after making any such definition in law, something would happen to raise issues or unintended problems. One of the many things I have learned in the drafting and implementation of law is that there can be a temptation to put too much into primary legislation. In this instance, it should and will be dealt with by way of the guidance that will issue from Revenue.

Deputy Michael McGrath asked whether there would be retrospective application in this matter. That will not be the case; instead, it will be dealt with on a going forward basis. I hope to provide further clarity as the provision is dealt with and changed within the legislation.

In response to Deputy Burton's questions, I emphasise that the key issue is the question of what is a food and what is a food supplement. The EU VAT directive that is relevant to the sector is very clear that a different rate needs to apply to food supplements. We have consulted the European Commission in the course of the debate we have had since this issue was first raised in the aftermath of last year's Finance Bill and it has affirmed our view that food supplements are not foods and that a different rate of taxation should, therefore, apply to this sector. That tax rate would have been 23%, but I have sought to get the balance right and reflect the importance of the sector for many citizens by setting it at the lower rate of 13.5%.

Deputy Joan Burton: The Minister and his advisers know that a 0% rate is still a rate of tax. If he wants to persist in the argument that food supplements are different from foods and that fish in oil form, for example, is no longer a food, that is fine. I strongly advise him that if he does proceed with imposing this tax, he should do so at a rate of 0%.

Deputy Michael McGrath: I thank the Minister for his response. Will he give an indication as to when the guidance from Revenue will be available? I assume it will have the force of law behind it. The Revenue Commissioners provide guidance on a wide range of matters and it would be helpful to have it as soon as possible in order that we will have full clarity. We went through this issue in detail on Committee Stage, including looking at older Revenue documentation which referred to food supplements as being foods. It is important to note that some products, including those which are medicinal in nature, will continue to be zero rated. Equally, some products sold in these types of shop are subject to VAT at a rate of 23%. We do

not want to have a rolling debate on this issue, but, as the Minister noted, we should avoid being too prescriptive in legislation. We need clear guidance from Revenue as quickly as possible and that guidance should have the full force of law.

Deputy Richard Boyd Barrett: I was late to the debate as I was speaking to the protestors outside Leinster House who work in this sector and are very concerned about these proposals. My Irish Solidarity-People Before Profit colleague Deputy Gino Kenny has worked on this issue in more depth than I have. I am interested in hearing the Minister's response to the points we have raised, particularly in respect of those cases where doctors have said certain supplements may be of benefit on an ongoing basis to maintain people's health against certain conditions from which they suffer or are recovering. To impose this additional cost on the persons concerns does not seem to be a good idea. Surely we want to encourage people to look after their health and well-being? It is difficult to see how we can demarcate the line between food supplements and foods without ending up on the wrong side of it in many cases and unfairly taxing products that should be treated as foods.

On a lighter note, I am big fan of Bob Marley whose biography details how he visited Ireland many years ago in great anticipation of enjoying huge helpings of his favourite food - a type of seaweed called Irish moss - only to discover that it was not for sale in shops here. I am almost certain that one can get it these days in precisely the types of shop we are discussing. This is something that for Bob Marley and many others in Jamaica was a food, indeed a very healthy food. However, one is likely to find it for sale here only as a food supplement which will be treated differently from food for VAT purposes. The same taxation regime will apply to many other products, such as fish oil which may be described as supplements. That is a mistake. It will be detrimental to people's health in some cases if they can no longer afford the products, as well as being damaging to the small businesses that produce and sell them. I am very sympathetic to the amendment.

Deputy Paschal Donohoe: To take a step back, what is at issue is that we have a part of the economy which is arguing that no tax should be levied on the products it sells. I am faced with such claims every day as Minister for Finance. There are many politicians in the Chamber today who are very experienced in these matters and often suspicious of such claims when they are put forward for other parts of the economy. To reiterate, arguments have been laid in front of me by those involved in a particular part of the economy who are of the view that the products they sell should not be subject to VAT. I had to take the investigation of that issue very seriously, something I have done and I am confident that this is the right measure to take. I am confident that a rate of 13.5% is getting the balance right between a tax being paid and having a tax that is sensitive to the different issues raised with me about the ability of people to afford these products and the effect they have on their well-being.

On the earlier issue raised with me by Deputy Michael McGrath about the retrospectivity of this measure, I would like to make some further material available on it. I emphasise that pursuit for non-compliance is always a matter for the Revenue Commissioners, but they will not pursue traders that applied the zero rate in accordance with accepted practice. However, those that were advised that specific products were liable to VAT at the 23% rate are and were expected to comply with that advice, but that is a matter for the Revenue Commissioners.

On the points made by Deputy Boyd Barrett, given that he has read the biography of Bob Marley, he will know that when he performed his concerts in Ireland, they were performed in Dalymount Park in Dublin Central. Perhaps, therefore, he had the experience outlined in the

shops of Cabra and Phibsborough.

Deputy Richard Boyd Barrett: He had to eat fish and chips because he could not buy any Irish moss and felt pretty ill because of it.

Deputy Denis Naughten: I am impressed that Deputies Danny and Micheal Healy-Rae are rubbing off on the Minister for Finance and Public Expenditure and Reform. They regularly mention their constituency. The Minister is even mentioning his constituency in debating the Finance Bill 2019. I say, “Well done,” to him.

Amendment, by leave, withdrawn.

Deputy Denis Naughten: I move amendment No. 27:

In page 109, between lines 27 and 28, to insert the following:

“(5) The Minister shall, within 90 days of the passage of this Act, publish a report on options for the extension of the stamp duty relief for young trained farmers to all farmers who hold a relevant agricultural qualification.”.

