



DÍOSPÓIREACHTAÍ PARLAIMINTE

PARLIAMENTARY DEBATES

DÁIL ÉIREANN

TUAIRISC OIFIGIÚIL—*Neamhcheartaithe*

(OFFICIAL REPORT—*Unrevised*)

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DÁIL ÉIREANN

Dé Céadaoin, 4 Nollaig 2019

Wednesday, 4 December 2019

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

Paidir.

Prayer.

Resignation of Member

An Leas-Cheann Comhairle: I wish to announce for the information of the House that at 10.45 p.m yesterday I received a letter of resignation from Deputy Dara Murphy as a Member of Dáil Éireann with effect from Tuesday, 3 December 2019. I am making arrangements to have the letter laid before the Dáil. In accordance with the provisions of Standing Order 197, the resignation took effect upon my receipt of the notice. This announcement is made for the information of the House and there will be no debates or statements.

Ceisteanna - Questions

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Public Services Card

35. **Deputy Willie O’Dea** asked the Minister for Employment Affairs and Social Protection if she has received an enforcement notice from the Data Protection Commissioner in respect of the public services card, PSC; if the course of action she will take has been decided; if enforcement proceedings have been issued; and if she will make a statement on the matter. [50497/19]

Acting Chairman (Deputy Eugene Murphy): I remind Deputies that there is six and a half minutes for each question: 30 seconds for the Deputy to introduce, two minutes for the Minister, a supplementary from the Deputy, a further minute for the Minister, a final supplementary, and

a final reply from the Minister. I ask all Members to try and keep within these guidelines and I appreciate that some of the answers are long.

Deputy Willie O’Dea: I will not take up my 30 seconds. We discussed this question on the previous occasion on which the Minister for Employment Affairs and Social Protection took questions and it was discussed subsequently at the Joint Committee on Employment Affairs and Social Protection. I have put down the question to find out if there is any update or has she received an enforcement notice yet.

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): To date, the Data Protection Commission, DPC, has not issued an enforcement notice, although I understand that one is being prepared. On receipt of the notice, the Department will consider its scope and terms and will respond appropriately at that time.

I am advised that the findings in the Data Protection Commission’s report do not have the force of law until such time as they are formalised in an enforcement notice subject to any appeals process being completed. On the basis of advice from the Office of the Attorney General, I and my officials are satisfied that the processing of personal data relating to the PSC has a strong legal basis, that the retention of data is lawful and that the information provided to users satisfies the requirements of transparency. Pending the receipt of any enforcement notice and any subsequent appeal that may be made, the Department will continue to conduct the SAFE 2 registration process and keep issuing issue PSCs to those citizens who require them.

In continuing to support the use of the PSC, I maintain the approach first legislated for in 1998, and subsequently maintained by successive Governments.

Deputy Willie O’Dea: The position then is that nothing has changed since we last discussed this matter. Is the Minister aware that the Road Safety Authority specifically stated in February 2018 that the PSC would be a mandatory requirement for applications for driving licences and not just online applications? Is she also aware that it was mandatory for people applying for naturalisation to have PSCs up until 16 August last - the day after the Data Protection Commissioner’s report was issued - when that requirement was withdrawn?

Deputy Regina Doherty: I cannot say that I am or I am not. What I will say for the record is that I, as Minister for Employment Affairs and Social Protection, am not responsible for the roll-out or usage of the PSC in any other Department or offices or agencies under their auspices. It is up to each individual line Minister to engage with Government e-services and decide how they want to employ them.

Deputy Willie O’Dea: I take the Minister’s point that she is not personally responsible for what other Departments do. If what I am saying is correct, however - and I have evidence to support it - would she agree that the Data Protection Commissioner was right in the fear she expressed about mission creep.

Deputy Regina Doherty: As the Deputy is well aware, because he was in government when the card was brought into being, it is not my Department’s card or scheme. This is a whole-of-Government scheme that was launched by his colleagues, the former Ministers for Finance and Social, Community and Family Affairs. It was also clearly defined from day one. I do not give compliments very easily to Opposition Members given the mess the country was in when we took over in 2011, but the foresight of the people who were in place in 1998 in the context of this project led to enhanced access - via the Internet - to all Government services for

all citizens. It was never a case of mission creep taking place. I would say there was mission delivery.

Departmental Reports

36. **Deputy John Brady** asked the Minister for Employment Affairs and Social Protection the reason a report into the impact of reduced rates of jobseekers' payments for the young unemployed between 18 and 25 years of age, as committed to in Pathways to Work 2016-2020, has not been published; and if she will make a statement on the matter. [50256/19]

Acting Chairman (Deputy Eugene Murphy): The staff and I have been given word that Deputy Quinlivan is taking this question. We find that acceptable.

Deputy Maurice Quinlivan: The question is on the mystery report on the impact of reduced payments for jobseekers, which were introduced by Deputy O'Dea's party, Fianna Fáil, in 2009. The report is now three years overdue. Where is it?

Deputy Regina Doherty: I have received just recently a copy of the completed report on the impact of the age-related rates on young people from my officials. I am reviewing the report and intend to publish it and make it available to the Joint Committee on Employment Affairs and Social Protection.

On budget day, I announced the abolition of the age-related rates for 25 year olds and for those aged 18 to 24 who are living independently and receiving State housing supports. These targeted measures will benefit approximately 2,100 young people from January 2020 at a cost of just €5 million. People aged 25 will benefit by over €45 per week and those aged between 18 and 24 who meet the new conditions will benefit by €90. If a young person under age 25 engages in education or training, or employment activation, he or she can receive the higher weekly rate of €203, or €229.20 if he or she participates in the youth employment support scheme.

The policies implemented have been effective as the youth unemployment rate has dropped significantly from over 30% during the great recession period to 12.3% in October 2019, according to our latest reports. The rate is significantly below the EU average, which is 14.5%.

Supporting and improving the capacity of young people to take up employment, education and training opportunities can and do reduce welfare dependency and definitely enhance their employment prospects over time, as well as their ability to earn an adequate income to support themselves. I will continue to focus on youth unemployment and developing initiatives to help young people back to work.

Section 7 of the Social Welfare Bill (No. 2) Bill 2019 provides for the presentation of a poverty impact assessment on the age-related rates to the Joint Committee on Employment Affairs and Social Protection within three months of the Bill's enactment. I intend to live up to that.

Deputy Maurice Quinlivan: I thank the Minister. I am delighted to hear the report is finally finished. The Minister will probably understand why we are sceptical in that we have not been given any date as to when we will get the report. I will go through the list of occasions on which the report was asked for. My colleague, Deputy Brady, has consistently asked the Minister when the report, committed to in Pathways to Work, will be printed. He asked about it every single time he had a session of questions, and he asked the Minister's predecessor in 2016. The

report was due to be published in mid-2016. The Minister says she has it now. I urge her to pass it on to Deputies as soon as possible. She needs to commit to a time and date in this regard.

In June 2016, the then Minister, the Taoiseach, Deputy Leo Varadkar, said a report would be published later in the year. In May 2017, it was said it would be published that year. In February, April, September and October of this year, the Minister told my colleagues it would be completed shortly. Last year, she told the Joint Committee on Employment Affairs and Social Protection that the report was practically ready. Where is it? When will it be published? I understand it is now ready so I would like a publication date.

In budget 2020, the Minister deliberately introduced a new condition for those between 18 and 24, allowing the full rate to be payable only when they are living independently and in receipt of State support. The Minister did this purposely to exclude the majority of young jobseekers. It benefits only around 300 individuals between 18 and 24.

Deputy Regina Doherty: Under the Pathways to Work 2016-2020 review, my Department committed to reviewing and reporting on the impact of the reduced rates on young jobseekers. The review involved a very comprehensive and detailed analysis of the data. The National University of Ireland, Maynooth, undertook research that examined the effectiveness of the reduced rates in encouraging young jobseekers to avail of education, training and employment. The Department was keen to have the university research used to inform its own report. It would not make sense for the Department to prepare a report in addition to the detailed, independent research. My Department received a copy of the final report from the university late last year. The officials met the research team in February this year to discuss the results of the research and learn from the findings. The detailed analysis of the findings was examined and used to inform my Department's own review. As I said, I have just received the report in the last day or so. I intend to read, review and discuss it with my team next week so as to make any decisions arising from the research, if we need to.