We discussed this amendment on Committee Stage. It is about the definition of the exemption from stamp duty for a young trained farmer. It is a historical definition that dates back to a predecessor of mine in Galway East, former Deputy Paul Connaughton Snr., who was involved at the time the installation aid scheme worth £5,000 was brought forward. Deputy D’Arcy’s father, former Deputy Michael D’Arcy, was probably also involved when it was brought forward. It is now defunct, which is disappointing. At the time, eligibility for the scheme was confined to someone under the age of 35 years who had a green certificate. Stamp duty relief and agricultural relief were both defined in the Finance Acts as being confined to a young trained farmer. As the Minister knows, his predecessor, Deputy Noonan, altered the definition of agricultural relief a number of years ago and it is now confined to a trained farmer, regardless of age. I am looking for the same definition to be applied to stamp duty relief in order that if a farmer is trained, he or she would be eligible to avail of it.

It would make sense because if one looks at the initiative developed between the Environmental Protection Agency, the Irish Farmers Association and the Department of Communications, Climate Action and Environment called smart farming, the idea behind it is to get farmers to come up with innovative ways of production to reduce overall emissions. The smart farming initiative has led to reduced agricultural emissions by 10% on average. We want to try to encourage farmers to acquire the skills they need to do this. We also want them to become far more efficient to be able to expand their business and consolidate their operations. In the part of the country from which I come and represent, on the idea behind consolidation being the disposal of an out farm to buy a home farm, when one is talking about small holdings, there is not an awful lot of which to dispose. The objective is to try to facilitate the small cohort of farmers over the age of 35 years who are trying to make their operations more efficient. If they have the required qualification, they should be eligible to avail of stamp duty relief.

Deputy Michael Fitzmaurice: I support the amendment. The position is that if someone is 36 years of age, for the sake of argument, and has a green certificate, he or she can fill in a single farm payment or basic payment scheme, BPS, form and receive the allowance as a young farmer from the Department of Agriculture, Food and the Marine. Perhaps the Minister might look at this issue, but for whatever reason, the Department of Finance applies a limit of 35

years. The Department of Agriculture, Food and the Marine allows an application to be made up to the age of 40 years. The reality is the generation before them want to try to hold on to land for as long as they can. Generally, for a farmer aged 40, 38 or 37 years, he or she will be 64, 65 or 66 before they he or she receives the farm. As pointed out by Deputy Naughten, we are trying to bring in people with particular skill sets, as well as young enthusiastic farmers. I would still describe a person aged 37, 38 or 39 years as young. We need to try to have the two definitions run in parallel to each other, if possible. The same definition of a young farmer should be applied by the Department of Agriculture, Food and the Marine and the Department of Finance. The farmers concerned have their green certificate and are trained. After a while it will wither away and all farmers will be trained as young farmers with qualifications move up along the line. Even in my day we had to undertake 180 hours of training, to be topped up by a further 80 hours. That training was undertaken by farmers who are now aged 52 or 53 years and even older. They were kept out of the equation. It is not as if they will be buying ranches. As pointed out, they will be buying small amounts of land to try to make their operations more sustainable in rural areas. That will help to keep a light on and a community going. I ask the Minister to look at the issue.

Deputy Paschal Donohoe: The young trained farmer stamp duty relief provides for full exemption from stamp duty on transfers of farm land to certain young trained farmers. To qualify, the farmer receiving the transfer must be less than 35 years of age on the date of execution of the deed of transfer; must have attained a minimum agricultural education from a list set out in legislation; must for a period of five years spend not less than 50% of his or her working life farming the land; must retain the ownership of the land; and must submit a business plan to Teagasc before the execution of the deed transferring the land. The exemption granted will be withdrawn if the land is disposed of within a five-year period and not replaced within one year of disposal.

The primary policy objectives of the Government in agri-taxation are to support and encourage the increased mobility of farm land to a new generation of farmers with relevant qualifications. The 35 year old age limit is long established for young trained farmer stamp duty relief and has applied since 1994. It is the only stamp duty relief in the agriculture sector to which an age limit applies. The Deputy is seeking the removal of the age limit for the young trained farmer relief in order that it might be available to all farmers who hold a relevant agricultural qualification. The stamp duty relief for young trained farmers, together with stock relief for young trained farmers and succession under partnership schemes, is granted under the EU's agricultural block exemption regulation. It allows the granting of certain categories of state aid to the agriculture and forestry sectors and in rural areas without prior notification being given to the Commission. If the age limit was removed, allowing the relief would no longer be eligible for state aid approval under the scheme. That is the reason I cannot agree to it.

It is also important to note that the young trained farmer stamp duty relief is just one of a series of tax measures, including consanguinity stamp duty relief, designed to encourage the intergenerational transfer of farms. In 2017, for example, the succession farm partnership scheme was launched, which provides for a €25,000 tax credit over five years to further assist with the transfer of farms within the partnership structure, and promote and support the earlier intergenerational transfer of family farms. Of course, stamp duty consanguinity relief on non-residential transfers at 1% still applies to those who do not meet the criteria for the stamp duty exemption and transfers of land to young trained farmers, and this will continue to assist in succession in such cases. Support of the farming sector through taxation measures is a prior-

ity of mine. The agricultural-specific tax measures in place were valued at €188.7 million in 2016, while the sector as a whole benefited from €830 million in respect of a broader range of tax expenditures and just under €1.8 billion in direct expenditures for 2016. Such reliefs are made available because of the support the farming sector needs and to incentivise young trained farmers to be active in the sector. They also place the right kind of measure to support farming consolidation and the passage of land through generations of farmers.

Deputy Denis Naughten: The Minister is correct that there is a block exemption, but as he will know, it is possible for him to go to the European Commission with a proposal if he so wishes. It is not, therefore, a viable argument for not removing the age threshold, which has been done in the case of agricultural relief. The objective, particularly in an era of climate action when the focus is on trying to reduce overall emissions, must be to encourage farmers to train and to deal with the issue of trying to reduce overall carbon emissions. The definition for the exemption should be altered to remove the age limit, and to ensure that farmers are trained and encouraged to train. For someone over the age of 35 who does not have the agricultural training, there is no incentive for him or her to get it. Given the challenges the agricultural sector will have to deal with over the next decade, however, such as issues with agricultural emissions including methane, there is an inbuilt incentive for the sector, the individual farmer and the economy as a whole to have the training and to drive the change on farm. We have seen evidence of that in the smart farming initiative, where clear measures taken by farmers on suckler, beef and dairy herds, as well as in the sheep sector, have led to an average reduction of 10% in emissions, which is significant.