I have purpose in all the decisions I make. The decisions I made for the budget this year were informed by my gut feeling as to how the money we had, which was limited this year, could achieve the best results. I remain steadfast in my view that the live register is no place for a young person under 25. What we need to have is ambition for our young people to make sure that we train them, re-educate them, reskill them or just give them the confidence to show up to avail of the jobs that are on offer.

Deputy Maurice Quinlivan: I am acutely aware that the live register is no place for anyone, particularly those under 26. I come from the city of Limerick, which has unemployment black spots. Eight of the top ten black spots are in the city. There has been no targeted intervention that I have seen to reduce the number. The numbers do not change. The areas might change slightly but the number of black spots in Limerick does not.

The Minister has still not said when she will publish the report. She said she will look at it. She has told the Dáil on a number of occasions that the report is coming immediately. This has occurred since 2016, when the current Taoiseach, Deputy Leo Varadkar, was Minister. Who was in charge of compiling the report? How many people have been responsible for producing it? What contact has the Minister had with them? There seems to have been no sense of urgency. Has the issuing of the report been deliberately delayed? I encourage the Minister to give us the date on which she intends to publish the report. When doing so, she might as well send it on to us.

Deputy Regina Doherty: To reconfirm, I received the report yesterday. I will read it between now and the weekend. I have the Social Welfare Bill to contend with this week, among other matters, as part of my schedule. I will read the report. I will meet my officials next week to discuss any of the actions that may arise from the findings in it. As soon as I have that done, I will issue it, publish it and give it to the joint committee.

Acting Chairman (Deputy Eugene Murphy): We will proceed to Question No. 37.

Deputy Willie O’Dea: I wish to make a brief reference to a snide reference made by the previous speaker about something my party did. Maybe we have changed our minds. After all, people do change their minds. The IRA changed its mind when it decided to stop killing people. Sinn Féin changed its mind and its members decided to take seats in this House. I wish they would do it in Westminster in return for the salaries and expenses.

Deputy Maurice Quinlivan: We do not take the salary and expenses-----

Deputy Willie O’Dea: George Bernard Shaw said changing one’s mind means one is wiser today than yesterday.

Acting Chairman (Deputy Eugene Murphy): This is not about George Bernard Shaw.

Deputy Willie O’Dea: I just had to respond to that.

Fuel Poverty

37. **Deputy Willie O’Dea** asked the Minister for Employment Affairs and Social Protection the way in which she plans to compensate social welfare recipients who are not in receipt of fuel allowance for the increase in carbon tax; and if she will make a statement on the matter. [50498/19]

Deputy Willie O’Dea: The question is on fuel poverty. It is self-explanatory so the Minister might respond to it.

Deputy Regina Doherty: I just have to say for the record that, as a woman, it is my prerogative to change my mind frequently, and I certainly do so.

In budget 2020, the Minister for Finance and Public Expenditure and Reform, Deputy Donohoe, announced an increase in the carbon tax rate. He has committed that all of the funds raised by increases in the carbon tax will be ring-fenced to protect those most exposed to higher fuel and energy costs, to support a just transition for displaced workers and to invest in new climate action measures. On 9 October 2019, the Department of Public Expenditure and Reform published the document, The Carbon Tax Increase - What it will be spent on, which sets out specific details on the allocation of these ring-fenced moneys for next year.

The fuel allowance scheme is a targeted measure to protect those who are most vulnerable from energy poverty. For this reason, the largest single allocation, of almost one quarter of the funds that will be raised next year owing to the increased carbon tax, will be devoted to ensuring that the least well-off in society are protected through increases in the fuel allowance payment and also through energy efficiency upgrades targeted at those in energy poverty. It is estimated that over 370,000 recipients will benefit from the increases and new activities in

2020. My Department also pays an electricity or gas allowance under the household benefits scheme, at an estimated cost of €188 million in 2019. In budget 2020, I extended the household benefits package to people under 70 who have another adult living with them. I also announced a €5 increase in the living alone allowance, which I hope will benefit approximately 216,000 recipients in 2020.

Under the supplementary welfare allowance scheme, a special heating supplement may be paid to assist people in certain circumstances with special heating needs. An exceptional needs payment may also be made under the supplementary welfare allowance scheme. This payment can be made to help meet an essential, once-off cost that customers are unable to meet out of their own resources. This may, and sometimes does, include exceptional heating costs.

My colleague, the Minister for Communications, Climate Action and Environment, has the role of reducing energy poverty by implementing measures, administered by the Sustainable Energy Authority of Ireland, SEAI, to improve the energy efficiency of homes.

Deputy Willie O’Dea: The Minister will be aware that studies have shown that fuel poverty is rampant in this country. The latest study showed that approximately 400,000 families are affected by fuel poverty. I acknowledge the changes the Minister made in the budget but does she not agree that a number of people do not qualify for any of the improvements she mentioned? I can give examples. How are people on social welfare to be compensated for the increase in carbon tax?

The Minister will also be aware that more than 100,000 people working in low-paid employment are defined as living below the poverty line. How are they to be compensated for the increase in carbon tax? The Joint Committee on Climate Action recommended that a study be done on the extent of fuel poverty before the budgetary measure was introduced. The Minister can correct me if I am wrong but I understand that has not been done.

Deputy Regina Doherty: The specific cost to households of the increase in carbon tax would vary depending on a number of factors, notably, the energy efficiency of the homes of the fuel allowance recipients and the amount and type of fuel they use, among other factors.

Last year, the ESRI published its report on the economic and environmental impacts of increasing the Irish carbon tax. The report indicated that the additional cost of the carbon tax would be less than the weekly net value of the fuel allowance increases for those households living in the four lowest percentiles. The reason for the increase we chose was to protect the very people who are on the fuel allowance. The ESRI report stated that households in the lowest four percentiles will have an expected increase in fuel costs of €45 per annum in 2020. The increase in the fuel allowance by €2 per week amounts to approximately €56, which means there is some headroom should anything happen in the coming year. However, that is not the totality of what the Government is doing. Although one quarter of the €90 million that is expected to be ring-fenced from the carbon tax increases next year will go directly to supplement the people in the lowest four percentiles, many other initiatives such as the better energy warmer homes scheme will be rolled out across the country.

Deputy Willie O’Dea: The problem is that all those initiatives announced by the Minister will come through other Departments and will benefit everybody equally. In the meantime, some people are being compensated for the increase in carbon tax while others are not being directly compensated. Does the Minister intend to continue to rely on increasing the fuel allow-

ance as the mechanism for dealing with carbon tax? In doing so, is she aware of the problems of people who do not qualify for the fuel allowance?

Deputy Regina Doherty: I am not sure I agree with the statement Deputy O’Dea just made that the other schemes are open to everybody. The ambition in the plan is to address the houses that are most energy deficient before we get to people who live in more energy efficient homes. We have a plan to reach every household between now and 2030. We are all aware that the world is changing. The way we use energy will change to become more efficient. The way we travel and engage with the world of work will change. It is incumbent on us to have a whole-of-Government approach to ensure that from an income support perspective, which is what my Department is primarily responsible for, we look after those people who are most at risk of poverty. The survey on income and living conditions, SILC, numbers released last week show that we are, thankfully, making progress. It is up to all Departments, including the Departments of Transport, Tourism and Sport, and Communications, Climate Action and Environment, to ensure we reach the hardest hit citizens first and then work backwards between now and 2030.

State Pensions Reform

38. **Deputy Willie Penrose** asked the Minister for Employment Affairs and Social Protection her plans to review the qualification age for the contributory and non-contributory State pension; the number of persons who will be impacted by the increase in the qualification age for the State pension in 2021; the number who have 20 or more years of PRSI contributions; the transition measures she plans to put in place; and if she will make a statement on the matter. [50651/19]

Deputy Willie Penrose: In 50 years’ time, Ireland will have the lowest proportion of older people in the European Union. The figure here will have be nearly 20% below the EU average, as we currently have the youngest population and the third highest fertility rate. Consequently, contrary to the scaremongering about a demographic time bomb in which everybody, including the Taoiseach, is engaging, the percentage of national income spent on public pensions will only rise by three percentage points in the next half century. Despite these facts, the Government intends to push ahead with its plan to increase the pension age to 67 by 2021 and 68 by 2028. The Joint Committee on Employment Affairs and Social Protection has recommended that we stop this plan to increase the age of qualification for pensions and I support it.

Deputy Regina Doherty: To provide for sustainable pensions and facilitate a longer working life, successive Governments have considered the sustainability challenges faced by the pensions system as a result of changing demographics in Ireland. As far back as 2007, the then Minister for Social and Family Affairs, Martin Cullen, launched the Green Paper on Pensions, which proposed raising the pension age. That was followed by a major public consultation exercise. Three years later, following the public consultation, the then Minister for Social and Family Affairs, Mary Hanafin, launched the national pensions framework. Following a Government decision, it set out the agenda of changes in the State pension age to be enacted in 2014, 2021 and 2028. This strategy was enacted via legislation introduced by the then Minister for Social Protection, Deputy Burton, and passed in 2011. It provided for an increase in the State pension age in three separate stages. In 2014, the State pension age was standardised at 66. This will be increased to 67 in 2021 and 68 in 2028.

The Roadmap for Pensions Reform 2018-2023, which I launched last year, stated that future

changes in the State pension age after 2035 will be based on research into life expectancy. We are all well aware that, thankfully, we are living longer and happier lives. That is in keeping with similar measures introduced by most EU and OECD countries.

The reason for the changes was to make the State pension system more sustainable as life expectancy increases. That is essential, as people who are working now and whose PRSI contributions fund State pension payments will need a State pension when the time comes for them to retire. The demographic change has significant implications for the future costs of the State's pension provision, which are increasing by approximately €1 billion every four to five years. This figure does not take account of any rate increases we may want for pensioners. The number of recipients of contributory and non-contributory State pensions is estimated to increase by an average of 21,300 per year up to 2024. It is also estimated that 88% will have entered insurable employment at least 20 years before reaching the State pension age.

Deputy Willie Penrose: I must contradict what the Minister said about the European trend and the average age of retirement. The average EU pension age will only rise to 66 years of age by the middle of this century. Why is it necessary for Ireland to be in the vanguard and to do more than every other European country is doing? It is not fair on those who have worked and paid taxes all their lives.

I know the Minister is not responsible for all the changes but let us put a stop to it. Let us halt this horse. The way things are going, someone who starts work at 17 years of age will continue working until 68 years of age, which is 51 years of work. That person will spend three quarters of his or her life before retirement working and one quarter up to the age of 17. Let us stop this runaway train. Thankfully, we have money. I will not be around but I hope if we are ever in government again we will stop this. We will continue to work towards that aim. My estimate is that 30,000 - the Minister said 21,300 - additional people per year will be in receipt of a pension up to 2024 so the story is even better. My estimate is that 30,000 additional people would reach 66 years of age in 2021. The Minister's estimate is lower than that. The Minister can stop the runaway train, which is a bureaucratic one as well.

Deputy Regina Doherty: I think we are all suffering from a bout of changing our minds.

Deputy Willie Penrose: I have no problem changing my mind.

Deputy Regina Doherty: With respect to Deputy Penrose, I was a lowly backbencher in 2011 when Labour Party Ministers were sitting at the Cabinet table that made this decision. Nothing has changed since, other than that there are more people working. We have thankfully a jobs led recovery and the Social Insurance Fund is now in a small surplus. When the Labour

11 o'clock Party entered government in 2011, the fund was in a small surplus that rapidly went into a deficit in a matter of years. I cannot ignore that, no more than

Deputy Penrose could in 2011, the former Minister, Mary Hanafin, could in 2010 or her predecessor, Martin Cullen, could before that. We have an ageing demographic and the number of workers versus the number of pensioners is flipping. While it would be lovely, populist, warm and fuzzy to tell people at home that we will bring the retirement age back to 65, the simple fact is that for every year it is delayed, I or whoever is lucky enough to be in this position after me, has to find €250 million just to stand still. That is €250 million in every year that we delay.

We are looking at calculating pensions in a fairer way to address anomalies in the system

that allow people get more out of the Social Insurance Fund, SIF, than others who may have put more into the fund. When I bring the memo for total contributions in a few weeks, we will be able to see the new approach. Regardless of how much we want to be warm and fuzzy to people who will be retiring in the coming years, nobody can escape the fact that we will have many more people drawing a pension and fewer workers supporting those pension payments.

Deputy Willie Penrose: Many people are being forced to retire at 65 based on contracts. They can already spend a year on jobseeker's benefit. The Minister has already created an extension to the jobseeker's benefit rules to allow them to go to 66. What will happen to continue it to 67 and to 68 if the Government extends it? How many will be affected by this change? If we are to continue to pay jobseeker's benefit rather than a pension to a single person, there is only €45 a week in the difference. It will not bring down the citadel. Let us not try to portray it as something that will cause serious trouble. Let us not deceive anybody. The people still need to be paid and it is only a meagre saving for the Government, but €45 is a considerable amount of money for an ordinary person. It comes to €2,400 per annum. We are not robbing Peter to pay Paul. We are robbing everybody.

I know what it was like there. I was not at the Cabinet table when the Government approved this. I was only there for nine months. The Minister's erstwhile colleague, Mr. Shatter, was the cause of me leaving. I do not want to say too much about him. If we want to go into history, I can give the Minister plenty of it.

Deputy Regina Doherty: The net cost is not small beans. It is €215 million a year every year. In no context could €215 million a year be called small beans. The purpose of successive governments in doing this was to recognise that we are living longer and many people want to work longer. I agree we need to change the practices and mindsets of some of our employers not to be pigeonholed to a retirement age of 65. We have done so in the public sector to allow people to work until they are 70 if that is what they want to do. That mindset needs to be brought to all of our private enterprises.

We are reaching full employment and I meet employers every week who find it difficult to get staff, which is why we are working on a returners programme and looking at people who are furthest to reach and reskilling and retraining them. We have large untapped talent pools, including a large number of people aged over 55. People need to change their mindsets as well as recognising that the SIF is under pressure. The demographic changes are decreasing the pensioner support rate. Nobody can ignore that regardless of how popular we want to be in keeping the pension age at 65.

Automatic Enrolment Retirement Savings System

39. **Deputy Willie O'Dea** asked the Minister for Employment Affairs and Social Protection if the person or body to operate the auto-enrolment pension system has been decided; her plans to address concerns regarding the operation of this system and the lack of a drawdown option for a mortgage deposit for first-time buyers; and if she will make a statement on the matter. [50499/19]

Deputy Willie O'Dea: The exchange between the Minister and Deputy Penrose highlights the importance of the matter I am now raising, that of auto-enrolment. The Minister will be aware that the system in the United Kingdom was originally announced in 2008 and the legisla-

tion did not appear until 2012. Where do we stand on auto-enrolment? Is the last proposal we saw, which came as a result of the consultation, the final product? Will there be early access for people trying to buy a house or for people suffering from permanent ill health?

Deputy Regina Doherty: I am pleased that the Government recently approved significant elements of the design for our proposed automatic enrolment retirement savings scheme. These include key decisions on the target membership, the contribution rates, the policies on opting-out and re-enrolment, the administrative arrangements and organisational approach, and the investment options.