We should try to encourage farmers to get the training and education. I ask the Minister to reconsider the age limit.

Deputy Paschal Donohoe: I take the Deputy's point that in the context of climate change, there is much change we will need to make to incentivise the sector through the kinds of reliefs we are discussing and the greater role of training, and to ensure that those involved in running farms have the best knowledge and support available to them.

Perhaps to move the issue forward and address the issue Deputies Fitzmaurice and Naughten raised, as part of the work that will begin following the passage of the Bill, the next set of stamp duty reliefs due to be reviewed comprises the young trained farmer relief scheme and the farm consolidation relief. They will be reviewed as part of the normal cycle of review in place for tax relief schemes such as this. The process may well provide a way in which the issue both Deputies raised can be examined.

Amendment put and declared carried.

Deputy Michael McGrath: I move amendment No. 28:

In page 111, between lines 20 and 21, to insert the following:

“Report on stamp duty residential refund scheme

61. The Minister shall, within 3 months of the passing of this Act, prepare and lay before the Oireachtas a report on the operation and effectiveness of section 61 of the Finance Act 2017.”.

The amendment relates to the stamp duty residential refund scheme, which was introduced

in 2017, when the rate of stamp duty on commercial property and land increased from 2% to 6%. The idea behind the refund was to avoid deterring the purchase of land for the purpose of building homes, given the obvious need for them. The way it worked, and continues to work, is that two thirds of the stamp duty paid can be sought by way of a refund. In effect, the net rate for the purchase of land used, subject to certain conditions, for the construction of homes was 2%. Given that stamp duty has increased to 7.5%, will the refund still be two thirds of the duty paid, or in effect a 5% rebate? Will the net stamp duty on the purchase of land be 2.5%? The Minister might explain that.

Is he satisfied with the operation of the scheme in respect of the different rules that apply? Of the gross floor area, there is a 75% rule for the use of the overall site, or it can be used for apartment developments, for example. Is he satisfied that the scheme captures developments built on land purchased at the higher rate of stamp duty and that it does not deter the building of homes? Will he outline the time limit within which developments must be completed in order for the refund to be processed?

Deputy Paschal Donohoe: The refundable rate will continue to be 2%. The stamp duty rate will increase from 6% to 7.5% but the refundable rate of 2% will remain unchanged. That is dealt with in section 55.

On the question about the impact of the scheme, early indications are that it is working well and as expected. Of the applications thus far received, 911 have been successful, of which 839 related to the construction of one-off homes and housing, which I expected and acknowledged when I introduced the change in the Bill. The remainder of the applications - 72, or 8% of the total - were for multiple housing units. Revenue records confirm that a total of 2,478 individual units were planned and have been claimed for and refunded as of 4 November 2019.

Some concerns have been raised by developers about the criteria, which they claim are onerous. Any criteria with which I am ever associated always seem to be onerous for those seeking to claim them but these conditions are needed.

9 o'clock

I am aware of these concerns and the Revenue Commissioners continues to monitor developments. However, given that the scheme applies to instruments transferring land that were executed from 11 October 2017 and construction work does not have to commence until 13 months after the date of execution, it is probably too early to be able to assess whether the efficiency criteria are overly onerous.

Deputy Michael McGrath: My only interest in this area is to ensure that there is no deterrent to land being purchased with a view to building on it and delivering homes. The two-thirds criterion has been replaced with eleven fifteenths in section 56. That, in effect, reduces the net stamp duty to 2% for a qualifying development. I welcome that there is no deterioration in terms of the purchase of land for development. The conditions need to be kept under review. I am sure the same issues are being raised with the Minister as have been raised with me, and they always have to be examined. Any changes have to be evidence-led and it is important to ensure that we are not putting in place any barriers that would prevent purchased land or a land about to be purchased from being built on to deliver the homes we all agree are needed.

Amendment, by leave, withdrawn.

Deputy Richard Boyd Barrett: I move amendment No. 29:

In page 130, between lines 6 and 7, to insert the following:

“Report on local property tax

74. Within 6 months of the passing of this Act, the Minister shall produce a report on the local property tax and its implications for funding for local authorities.”.

The property tax is still a live issue and nobody should fool themselves politically about that fact. The feeling is that once the general election is out of the way, the property tax will only go in one direction and that is up, and that the Government has been holding off on the revaluation and increases that will follow because it knows how politically damaging it would be to increase it, as would have had to be the case if the original plan for the tax had been followed through. The Government has backed away from that because it knows how regressive people feel it is. It may dispute this, but it is a fact.

The property tax replaced a progressive model of funding for local government with a regressive form of funding. When it was introduced, it was suggested that was not what was happening, and that the introduction of a property tax would lead to better local services and more funding for local government. Those of us who opposed it always felt that was a nonsense, but what we said has turned out to be the case. There has not been an extra cent for local government. Far from there being more money for some local authority budgets, in Dublin, notably Dún Laoghaire-Rathdown County Council and Dublin City Council, budgets are being cut.

The Fianna Fáil, Green Party, Labour Party and Social Democrats alliance now controlling Dún Laoghaire-Rathdown County Council cut the budget for retrofitting, which we should be doing more of, as well as the environmental awareness and community grants budgets, while increasing rates for small businesses and parking charges. One would have thought the council had more money given the property tax, but it has less because for every cent it collected in property tax was offset against central government funding.

The Government replaced a progressive tax, which was centrally funded through income-related tax, with a tax on the family home that has nothing to do with a person's income and ability to pay. We get nothing for that additional burden. I do not always agree with Owen Keegan by any stretch of the imagination, but he made that point in respect of Dublin City Council's budget. The rationale put forward was bogus and the evidence now is that is the case. This will get worse on the other side of a general election at whatever point some sort of revaluation or reconfiguration of the property tax takes place. That would be unfair and totally unjustifiable.

I am sure that in many parts of the country, as in my area, the value of people's houses has absolutely nothing to do with their wealth or income. It may be that the two correlate and some people have houses that are worth a lot while also earning a lot of money, but there is no automatic or necessary connection between the two. Many council houses in my area that people bought are now, through no fault of theirs, worth a fortune because no other council houses have been built since. Any kind of house is now worth a fortune, but that bears no relationship to the income of those in them and their ability to pay. People living in such houses are often on very low incomes. The system is not fair and has not done anything to improve funding for local government and the services that flow from it.

The evidence from some of the council budgets I have mentioned is that the situation is getting worse in terms of local government funding. That is my case for saying that we need a more progressive form of funding for local government, which is not based on the value of a property over which people have absolutely no control and bears no relation to their ability to pay.

Deputy Paschal Donohoe: Deputy Boyd Barrett and I have debated this issue on many occasions and he is correct that I have deferred the revaluation date for the local property tax to 1 November 2020. Significant work needs to be delivered next year. It can be delivered, but it will require consensus in the House for that to happen.

I differ with the Deputy in that I believe that the local property tax is an important part of how we fund local government now and into the future. I listened to what Dublin City Council had to say and the charges it made about me. There is no doubt they will make charges about me in the future regarding the revenue available to it. A city council of the scale of Dublin City Council should be able to manage its budget in such a way that the kind of charges and mooted increases it argues are needed do not happen. A governing alliance is in place on the council and I expect it to deliver a budget that meets the needs of Dubliners without the kind of charges it has alleged need to be introduced. It is possible for Governments to do that and, therefore, it should be possible for the council to do the same.

The Deputy might clarify his comments on the relationship between house values and people's incomes. I sensed he began to do so as his contribution concluded. I wrote down what he said. He said that the value of a person's house has nothing to do with his or her wealth. That is not correct. It is the case, as he went on to say, that the value of a person's home does not correlate to the income within that home. The Deputy is fully correct in that. For the Deputy to say that the value of a person's house has nothing to do with his her wealth is not the case and perhaps he might elaborate on that. The value of people's homes is a significant part of their wealth. I appreciate that the local property tax is a big bill for people to pay and I am aware of the effect it has on people's take home pay and income. It is because I am sensitive to that fact that I am trying to avoid significant unplanned changes and that is why I believe a valuation date on 1 November is more appropriate. I believe local property taxes have an important part to play, now and in the future, in ensuring that the needs of local communities can be met.

From the different parts of the country in which I have opportunities to work in, I have been able to see how changes have been made in local property taxes. Decisions have been made to increase the tax and the revenue raised has been used to fund important work undertaken by local authorities. I have seen that work myself. I refer to where elected councillors decided they would have a lower rate of increase in the local property tax or increase it. The revenue generated was then used to fund important work within the communities those councillors represent. That is the way I believe local government should happen and, over time, I would like to increase the ability for those kinds of decisions to happen.

Deputy Richard Boyd Barrett: We fundamentally disagree. I do not think people's family homes can be considered wealth in the same way as people who have two, three or four houses - besides their family home - and rent those out to make money. For me, those rented houses are wealth-generating assets. People putting a roof over their head is surely just doing a basic thing needed to exist in society. I do not see that as wealth, but as something that society should be able to provide for people. Our society does not provide that, but people do manage to get to the point of at least having a roof over their heads through immense struggle, hardship and

hard work. They are then, however, going to be charged for having that home even when it is not a wealth-producing asset.

In any event, the value of a home is not dictated by the owner. There is a relationship between the bricks and mortar required to build a house in Roscommon and the similar materials required in Ballybrack, but the value of the resulting houses will be completely different. That has nothing to do with the intrinsic quality of the buildings, but with the fact that the market, which is completely out of the control of the homeowner, has driven up the price to a certain level in one area compared with another. Those two properties, however, will be taxed on that differential. That is fundamentally unjust. We excluded the family home in our proposed wealth tax, even for the 85,000 richest people in the country who are worth €3.5 million. We think a wealth tax should be imposed on those people, but we removed the family home from consideration because we think it is different from a wealth-producing asset. That is a sustainable and reasonable position.

Turning to local authorities, would the Minister give them the power to tax the profits of property developers and land speculators and allow them to generate extra revenue that way? That might give the local authorities a few options.

Deputy Paschal Donohoe: Local authorities have development levies and those levies are there to try to ensure that development activity is taxed. I do not think Deputy Boyd Barrett's argument holds up. He has drawn a distinction between a wealth asset and a wealth-producing asset. Somebody's house is their home, for nearly all people, and I respect that. I am very sensitive to how people feel about the local property tax, how large a bill comes in each year and the difficulty many people face in paying it. To have a definition of wealth that excludes that value of a home is extraordinary, however. It is an asset and if all of that wealth is carried forward, via the exclusion of the homes of millionaires and very wealthy people from tax, I am afraid that proves to me further the uniqueness of the Irish left. Saying that does not get in the way of the respect I have for the work Deputy Boyd Barrett does.

Deputy Richard Boyd Barrett: Not drawing a distinction between these two things is the problem. There clearly is a difference between a home in which people live and worked hard to pay for because they needed it to live in. There are only a few ways for people to get an affordable roof over their heads in our society. There is a major difference, however, when we then consider people who own second, third, fourth, fifth, tenth or even 100th properties, and which they can rent out to generate revenue. Those are two very different things, but the Minister does not treat them differently in the property tax. That is the problem. To me that is an injustice and that is the reason we will continue to oppose a family home tax. Perhaps that is a better way to put it and that is the way we termed the tax when we campaigned on this issue. We are opposed to a family home tax and that is what his tax is.

An Leas-Cheann Comhairle: Is Deputy Boyd Barrett pressing the amendment?

Deputy Richard Boyd Barrett: Yes, I am.

Amendment put and declared lost.

Deputy Richard Boyd Barrett: I move amendment No. 30:

In page 130, between lines 6 and 7, to insert the following:

“Report on relief for investment in film

74. Within 6 months of the passing of this Act, the Minister shall produce a report on section 481 of the Principal Act and its relation to developing quality employment in the film industry.”.