As stated in A Roadmap for Pensions Reform, the Government proposes to begin implementation of this system, which we know affectionately as automatic enrolment, by 2022. This will see a transition from the current purely voluntary system to one which will, subject to certain parameters, automatically enrol employees into a quality-assured retirement savings system. The saver will maintain the freedom of choice to opt in or opt out.

The Government has decided that a new central processing authority will be established by the State to administer the automatic enrolment system. Proposals are being finalised by my officials on the appropriate scope and role of this central processing authority, which I hope to bring to Cabinet very early in January. The proposal will include an assessment as to the extent to which existing public infrastructure could be used to carry out some or all of the functions that will be needed to operate the automatic enrolment system.

While an approach allowing for an early drawdown for a mortgage deposit, for example, may appear reasonable and improve the attractiveness of saving for some people, the core policy objective of introducing automatic enrolment, including the employer and Government subsidies, is to ensure people have adequate savings when they reach 66, 67 or thereafter. Allowing people to access their pension savings early for non-pension purposes would inevitably reduce the value of the future fund available to them, and given that the combined value of employer and Government contributions to the pensions savings scheme will exceed those of the workers, it could distort the housing market. That is the view of some of our advisers. However, the Government has decided that a limited number of savings suspension periods will be facilitated for members who wish to cease making their contributions temporarily for exactly the reason the Deputy described, namely, that they may be saving for their house. These savings suspension periods could be used for people with children going to college or for whatever reason, but they are limited in their scope.

Deputy Willie O’Dea: I thank the Minister for her response and I welcome that improvement on the original proposal. Will she comment on the situation of a person who is suffering from permanent ill health. A holiday period does not seem to be appropriate to that. What does the Minister envisage for people who are already covered by a pension scheme where the terms are more generous than the auto-enrolment scheme, where a larger pension payment may arise and the contributions might be higher etc.? In that case, will the employer be forced to abandon that in favour of the lower auto-enrolment scheme? Will the Minister give an assurance that those schemes will be kept under constant review to ensure there will be no levelling down?

Deputy Regina Doherty: If people who are ill are not making a contribution to their pension scheme because they are not working, obviously the State and the employer will not be making the pension scheme contributions either. We might need to look at that in the future. We always have the State non-contributory pension for people who do not have a full contri-

bution history to get a State pension as a kind of a base level to ensure that nobody has to live below a certain level. The Deputy makes an interesting point and I might make further inquiries as to how we propose to deal with long-term periods for people.

Some 585,000 people in the private sector do not have a pension scheme at all. They are the people we were going to enrol on a phased basis originally. Anybody outside those 585,000 people can opt in to the scheme. As the Deputy suggested, if somebody with a current pension finds this pension scheme more attractive to him or her, there is nothing stopping them taking their current pension and moving it into the automatic enrolment system. The most important thing for me and, it is hoped, for everybody else when they see the final document is that people have complete ownership of their pension pot. They also have choices. They have the choice to go with the private sector or a public offering. We know people have different views on both of those.

People need to have full respect for whatever the central processing agency is. I know some people have suggested that it should be the National Treasury Management Agency, NTMA, or Revenue. However, if we have to establish a new agency, that agency should command the same respect and authority in the legislation we pass. For me it is all about the people owning their pension pot and having choice.

Deputy Willie O’Dea: When will the final proposal be ready? The proposed central processing agency seems to be a very large bureaucratic and expensive operation. The Irish Congress of Trade Unions and the employers are *ad idem* in proposing that the Revenue Commissioners should be allowed to collect the pension payments because they are already collecting social insurance etc. Many employers’ payroll systems are set up to accommodate the Revenue Commissioners. It has been suggested by people who know more about this than I do that that would be a more sensible way to proceed.

Deputy Regina Doherty: It cannot be very big and expensive. It will be just a governance agency, responsible for the regulations and ensuring the fiduciary responsibilities are being met by the providers of the pension pot. I am not sure whether the Deputy is aware from the memorandum I brought forward but there is a cap of 0.5% on all administrative costs. That includes the running of the central processing authority and all the fees that can be charged by the public or private offerings that will be on the carousel.

The Revenue is an authoritative and well-respected agency of the country and it collects tax, but this is not a tax. This is a savings scheme that is being incentivised by employers and the State. It is not the same thing. What we certainly do not want is to have people of the perception that the Government or the State is taking more money out of their wages in some form of tax. This is something that we hope people will want to do. We hope people will see the value of their investment and of their investment being matched by their employer’s investment and the top-up of the savings scheme by the State. This is a really good thing. It will cost a significant amount of money. It will be a large investment pot of money which it is hoped will remain in Ireland. However, it has to have the feel-good factor of people putting in their money and seeing it matched by the employer with a top-up by the State. All of this is with a view to having extra money in their back pockets when they reach retirement age.

Ceisteanna Eile - Other Questions

Public Services Card

40. **Deputy Bríd Smith** asked the Minister for Employment Affairs and Social Protection to set out the cost to date of the unrolling of the public services card; the reason possession of a card is mandatory for parents availing of the new child care scheme; and if she will make a statement on the matter. [50381/19]

Deputy Bríd Smith: Will the Minister set out the cost to date of unrolling the public services card, PSC? Will the Minister explain the reason possession of the card is mandatory for parents availing of the new child care scheme? Will the Minister make a statement on the matter?

Deputy Regina Doherty: Without trying to be rude, I was not really sure what the Deputy meant by “unrolling”. If it is what I think she means, as in whether we have rowed back on the public services card, then we have not. If that is what the Deputy means, then the answer to the question of the cost of unrolling the PSC is that there has not been any cost because we have not unrolled it, as it were.

Deputy Bríd Smith: I wish to clarify my question. I am not saying rolling back. I mean bringing it forward. How much has it cost to date to introduce, implement and administer it?

Deputy Regina Doherty: That is no problem. I was not sure. I thank the Deputy for clarifying that. We have not unrolled it. We continue to roll out the PSC through the standard authentication framework environment, SAFE, registration process. Although we have major efficiencies in the Department, we also have reduced payment leakage. The total costs for the project since its inception in mid-November 2019 are estimated at €69.4 million. From the first day we started to the end of November 2019, the estimated costs amount to €69.64 million. This includes a figure of €37 million for our staffing costs. However, it is important to say that none of the staff are new. A large proportion of the staff and the costs would have been incurred even if we did not introduce the SAFE 2 PSC process. This is because we had always sought to authenticate the identity of people who were claiming our services and finances thereafter. Previously, we had the social services card and that would have been administered by those staff. Before that, we had pensions books and free travel passes and a variety of different forms of authentication that would have been manned and womanned, as it were, by those staff members. The SAFE process formalised this approach, established a consistent approach across all of our offices and introduced a higher and more secure standard of identity using the token of the PSC which incorporated a photograph of the person.

If an allowance is made, as it properly should be, for the counterfactual or already existing costs, then the actual additional costs of the SAFE PSC process over the past nine years are approximately €39 million. Of the €69 million in new costs, for want of a better term, existing costs were €39 million. Set against these costs, the Department has realised savings to date related to administrative efficiencies and fraud detection that is conservatively estimated at €20 million.

Deputy Bríd Smith: I will come back to the costs. Will the Minister answer the second part of my question? It relates to the reason the card is mandatory for parents availing of the new child care scheme. The Minister did not answer the second part of my question.

Acting Chairman (Deputy Eugene Murphy): That is fine. We will give the Minister an opportunity to answer now.

Deputy Regina Doherty: It is not mandatory, as I said in response to an earlier questioner on the roll-out of decisions relating to the PSC outside of my Department. How other Ministers employ and use the PSC is a matter for them. As far as I am aware, there is a paper application process as well as the online application process for the national child care scheme.

Deputy Bríd Smith: If the Minister is aware of that, then she will also be aware that the paper application process does not come into force until January 2020. That means an applicant will forgo at least one month of the child care payment. The Government, and the Minister's Department in particular, has been criticised by the Irish Council for Civil Liberties. The council has commented on how for several years the PSC system has targeted those who can least afford to fight it, in particular, those in receipt of social welfare payments, pensioners and students who need maintenance grants. They will be forced to hand over personal data in exchange for services to which they are already entitled. It really is not good enough that the Minister with responsibility for social protection says that it is the responsibility of the Minister for Children and Youth Affairs, Deputy Zappone, to make the decision to enforce use of the card to be able to avail of the services. As someone who is supposed to protect those in need of social welfare, the Minister should have something to say about this. The system is targeting the very people the Irish Council for Civil Liberties is describing.

The Minister makes the argument on cost that it is only €39 million extra. To many people that is a great deal of money that could be used to keep child care places open and keep drugs projects and community-based projects in communities that really need them.

Deputy Regina Doherty: First, I dispute the ICCL statement that Deputy Smith has just repeated. I assume what Deputy Smith said is what the council said because I have not heard that from the council. A total of 3.2 million people in Ireland from a population of 4.5 million have a PSC. For us to target the most vulnerable by making them get a PSC really stretches the imagination to its limits.

A total of €39 million has been spent in the past seven years to provide super-fast efficient access to public services. If Deputy Smith believes that is a waste of money, then I do not know what to think. Today, a person can go online and get a passport sent to her house through the post box within two or three days. The comparison with traipsing to the post office to get the form, then to the Garda station and then to Mount Street or sending it in the post and having to wait for weeks for it to come back is striking. If the Deputy does not believe that investing in access to public services on behalf of the people we are all here to serve is good value for money, then I give up.

Community Employment Schemes Supervisors

41. **Deputy Niamh Smyth** asked the Minister for Employment Affairs and Social Protection to set out the status of a matter (details supplied) relating to community employment supervisors; if further discussions have taken place with unions on same; and if she will make a statement on the matter. [50172/19]

45. **Deputy Martin Heydon** asked the Minister for Employment Affairs and Social Pro-

tection to set out the status of her efforts to address issues affecting community employment supervisors; and if she will make a statement on the matter. [50353/19]

63. **Deputy Fiona O'Loughlin** asked the Minister for Employment Affairs and Social Protection to set out the status of pensions for community employment supervisors; and if she will make a statement on the matter. [50255/19]

68. **Deputy Willie Penrose** asked the Minister for Employment Affairs and Social Protection when she plans to address the status of community employment supervisors and provide for their payments as per the Labour Court recommendation of 2008; and if she will make a statement on the matter. [46862/19]

69. **Deputy James Browne** asked the Minister for Employment Affairs and Social Protection to outline the position regarding the 2008 Labour Court recommendation regarding pensions for community employment scheme supervisors; and if she will make a statement on the matter. [50147/19]

71. **Deputy John Brady** asked the Minister for Employment Affairs and Social Protection to outline the status of talks between her Department and representatives of community employment supervisors on their pension entitlements; and if she will make a statement on the matter. [50250/19]

74. **Deputy Willie O'Dea** asked the Minister for Employment Affairs and Social Protection to outline the status of talks with community employment supervisors; the way in which she plans to address the issue; and if she will make a statement on the matter. [50352/19]

Deputy Martin Heydon: As the Minister will know, we have been in constant contact along with our colleague, the Minister for Public Expenditure and Reform, Deputy Donohoe.

Deputy Maurice Quinlivan: There are several questions in the group.

Acting Chairman (Deputy Eugene Murphy): My apologies. The Minister will clarify that Questions Nos. 41, 45, 63, 68, 69, 71 and 74 are grouped.

Deputy Martin Heydon: I know the Minister has done a great deal of work on this. It is a long-standing issue and the Minister has done a good deal of work engaging with SIPTU, Fórsa and various unions regarding the community employment, CE, supervisors' pension claim. The Minister might give us an update on her engagement as far as she can.

Deputy Regina Doherty: I propose to take Questions Nos. 41, 45, 63, 68, 69, 71 and 74 together. I know sometimes it annoys people when we take all these questions together but they are all obviously about the same topic. The questions show the extent of the concern and appreciation that we all have and share in the House for the CE scheme itself and in particular for CE supervisors. I thank Deputy Heydon for continually contacting my office to try to get an update.

As the line Minister, I have a real appreciation for the value of the work that our CE supervisors do. I visit CE supervisors and the participants in the schemes throughout the country several times every month. This is the real value of the contribution to our localities, communities and sports clubs and so on, which are great and we would not manage without them. The real value is that some people arrive to the CE scheme when they are somewhat removed from being active in the labour market or even the social economy in their own communities. They need genuine extra over-and-above support care and attention, monitoring, mentoring

and coaching. They get that in spades from our CE supervisors. This is why I made it a priority. I made a commitment to the CE supervisors and the unions to try to address the issues that were arising and still outstanding from the Labour Court recommendations of 2008. We started our consideration process at the beginning of the summer. It is ongoing. We agreed some parameters. They know what my outcomes look like, I know what their wants look like. The commitment I have given them is that I will not stop until we achieve those. Given that some of the recommendations have very large and tangible consequences, probably unintended from their perspective, it is not as easy a route as some people might think, hence the issue has been floating around since 2008. There have been successive Governments since 2008. We are in deliberations and there is a proposal on the table. That negotiation process is beginning in earnest with the financiers of the country.

The only commitment I will continue to give not only to the Deputies, and I thank them for their support, but to the people who carry out the activation service for the Department of Employment and Social Protection day in day out, is that this issue needs to be and will be resolved and I will not stop until it is.

Deputy Martin Heydon: The Minister deals with these cases in her constituency in Meath East as I do in Kildare. It does jar with the community employment, CE, supervisors when they are told that the voluntary sponsoring groups are their employers. I know they are seen that way technically under the law but everything they do daily involves dealing with the Department, for orders, approvals and other elements of the process. I understand the huge challenge of precedence this creates for us and in particular for the Department of Public Expenditure and Reform because if it is paid out it opens out to a wider cohort of people. Are there ways of getting around that precedence issue in the Minister's deliberations and discussions? I understand that the Minister cannot say everything openly here about the negotiations with the unions but this is a challenge we need to take up.

The Minister for Finance has mentioned the high level forum. Does that body have a role in this process or what is its role currently? We all know the value of the voluntary groups in a host of areas from day care centres to sporting organisations and that the work they do with the participants is key.

Deputy Maurice Quinlivan: The Minister just gave the usual stock response about the on-going talks with representatives of CE supervisors and confidentiality. All we are asking here is for the Minister to clarify that the Government has not reneged on any aspect that was agreed in the talks process.

Deputy Regina Doherty: There is no stock response here. I have engaged in a process with the union since May. We agreed that we would keep our deliberations confidential and I am not in the habit of breaking an agreement that I have made with anybody. I am not sure what the Deputy means by "stock response".

There are several Deputies, and Deputy Heydon happens probably to be in the top three, who contact me weekly about this because they know and see the value of the work being done on the ground, not just because the participants are delivering the services but because the CE supervisors are delivering a huge service to the participants. It is up to us to deliver a service to recognise the value of that contribution. That is the process I engaged in this May. I am sorry that I am not in a position to give the Deputy the parameters but I am certain that if we were to start megaphone debating on what should or should not be done in the confines of a

negotiations process I would be back where I was when there was another Minister for Public Expenditure and Reform and no solution would be found. The commitment that I have given the unions, the CE supervisors is that I have taken this on as a challenge. I firmly believe they need to be rewarded and recognised. That change and challenge for me has formed part of the interdepartmental review and the reorganisation of CE and the acknowledgement of the work of our CE supervisors is a very large part of that.

Deputy Martin Heydon: I accept what the Minister says, that the Labour Court recommendation of 2008 is still there in the mix and does need to be addressed. Also this year I understand there is a Workplace Relations Commission, WRC, decision on the CE supervisor who has taken a case. Whether that decision will be appealed by the State I have no doubt that the fact the CE supervisor was successful would encourage others to go down that route. I know this does not affect only the Minister's Department but also covers the Department of Public Expenditure and Reform and I will make the same point to the Minister, Deputy Donohoe. It is imperative that we deal with this and do not force CE supervisors down the WRC route where there could be hundreds if not more such actions taken and appeals clogging up the system. I know the Minister accepts that it needs action.