My brain is addled at this stage.

Deputy Kevin Boxer Moran: Deputy Boyd Barrett should take it easy.

Deputy Richard Boyd Barrett: The Deputies will be glad to hear that this is my last amendment and this is one where we have a bit more common ground. I genuinely thank the Minister for engaging with me on the issue of the 481 tax relief for the film industry. I refer to the extent to which it needs, should and is required to contribute to quality employment and training in the film industry and the development of that industry. I thank the Minister’s officials for engaging with us as well. They have responded to some of the points I made, largely on behalf of those who have worked in the industry for decades. They believe that investment in creating employment and training in a film industry in this country is a good thing and that we should do more of that. They do not believe, however, that the current incentive has had the desired effect. The employment and training provided has not been of sufficient quality, even though that is the intent of the tax relief.

I refer to particular parts of the industry. As the Minister and his officials know, I have distinguished between the film industry and areas such as the animation sector, where the relief has had a major impact. In that sector, there are companies of scale, people have secure jobs and income and, as a result, Irish animation is boxing at the very highest level on the international scene. That area is really going from strength to strength. That has not, sadly, been the outcome to the same extent in the film industry. There have been many successful productions, but the provision of quality employment and training has not been the same in that sector. As a result, there is a quite a debate or controversy, to put it mildly, going on in the industry.

I will not recapitulate the whole debate. As I said to the Minister when we met earlier to discuss this issue - I hope it is okay to mention that - the problem is that film production companies which apply for the relief are then subsequently denying that they are the employers. The way they do that is, for each film production, the Irish production company sets up a special purpose vehicle, SPV, or designated activity company, DAC. It is not really a company. It is merely a financial instrument. It is an accounting tool for that particular production. However, when workers attempt to assert their rights as employees, the Irish producer company which applied for the relief which is conditional on the provision of employment and training, says to the employee that it is not his or her employer and that the SPV is his or her employer. The SPV only exists for the film and then it is gone. Then the same producer company makes another film, sets up another SPV but it is a different employer, even though it is the same employer. Then it makes another film, sets up another SPV but it is a different employer, but actually it is the same employer. This is the problem.

It means that people who have worked on film after film for the same producer and the same recipient of section 481 relief are not accumulating the rights that they have under law, particularly under the Protection of Employees (Fixed-Term Work) Act 2003 which was precisely designed by the European Union and enshrined in Irish law to ensure that this kind of thing does not happen. To concretise it, it means that those workers are completely vulnerable. There is

nothing to stop the film producer saying to a worker that he or she has worked for the film producer on three or four films previously and has received awards and credits, as many of these workers have, but the film producer will not take him or her on the next film because the worker asked for the application of the Organisation of Working Time Act 1997, in terms of hours of work, breaks or whatever. The producer company thinks the worker is asking for too much and is a troublemaker and it will not employ him or her on the next production.

As we speak, that is what is happening. On RTÉ News tonight, one will see, if one looks at the entertainment section, reference to the sequel for “Vikings” being produced in Ashford, County Wicklow. I refer to people who worked for that producer company, Metropolitan and World 2000, which produced “Vikings” before it, “Into the Badlands” before that, “Penny Dreadful” - I can go through the list. If one went to those previous productions, looked at the credits at the end and looked at who were the stage hands, the construction-grade staff, the drivers etc. to see how many of them are on this new one when those credits role, at present the answer is “very few”. They have already contacted this film company and said that they worked on its last few productions and they are hoping they will be working on these ones and they are being told that they will not. Co-incidentally, some of those people or their associates are people who went to the Joint Oireachtas Committee on Culture, Heritage and the Gaeltacht discussing this issue nearly two years ago where they made allegations about the failure of the producer companies to vindicate the rights of workers and fully apply the law on bogus self-employment, the Protection of Employees (Fixed-Term Work) Act 2003 and other employment requirements. It is many of those people or people associated with them who now will not be allowed onto that production that is in the news tonight. That is not acceptable.

I have had a sympathetic ear from the Minister in this regard and from his officials. I hope that we will design the public support which we need in this industry in such a way that what I refer to cannot happen and that workers who ask for their legal rights will not be displaced.

Deputy Paschal Donohoe: I thank Deputy Boyd Barrett. I want to acknowledge the significant interest that Deputy Boyd Barrett has in this sector and the work that he is doing.

I listened over a number of years to the different debates and contributions that were raised in this sector by Deputy Boyd Barrett. In the aftermath of the debate that happened here two years ago, my Department did work on last year’s Finance Bill that led to an important change being made in terms of the qualifications and criteria that need to be met to access the section 481 relief for particular projects.

I want to indicate to the House the continued interest that the Department of Finance will have in this matter. As Deputies may be aware, the Workplace Relations Commission is conducting an audit of this sector at present to look at the kind of employment practices that are in place and the kind of standards that need to be met. I will be interested in the outcome from this process and in the recommendations that come out of it.

Where I differ with Deputy Boyd Barrett is that, given the nature of the industry, there will be ways in which it organises itself via projects that are different to other forms of employment.

That said, section 481 is a valuable relief. It is a particularly valuable relief when one looks at the amount which has been claimed against this relief as a percentage of the total value of this sector within our economy currently. It uses the taxpayers’ money to try to deliver particular objectives. I want to indicate to the House that I will be taking a particular interest in this issue

where a tax relief is made available to a particular entity and this entity then claims it is not the employer. I want to understand how widespread this is and why this is happening. There may well be good reasons why it is happening.

Deputy Martin Kenny: Unlikely.

Deputy Paschal Donohoe: If there are, I want to understand them. In the run-up to next year's Finance Bill, the Department of Finance and I are looking forward to understanding why this is happening and how and why tax credits are being drawn down.

Deputy Richard Boyd Barrett: I thank the Minister and his team for their genuine interest and engagement and for some of the very significant improvements they have made on foot of the debates and discussions that have gone on on this front.