I will cite the example of a participant on a CE scheme who had not worked for several years. She got a job on a CE scheme as a secretarial assistant. At a public meeting we held she told the story that when her seven year old child was asked what she wanted to be when she grew up she said "I want to be a secretary like Mammy". Only then did her mother realise the impact that the years of her not having worked had on her child. That is the role it plays for participants and in our communities. The CE supervisors are integral to that and we have to support them in any way we can.

Deputy Maurice Quinlivan: We all agree that CE supervisors do a great job and unfortunately have been left without a pension. Is the Minister aware of the decision made by the WRC in October which found that in the case of CE supervisors her Department is the employer, that it determines and pays their salary, determines all their working conditions, monitors everything they do on the IT system that the Department controls and supplies to them for their use yet she is saying the Department is not the employer. This is a decision of the WRC and I urge her to implement that decision. A pension scheme was to have been put in place for CE supervisors in 2008. They respected the economic catastrophe and allowed the Government time to honour a Labour Court recommendation made on their behalf and the belief that it would be honoured. I urge the Minister to prioritise this.

Deputy Regina Doherty: With respect to both Deputies I am aware of the WRC ruling in October. I am also aware that we were not there to defend ourselves against that ruling which is why an appeal will be taken. In case neither Deputy is aware, there have been two other cases taken by CE supervisors to the Labour Court and both have fallen because it found that we are not the CE supervisors' employer.

I want to leave that aside because different judges will say yes on one day and no on another. These people do our bidding, and do it enormously well. They are responsible for some 12,000 people who are so far removed from the labour force that they are there to monitor, mentor and coach these people back into full employment in either the real or the supported economies. That is not underestimated by me or by the Department. The value of the contribution that each of those supervisors give the State cannot be overestimated. I do not underestimate or undervalue it. That is why I engaged in face to face round table talks for the first time with union

representatives of CE supervisors and the CE supervisors. That Labour Court recommendation is not a ruling. Since that recommendation in 2008 not one Minister has dealt with it until I guaranteed that I would take this on and find a solution. That is what I will do. That is the only commitment I can make to the Deputies as I have made to them, that I will not let them down.

Acting Chairman (Deputy Eugene Murphy): Questions came from Deputies Heydon, Smyth, O'Loughlin, Penrose, Browne and Brady, represented by Deputies Quinlivan and O'Dea. I thank the contributors and the Minister.

Social Welfare Fraud

42. **Deputy John Curran** asked the Minister for Employment Affairs and Social Protection the investigations and reviews undertaken by the scope section of her Department either solely or in cooperation with the Revenue Commissioners to address the issue of bogus self-employment to date in 2019; and if she will make a statement on the matter. [50283/19]

Deputy John Curran: Can the Minister set out the reviews and investigations undertaken by the scope section in the Department of Employment Affairs and Social Protection either alone or with the Revenue Commissioners on bogus self-employment, and their outcomes? How many cases were determined to be bogus self-employment?

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): I hope I am on the record stating my determination to tackle false self-employment. We have reallocated some significant resources, particularly this year in the Department to do so.

Since I became Minister, the Department's social welfare inspectors have been instructed to redouble their efforts with a nationwide campaign of employer inspections. That happens through our scope section which is long established and spread all around the country where we have our inspectors. As the Deputy is aware they do other inspections apart from bogus self-employment and because of that I decided earlier this year to establish a dedicated new unit of inspectors with a specific focus on tackling false self-employment. I have increased the number of deciding officers in that scope section. Although they are new and separate, they still operate under the umbrella of the scope section. I have increased the number of deciding officers in anticipation of an increase in referrals to the scope section as a result of the increased and targeted inspections. I have also instructed my officials to develop legislation in the form of a new criminal offence to prohibit and penalise the willful misclassification of a person as being self-employed when he or she is an employee; new anti-victimisation measures, with recourse to the WRC for fearful workers who wish to seek a determination on their employment status from the scope section but have told me privately that they are afraid to do so, which cannot be countenanced; and a new guidance document on employment status that is to be put on a statutory footing so that everybody will be clear about their obligations and rights with regard to employment.

The employment status investigation unit, ESIU, comprises the new team of social welfare inspectors. I have specifically tasked the unit with detecting, targeting and reducing false self-employment. The ESIU has a current caseload that potentially affects over 500 workers across a range of sectors, including the tourism, fitness, dental, and retail sectors. Two employer cases have been decided since the introduction of the changes I have just outlined. It is not just two because we are now entering organisations and assessing an entire body of employees. One

person was confirmed as being properly self-employed but the case covered a potential 156 workers. We have determined that all of these 156 workers are classified correctly and no further action is needed. The other case covered 19 workers found initially to have been inaccurately categorised as being self-employed. An appeal has been lodged in that case. If we win the appeal, we will assess arrears and seek compliance in that case.

Additional information not given on the floor of the House

The ESIU has initiated a programme of solo inspections in the construction industry and English language training sectors. It is also planning to carry out joint inspection projects with the joint investigation unit, that is, the special investigation unit, Revenue and the WRC, focused on the construction industry early in the new year.

The ESIU is also working with our business analytics unit using predictive analytics to assist with the targeting of companies where false self-employment is likely to occur. This work is in its initial phase and it is intended to develop it over time.

More generally, the scope section receives requests for decisions on employment status from a variety of sources. These include requests from employers, employees, social welfare Inspectors, social welfare scheme areas and Revenue. Two such requests have been received so far this year from Revenue.

Regarding inspections and reviews, there are approximately 350 social welfare inspectors appointed nationwide who carry out work across PRSI and social welfare schemes, including the special investigation unit and the ESIU. I trust this clarifies the matter for the Deputy.

Deputy John Curran: I was trying to make notes as the Minister was giving her reply. I will get the information from the full transcript of her reply. I acknowledge that she stated last summer that she was establishing the new unit. She might indicate how many people are actually working in the new unit. Is she saying that only two of the 500 investigations uncovered possible bogus self-employment and that one of these was not a case of bogus self-employment? Is that what she is trying to tell us in terms of the numbers? Is this new unit working independently in the Department or is it working as the scope section traditionally worked, for example, on joint investigations with Revenue?

Deputy Regina Doherty: We have a target of 12 but have not yet reached that full quota because it is a specialised unit. We have invited people from around the country who were inspectors to join it before, possibly, we hand pick people. We are approximately three quarters of the way there. The training for the people who have already joined the unit has been finalised so the actual targeted examination of classifications started in earnest a number of months ago. That is alongside the re-evaluation of the legislation I have spoken about.

There are a number of outstanding and pending cases so it would not be fair to say that in the context of the 500 cases at which we have looked, the overwhelming response would be that people were not misclassified. This is much more nuanced and, probably, widespread at a much lower level than we anticipated. There is a general view among people that certain industries are very non-compliant in this area. The one we probably all go to has been the subject of a review and a very targeted joint inspection by the Department and Revenue and has been found to be, in the main, compliant. We are now concentrating on other areas that might not have popped into people's heads in the first instance such as the fitness, IT, graphics and pharmaceutical industries, the healthcare sector, broadcasting and media. There a number of significant

pending investigations.

Deputy John Curran: I thank the Minister for her reply. This has been an issue for some time. Officials from the Department appeared before the Joint Committee on Employment Affairs and Social Protection in connection with it. I acknowledge that there has been a welcome move on the issue because there had been a reluctance to deal with it and a feeling that it was being exaggerated and overstated. The Department was not dealing with it as proactively as it is now. This is a positive move. We need to see the roll-out take place. It needs to be accelerated because as the Department pursues other things like auto-enrolment in pension schemes, people who are bogusly self-employed will lose out more in the future than they do now. I wish the Minister well. This is really important.