No doubt it is a project to project issue. Having said that, well in excess of €1 billion has gone into the film industry through this relief over the past ten or 15 years. By any definition, that is a lot of money.

It is an indisputable fact that people who have worked in that industry for ten, 15, 20 or 25 years do not know when the next film production financed with that relief happens whether they have any chance of a job. In fact, there is nothing to prevent the recipient of that relief or one of its agents saying they are sorry, the worker worked there for the past 20 years, but he or she is not coming in on the current one. They do not have to give any reason because they are not the employer: the employer is a different entity. That is a real problem and it is current.

People will not have an income coming into this Christmas as a result. That is what we are talking about. I refer to people who have credits and awards to their name and who were part of award-winning films. That cannot persist.

In the short time available, I repeat my welcome for the engagement of the Government. I hope we can move this forward so that we create an industry of scale and with a more secure pool of employees with skills, trainees etc. that will help all of this industry and help arts and culture in this country develop and expand.

An Leas-Cheann Comhairle: The Minister has exhausted his time but in the interests of harmony, he can make a brief intervention.

Deputy Paschal Donohoe: I will make two points. It may well be the case that the uncertain and transitory nature of the industry is beyond the ability of tax policy to influence. However, the Government will soon produce an action plan on the further development of the audiovisual sector in Ireland. As I said, we make a valuable tax credit available. There are certain criteria for that tax credit and we expect them to be met. The Department will be seeking to understand the circumstances in which a relief is accessed but the entity that is claiming the relief claims that it is not the employer.

Deputy Richard Boyd Barrett: I will withdraw the amendment. The Minister said he will look into it.

Amendment, by leave, withdrawn.

Deputy Michael McGrath: I move amendment No. 31:

In page 130, between lines 6 and 7, to insert the following:

“Report on incentives for landlords to retain tenants

74. The Minister shall, within 3 months of the passing of this Act, prepare and lay before the Oireachtas a report on the possibility of implementing tax measures to offer incentives for landlords to retain tenants through the sale of residential property.”.

This is an issue Focus Ireland asked me to raise. It relates to landlords seeking to end tenancies in order to sell properties. We discussed this during the budget process last year and the Minister examined a number of options but concluded they were not workable at the time. Focus Ireland in its pre-budget submission called for a fund to take into ownership buy-to-let units that are being repossessed due to landlord arrears and where the tenant is in receipt of the housing assistance payment, HAP, and is at risk of homelessness. It sought to link this fund to reform of the tax treatment of such transfers to create an incentive for landlords to sell without evicting tenants. There is nothing to be done on the issue in this Finance Bill, but it warrants examination. Perhaps the Minister will ask the tax strategy group to examine this issue to see if anything can be done in the tax code to deter the ending of tenancies, effectively, the eviction of tenants, in order to sell the property.

Deputy Paschal Donohoe: The tax division of my Department provided the Select Committee on Finance, Public Expenditure and Reform, and Taoiseach with an estimate of costs in respect of this measure that was based on specific assumptions. The report provided also noted that the capital taxes route was not the only means of providing an incentive to landlords to retain tenants and that it might also be possible to do so using the income tax system. It suggested that in the interest of completeness the Department might carry out further work on this aspect, which could be shared with Members in due course. This work would encompass an estimate of the possible cost based on specific assumptions and the potential benefits and disadvantages of possible changes. The work is under way and we hope to have it completed by the first quarter of next year.

Deputy Michael McGrath has raised this and it has featured in many of the issues raised by various NGOs, including Focus Ireland. While this measure was looked at in the report of the working group on the tax and fiscal treatment of landlords, which was published as part of the budget documentation for 2017, a particular option in that, which the Deputy has referred to, has persisted in the public debate since then. My Department wants to form a fuller view than that report allowed it to do in respect of the benefits and potential costs and whether it could play a role in future budgetary and fiscal policy. We are aiming to have a broader piece of work done on that by the first quarter of next year. That might then inform the Government and the Oireachtas on whether such a measure could play a role. At the time the Deputy and I discussed this I was very concerned about the unintended consequences of that change. That is the reason we must take a more in-depth look at it. The work will be done early next year.

Deputy Michael McGrath: I welcome the Minister’s comments and the fact that the work is ongoing in the Department. I look forward to seeing its completion and the output from that process in due course. It is important to examine all options to address the issue of tenancies being ended with a view to the sale of the property because the property is deemed to be of higher value when there is vacant possession. We must examine all the options so we will engage constructively when that report is published early next year.

Amendment, by leave, withdrawn.

Bill, as amended, received for final consideration.

Finance Bill 2019: Order for Fifth Stage

An Leas-Cheann Comhairle: When is it proposed to take Fifth Stage?

Minister for Finance (Deputy Paschal Donohoe): Now.

An Leas-Cheann Comhairle: Is that agreed?

Deputy Martin Kenny: No.

Question put: “That Fifth Stage be taken now.”