The Minister made reference to proposed legislation to protect people who may come forward but who are currently afraid to do so. This is extremely important because the anecdotal evidence we receive is that people are not prepared to put their heads above the parapet because they are afraid of victimisation in terms of the precarious nature of their jobs and fear their jobs may disappear.

Deputy Regina Doherty: I thank the Deputy for the compliment. I agree with him so I thank him. I know that this is a new unit that has only been established for a couple of months but it might be helpful if at the end of every year, we issue a report on the investigations. We might not name the employers but we could set out whether investigations have been positive or negative so that we can get a feel regarding where we are hitting targets.

Anti-victimisation legislation is really important. A very young man told me that he had been working in a particular industry and was not self-employed but was forced to become self-employed along with hundreds of other people in his organisation. The problem is that it is not unique to this young man's company. It is unique to his industry. Had he rocked the boat and been let go, which is apparently what happened to previous employees in that place of work, he would have been blacklisted and would have been unable to go to similar companies. In his mind, his skill set only equipped him to work in that industry. This is not on and we must stamp it out. Apart from the obvious loss of revenue to the State, and we quibble in here year in and year out about what we could do with more money if we had it, employment rights are being trampled and we cannot stand over that. I will not stand over it.

Rural Social Scheme Eligibility

43. **Deputy Éamon Ó Cuív** asked the Minister for Employment Affairs and Social Protection the reason her Department put a cap of six years on participation on the rural social scheme and if she will make a statement on the matter. [50170/19]

Deputy Éamon Ó Cuív: No doubt the Minister recognises the exceptional contribution to society made by the workers in the rural social scheme. It is important to remember that this is not an activation scheme. It is a supplemental income scheme for small low-income farmers and fishermen in return for work done. Could she outline the reasons the Department has put a cap of six years in the length of participation in this scheme? Previously, as long as someone was eligible under the income threshold, he or she could stay on the scheme indefinitely because he or she would need the supplemental income indefinitely and society needed the work indefinitely.

Deputy Regina Doherty: The rural social scheme, RSS, is an income support initiative to provide part-time employment opportunities in the community and voluntary organisations for farmers or fishermen in receipt of certain social welfare payments who are underemployed in their primary occupation. Communities benefit enormously from the skills and talents of local farmers and fishermen and the participants have the opportunity to improve existing skills, or develop new skills, while performing this valuable work in their communities.

Unfortunately, as the Deputy knows, the scheme has its limitations. Apart from the fact that it has played an important role in sustaining rural communities, participants have the opportunity to improve themselves and make themselves ready for other employment opportunities. In tandem, communities benefit from their skills and talents. Many projects up and down the country have been carried out by RSS participants, including a beautiful church in Roscommon that has been rebuilt and is looking fabulous.

I secured extra resources to add extra places to the RSS in 2017 and 2018. The problem is that if we leave people on it indefinitely, it locks other people out and does not allow them to participate in the scheme. Participants who commenced on the scheme prior to 1 February 2017 can remain on it. As a result, anybody who would have engaged with the scheme when the Deputy introduced it will be allowed to remain on it indefinitely. In order not to lock people out, however - because the Deputy is aware that it is probably one of the highest-rated schemes in terms of participation and because we have a cap on places - we introduced a six-year participation limit that lets people come in, stay on the scheme, reskill and redevelop and make themselves available for other employment opportunities in the community.

Deputy Éamon Ó Cuív: Can the Minister outline the number of places available on the scheme at present, the number of participants on the scheme and the number of people on waiting lists to go on the scheme? A finite number of people are receiving farm assist or fish assist, so it appears that this is a false reason. To make the places available on demand would require a very small increase.

Deputy Regina Doherty: I might not be able to answer all the Deputy's questions but as of 29 November there were 3,231 participants and 138 supervisors in the RSS. The funding allocated to the scheme for this year is €53.11 million. The Deputy is correct that it was established as an income support scheme, but the way the scheme has developed with the involvement of training and the fact that people can reskill and enhance the talents they bring with them to the scheme affords them the opportunity to look for new work opportunities in their communities. If we were to continue in the way it was originally established, an RSS participant could spend his working life on the scheme. That would result in very limited turnover of places and no opportunity for new entrants. I do not believe that is what was envisaged, and it certainly is not envisaged for the future. It might not be a pure activation scheme like some of our other schemes. The aim of the people on the scheme is not to get a job at the end of it, but it is a scheme to help them to skill up and retrain while they are offering their valuable services in the community so they can have a broader approach to looking for work thereafter.

Acting Chairman (Deputy Eugene Murphy): We will take one final question from Deputy Ó Cuív.

Deputy Éamon Ó Cuív: The Minister mentioned skilling up. These are active farmers and highly skilled people. One thing that amazed me when I went to live and work permanently in rural Ireland was the skill level of local farmers in many facets of work. For some of them, for

all sorts of family reasons, the combination of farming and the scheme keeps them fully occupied. The scheme provides vital services at a small cost to the State. The State would have to pay far more to provide them otherwise. They are not available to take full-time positions. It is patronising to speak continually as if these people were under-skilled in some way. If people wish to progress into full-time jobs, they will do so. If they can get them and are free to take them, they will take them. The Minister said there are 3,231 participants. What is the total number of places available on the scheme at present? Second, at the micro level there are some areas of the country that have places available on the scheme but due to the six-year rule, when it takes effect, they will be unable to fill the places.

Deputy Regina Doherty: When I made the increase in the 2018 budget, it capped the number of places at 3,350. As I said, the current number of participants is 3,231. This is one of our most successful schemes. Far from being patronising, with respect, I am trying to tell the Deputy that some of these people are the highest skilled workers in our community. However, they are only farming or fishing part-time, so it is open to them to have another part-time job outside the State providing an income support for them. In no way was it ever intended to have people dependent on welfare for the rest of their lives. I doubt that this was ever envisaged and it is certainly not envisaged in the scheme now. That is why the cap of six years was imposed. It is to allow people to dip in and dip out at different times of their lives when they cannot avail of other job opportunities in the State. Far from being patronising, this is a very valuable scheme. I realise the Deputy established it and give him credit for doing so. It is one of our better schemes. However, the Department absolutely does not create welfare dependency. That defeats every purpose it has.

Acting Chairman (Deputy Eugene Murphy): We will move on.

Deputy Éamon Ó Cuív: I have a second supplementary question.

Acting Chairman (Deputy Eugene Murphy): No, tá an t-am imithe. Leanfaidh muid ar aghaidh le ceist Uimh. 44.

Deputy Éamon Ó Cuív: I did not get a second supplementary question.

Acting Chairman (Deputy Eugene Murphy): You did. I have noted it.

Deputy Éamon Ó Cuív: I do not think so.

Acting Chairman (Deputy Eugene Murphy): You did. I am not that slow.

Deputy Éamon Ó Cuív: The Acting Chairman should check the record. I did not get a second supplementary question.

Social Welfare Benefits Waiting Times

44. **Deputy Aindrias Moynihan** asked the Minister for Employment Affairs and Social Protection her plans to ensure timely access to decisions, payments and reviews for all schemes and services as promised in budget 2020; and if she will make a statement on the matter. [50378/19]

Deputy Aindrias Moynihan: When a person needs to access the social welfare system it is usually when there is an emergency such as a big drop in income, illness, job loss and so forth.

People need prompt access to get an income up and running again. With many schemes it takes three or four months to process applications. I note that under the budget the Minister intends to make improvements on that. Can she outline how she is going to improve it and what she would consider to be an improvement? What are the targets she is aiming to achieve to ensure a prompt turnaround?

Deputy Regina Doherty: I am happy to reaffirm that in budget 2020 my Department has been allocated €21.2 billion, an increase of 3.4% on 2019. This allocation ensures that the Department can continue to protect our customers and make improvements to the schemes and services in the coming year. Among the priorities that I set out in the budget is a continued commitment to provide timely access to decisions, payments and reviews for all schemes and services.