<i>The Dáil divided: Tá, 45; Níl, 19; Staon, 19.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Bailey, Maria.</i>	<i>Barry, Mick.</i>	<i>Aylward, Bobby.</i>
<i>Brophy, Colm.</i>	<i>Boyd Barrett, Richard.</i>	<i>Brassil, John.</i>
<i>Bruton, Richard.</i>	<i>Broughan, Thomas P.</i>	<i>Breathnach, Declan.</i>
<i>Burke, Peter.</i>	<i>Burton, Joan.</i>	<i>Browne, James.</i>
<i>Byrne, Catherine.</i>	<i>Collins, Michael.</i>	<i>Butler, Mary.</i>
<i>Canney, Seán.</i>	<i>Connolly, Catherine.</i>	<i>Cahill, Jackie.</i>
<i>Cannon, Ciarán.</i>	<i>Cullinane, David.</i>	<i>Calleary, Dara.</i>
<i>Carey, Joe.</i>	<i>Ellis, Dessie.</i>	<i>Casey, Pat.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Fitzmaurice, Michael.</i>	<i>Collins, Niall.</i>
<i>Coveney, Simon.</i>	<i>Healy-Rae, Danny.</i>	<i>MacSharry, Marc.</i>
<i>Creed, Michael.</i>	<i>Healy-Rae, Michael.</i>	<i>McGrath, Michael.</i>
<i>D’Arcy, Michael.</i>	<i>Kenny, Martin.</i>	<i>Moynihan, Michael.</i>
<i>Daly, Jim.</i>	<i>Martin, Catherine.</i>	<i>Murphy O’Mahony, Margaret.</i>
<i>Deering, Pat.</i>	<i>McGrath, Mattie.</i>	<i>O’Brien, Darragh.</i>
<i>Doherty, Regina.</i>	<i>Mitchell, Denise.</i>	<i>O’Keeffe, Kevin.</i>
<i>Donohoe, Paschal.</i>	<i>Munster, Imelda.</i>	<i>Ó Cuív, Éamon.</i>
<i>Doyle, Andrew.</i>	<i>Ó Caoláin, Caoimhghín.</i>	<i>Rabbitte, Anne.</i>
<i>Durkan, Bernard J.</i>	<i>Ryan, Brendan.</i>	<i>Smith, Brendan.</i>
<i>English, Damien.</i>	<i>Stanley, Brian.</i>	<i>Smyth, Niamh.</i>
<i>Farrell, Alan.</i>		
<i>Flanagan, Charles.</i>		
<i>Grealish, Noel.</i>		
<i>Griffin, Brendan.</i>		
<i>Harris, Simon.</i>		
<i>Humphreys, Heather.</i>		

20 November 2019

<i>Kehoe, Paul.</i>		
<i>Kyne, Seán.</i>		
<i>Lowry, Michael.</i>		
<i>Madigan, Josepha.</i>		
<i>McGrath, Finian.</i>		
<i>McLoughlin, Tony.</i>		
<i>Mitchell O'Connor, Mary.</i>		
<i>Moran, Kevin Boxer.</i>		
<i>Murphy, Eoghan.</i>		
<i>Naughton, Hildegard.</i>		
<i>Neville, Tom.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		
<i>Phelan, John Paul.</i>		
<i>Ring, Michael.</i>		
<i>Rock, Noel.</i>		
<i>Ross, Shane.</i>		
<i>Stanton, David.</i>		
<i>Zappone, Katherine.</i>		

Tellers: Tá, Deputies Seán Kyne and Tony McLoughlin; Níl, Deputies Denise Mitchell and Imelda Munster.

Question declared carried.

Finance Bill 2019: Fifth Stage

Question put: "That the Bill do now pass."

<i>The Dáil divided: Tá, 45; Níl, 19; Staon, 18.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Bailey, Maria.</i>	<i>Barry, Mick.</i>	<i>Aylward, Bobby.</i>
<i>Brophy, Colm.</i>	<i>Boyd Barrett, Richard.</i>	<i>Brassil, John.</i>
<i>Bruton, Richard.</i>	<i>Broughan, Thomas P.</i>	<i>Breathnach, Declan.</i>
<i>Burke, Peter.</i>	<i>Burton, Joan.</i>	<i>Browne, James.</i>
<i>Byrne, Catherine.</i>	<i>Collins, Michael.</i>	<i>Butler, Mary.</i>
<i>Canney, Seán.</i>	<i>Connolly, Catherine.</i>	<i>Cahill, Jackie.</i>

<i>Cannon, Ciarán.</i>	<i>Cullinane, David.</i>	<i>Calleary, Dara.</i>
<i>Carey, Joe.</i>	<i>Ellis, Dessie.</i>	<i>Casey, Pat.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Fitzmaurice, Michael.</i>	<i>Collins, Niall.</i>
<i>Coveney, Simon.</i>	<i>Healy-Rae, Danny.</i>	<i>MacSharry, Marc.</i>
<i>Creed, Michael.</i>	<i>Healy-Rae, Michael.</i>	<i>Moynihan, Michael.</i>
<i>D'Arcy, Michael.</i>	<i>Kenny, Martin.</i>	<i>Murphy O'Mahony, Margaret.</i>
<i>Daly, Jim.</i>	<i>Martin, Catherine.</i>	<i>O'Brien, Darragh.</i>
<i>Deering, Pat.</i>	<i>McGrath, Mattie.</i>	<i>O'Keeffe, Kevin.</i>
<i>Doherty, Regina.</i>	<i>Mitchell, Denise.</i>	<i>Ó Cuív, Éamon.</i>
<i>Donohoe, Paschal.</i>	<i>Munster, Imelda.</i>	<i>Rabbitte, Anne.</i>
<i>Doyle, Andrew.</i>	<i>Ó Caoláin, Caoimhghín.</i>	<i>Smith, Brendan.</i>
<i>Durkan, Bernard J.</i>	<i>Ryan, Brendan.</i>	<i>Smyth, Niamh.</i>
<i>English, Damien.</i>	<i>Stanley, Brian.</i>	
<i>Farrell, Alan.</i>		
<i>Flanagan, Charles.</i>		
<i>Grealish, Noel.</i>		
<i>Griffin, Brendan.</i>		
<i>Harris, Simon.</i>		
<i>Humphreys, Heather.</i>		
<i>Kehoe, Paul.</i>		
<i>Kyne, Seán.</i>		
<i>Lowry, Michael.</i>		
<i>Madigan, Josepha.</i>		
<i>McGrath, Finian.</i>		
<i>McLoughlin, Tony.</i>		
<i>Mitchell O'Connor, Mary.</i>		
<i>Moran, Kevin Boxer.</i>		
<i>Murphy, Eoghan.</i>		
<i>Naughton, Hildegard.</i>		
<i>Neville, Tom.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		
<i>Phelan, John Paul.</i>		
<i>Ring, Michael.</i>		
<i>Rock, Noel.</i>		
<i>Ross, Shane.</i>		
<i>Stanton, David.</i>		
<i>Zappone, Katherine.</i>		

Tellers: Tá, Deputies Seán Kyne and Tony McLoughlin; Níl, Deputies Denise Mitchell and Thomas P. Broughan.

Question declared carried.

10 o'clock

An Leas-Cheann Comhairle: This Bill, which is certified to be a money Bill in accordance with Article 22.2.1o of the Constitution, will be sent to the Seanad.

Mental Health: Statements

Minister of State at the Department of Health (Deputy Jim Daly): This approach informed A Vision For Change in 2006, which set a new direction for the delivery of mental health services. This policy took an holistic view of mental illness and championed an integrated multidisciplinary approach to address the biological, psychological and social factors contributing to mental health. It also advocated an increased emphasis on recovery and the destigmatising of mental illness. Outdated institutions were replaced with modernised centres, some of which are today attached to our acute hospitals to ensure quick and easy access to medical facilities, as required.

Community teams were, and continue to be, enhanced in order to treat patients as close to their home as is practical. There are now 114 adult mental health teams and 70 child and adolescent teams embedded throughout the nine community health organisations around the country.

The refresh of A Vision for Change will continue this work. In line with Sláintecare, it aims to improve both service user and clinician experience to ensure a better outcome, while ensuring value for money. The HSE's New Ways of Working that were recently installed across our health services will support the implementation of the Vision for Change refresh in order to deliver our health services as close to people's homes as possible, with the majority of care delivered within the community and not in acute hospitals. The refresh of A Vision for Change is expected to be presented to Government for consideration before the end of the year. Given the significant increases to the mental health budget over recent years, this policy will focus on a reconfiguration of existing services to best suit individual need. As part of this, all current and future mental health spending will be critically evaluated to ensure cost-efficiency and value for money. In this regard, the Department and the HSE will continue to work to develop innovative ways of delivering mental health services to ensure as many people as possible are treated in as timely a manner as possible.

Over recent years, I have prioritised a number of initiatives and have worked with the HSE to introduce new ways of working which will complement the delivery of mental health services, while easing the burden on the service. Some of these initiatives, which are being driven by the Department of Health, centre on digital technologies. Telecounselling and telepsychiatry projects will provide remote counselling and psychiatric consultations that will help to improve access to mental health services. A dedicated mental health signposting telephone number will be launched by the Taoiseach later this month and a crisis text line will be launched early in the new year. Greater use of the technology available to us will help to deliver services at as early a stage as possible and will help to ensure that mild mental health issues are dealt with before they become more serious.

We have also enhanced mental health services provided in primary care. The introduction of 114 assistant psychologists and 20 psychologists in primary care has resulted in an increase of 28% in referrals, which will total approximately 14,000 in 2019. This, in turn, has helped to reduce the national waiting list for child and adolescent mental health services, CAMHS, to around 2,000, a decrease of 500, or 20%, since December 2018.

These initiatives exemplify the serious intent of the Government to progress and improve mental health services. This intent is further demonstrated by the investment in the 170-bed state-of-the-art complex in Portrane that will replace the Central Mental Hospital in Dundrum. This will address capacity issues which have emerged in recent years by increasing the number of beds from 103 to 130 beds and will completely modernise the forensic mental health service in Ireland. In addition, a ten-bedroom forensic child and adolescent mental health unit and a 30-bedroom intensive care rehabilitation unit will be co-located on the site.

The amendment of the Mental Health Act 2001 remains a priority for the Government. A major review of the Act is currently under way and work is continuing in earnest. The recommendations from the expert review group have been taken on board by the Department of Health within this review process and are reflected in the draft heads of Bill prepared by the Department. Earlier this year, the Department furnished the draft heads to the Mental Health Commission for examination. It is essential that the commission be given enough time to fully consider the draft and to provide its expert opinion. The Mental Health Commission expects to complete its review of the draft in early 2020, at which point further work will be required by the Department to consider and revise the heads based on the views of the commission. When this work is completed, the revised heads will be submitted to Government for approval to finalise the text of the Bill. It is expected that the final text of the Bill, as approved by Government, will go before the Oireachtas in late 2020.

The ongoing reform agenda in mental health has led to much-needed change on many fronts, including the continued destigmatising of mental illness, a greater recovery focus and the encouragement of more open discussion. Delivering modern mental health services requires adequate resourcing but it also requires a new outlook to maximise the impact of existing structures and service provision. I look forward to the continued reform of our mental health services and welcome contributions from Members to this discussion.

Deputy Catherine Connolly: Is there a copy of the Minister of State's speech?

Deputy Jim Daly: There is. I have not given it to the ushers. I apologise.

Deputy James Browne: I will be sharing my time with Deputy Rabbitte. We will be taking five minutes each. I am glad that we are taking statements on mental health tonight and that as a Dáil, we are keeping mental health on the agenda. I welcome the opportunity to again discuss mental health in this Chamber. It cannot be discussed enough. I acknowledge there recently have been a number of positive developments in mental health including the new 24-hour mental health helpline, the development of a number of clinical programmes, and the building of the forensic mental health hospital at Portrane. There are, however, also some serious areas of concern. I refer, in particular, to the many failures to implement policy within our mental health services. It is now 2019, some 13 years into A Vision for Change, our ten-year national mental health strategy. Many of the issues faced by patients and their families are totally unacceptable and unnecessary. I will highlight some of the issues concerning people.

20 November 2019

First, I will raise the issue of our child and adolescent mental health services, CAMHS. This is our acute mental health service for children and adolescents, which addresses the 10% that make up the most acute circumstances that affect our young people's mental health. These services are seriously understaffed. Only 57% of the staff number recommended in A Vision for Change are in place. In two areas, CHO 5 and CHO 7, fewer than 50% of the necessary staff members are in place while only 7.6% of the necessary staff are in place for children with intellectual disabilities.

Message from Select Committee

An Leas-Cheann Comhairle: The Select Committee on Justice and Equality has completed its consideration of the Criminal Records (Exchange of Information) Bill 2019, and has made amendments thereto.

The Dáil adjourned at 10.15 p.m. until 10.30 a.m. on Thursday, 21 November 2019.