My Department has an ongoing commitment to providing a quality service to all its customers, ensuring that applications are processed and that decisions on entitlement are made as quickly as possible. A recent review of processing performance by the Comptroller and Auditor General found that the Department “exceeded or was close to reaching the target volume of claims to be processed within specified processing standards for most schemes”. There were a number of exceptions to this. Although good progress was reported in the time to award applications for schemes with the longest waiting times, it was noted that some schemes, particularly illness and caring related schemes, were not yet meeting their performance targets.

I am pleased to report that since the Comptroller and Auditor General reviewed performance earlier this year, good progress has been made, particularly with the illness related schemes. For example, the time to award a carer’s allowance claim is now shorter than at any time over the past ten years. There is still more progress to be made and the Department will continue to examine its procedures and resources to identify opportunities to reduce processing times still further.

I ask all Deputies to help the Department by conveying the message that when people make applications to the Department they should provide complete application forms and all the supporting documentation required, which is set out in the checklist at the back of the application forms. For example, applicants for illness related schemes should provide information on all their medical conditions and on their means. In some cases, people hold back some medical information on the basis that they think they might need it for the appeal. While I recognise that this means people have a mindset that we will say “No” and they will have to appeal, we only say “No” when we do not have the full volume of information that is required. Deputies should encourage people to make a full application at the beginning.

Deputy Aindrias Moynihan: I thank the Minister for outlining that. However, can she say what she considers to be a satisfactory waiting time? What are the targets she is seeking to achieve? It is currently three to four months for an illness or jobseeker’s payment to come through in many cases. Even if people go to the community welfare officer for a temporary payment, it will be means tested and is unlikely to be as much as the payment to which they would be entitled. In many cases the payment is a benefit. People have already paid their stamp and it should be a clear-cut process to deal with many of the applications quickly. What does she consider to be a realistic target for the waiting time? Ideally, it should be short. How will she bring about those changes and what will she change? How soon will the changes be implemented? Will people who are applying now and over the coming weeks benefit from them?

Deputy Regina Doherty: I will give a couple of examples. It worries me that the Deputy has included jobseeker's benefit in the list of long waits because the waiting time should be less than a week. At most, it should be two weeks for jobseeker's allowance if a means test needs to be done. There is no delay in processing jobseeker's benefit claims. If Deputy Moynihan is aware of any delays, I ask him to send the details.

The payments which cause most frustration are illness related and caring schemes. For argument's sake, at the end of October, the Department had met its target of processing 70% of new carer's allowance applications within 12 weeks. We currently have a ten-week processing time. However, carer's allowance is a means-tested payment and once the means test has been done, the medical part must be done. As I stated, if all the medical information is provided at application stage, it should be relatively easy to process the application within ten weeks. We have a 12-week target. I am probably giddy and demanding insofar as I think the 12-week target should be reduced to eight weeks because we are now processing applications in ten weeks. We moved staff into the carer's section relatively recently arising from efficiencies in other areas. This needs to happen continuously using our front office-back office approach. We may need to move staff.

The other information the Deputy seeks is in the report and I will give him a copy.

At the end of the day, more staff means faster results. However, as the staffing allocation for the Department is decreasing, we cannot go out and get more staff. We have to improve practices in the Department and make them more efficient by using technology. In that way, we will use our most valuable resource, our staff, to the best possible end.

Deputy Aindrias Moynihan: Processing illness benefit claims should be fairly clear-cut and straightforward given that people have already paid stamps. There should not be a significant delay in that regard. It should be possible to process all benefits much faster. How soon will applicants see the benefits of the changes the Minister makes? Will a change be made in the next year which will result in faster processing times the following year or the year after that or will applicants who apply for a payment today or next week be able to see the benefits of change before Christmas?

Deputy Regina Doherty: I hope people are already seeing the benefit. For argument's sake, we have a target processing time for carer's allowance of 12 weeks and our current turnaround time is ten weeks. For disability allowance, we have a processing time of 12 weeks and our current turnaround time is ten weeks. We have a processing time of 12 weeks for domiciliary care allowance and our current turnaround time is ten weeks.

Illness benefit applications should be processed in one week. The only reason an application should be delayed is if the Department does not receive a medical certificate from the applicant. The Deputy is correct that an applicant may or may not have paid contributions to avail of the benefit and that is simple to determine. If the medical certificate is not submitted, it may cause a delay but no more than a week. There should be no delay with regard to illness benefit.

All applications for jobseeker's benefit and jobseeker's allowance should be turned around in a matter of days or a few weeks. Delays in processing jobseeker's allowance applications may be caused by means tests or the Department not receiving information. Delays in processing applications for long-term payments such as carer's allowance, carer's benefit, domiciliary care allowance and disability allowance are caused by the failure to provide to the medical as-

sessors medical certificates and information that is required in support of applications.

Question No. 45 answered with Question No. 41.

Disability Allowance Applications Waiting Times

46. **Deputy Joan Collins** asked the Minister for Employment Affairs and Social Protection the steps being taken to reduce the waiting times to process disability allowance applications in view of the fact that it appears the waiting times have gone up recently; and if she will make a statement on the matter. [50356/19]

Deputy Joan Collins: This question follows on from the previous question. Staff in my constituency office have asked me to raise this issue with the Minister because they have noticed recently, particularly with respect to carer's allowance and disability allowance, that waiting times for processing applications have increased. From the date that all the requested information is provided, it can take anything from three to four months to process an application. The Minister stated that the average waiting time for processing an application for carer's allowance is three months. My staff who had noticed a decrease in the waiting times have recently noticed that they have increased again. Is there a reason for that? People need four or five weeks to submit information, after which they must wait between 12 and 14 weeks for the application to go through.

Deputy Regina Doherty: Individual cases will obviously vary based on the information that individuals provide. All I can do, when I report the numbers, is report the average time.

It bothers me to learn from Deputy Collins that average waiting times appear to be increasing because the statistics indicate that the additional resources we have put into the carer's section are yielding results. Not long ago, I was in this Chamber apologising because at one point carer's allowance applicants were waiting 17 weeks on average. That meant the best outcome for an applicant was to wait for 17 weeks. God love those who could have been waiting much longer. The average waiting time for processing disability allowance applications is ten weeks. For carer's allowance, the average is ten weeks. For domiciliary care allowance, it is between ten and 12 weeks. The reason for the decrease is that, arising from efficiencies in other sections, we added extra staff with expertise to the division.

That is the plan. Without being smart, we knew that the carer's application form was a bit cumbersome. We spent a year working with Family Carers Ireland to do exactly what we did with the domiciliary care allowance application a number of years ago working with DCA Warriors. People tend to engage better and provide more information when the application process is made more streamlined. While this process and the additional staff we have provided significantly improved turnaround times, we still experience cases of applicants holding back information they think they will need for an appeal. The result is that the ten or 12 week process starts all over again because the application must go to the bottom of the new deciding officer's list. That is frustrating for me. Instead of having applications that have been rejected because they are not complete going to appeal and the process starting all over again, I have considered having a review process somewhere in the middle. However, that would create another pile. Without wishing to sound snarky, everybody should give us all of the information they can in the first instance. We do not have a policy of refusing applications in the first instance and dealing only with applicants who come back a second time. We are here to support people in their

times of need and to ensure they have an income when they are doing things that stop them from otherwise having an income. In those cases, the answer is “Yes” but we can only say “Yes” to an applicant when he or she gives us all the information that is needed.

Deputy Joan Collins: I take on board what the Minister says. Previously, when the waiting time was 17 weeks and possibly more, changes were made and the Minister provided additional resources. However, my staff are saying there seems to be a drop-off and are asking the reason for that. We are having no problem with illness benefit applications. They seem to be going through and the same applies to jobseeker’s benefit applications. The difficulty was specifically with disability allowance and carer’s allowance. We can send the details to the Minister.

Deputy Regina Doherty: I would appreciate that.

Social Inclusion and Community Activation Programme

47. **Deputy John Brady** asked the Minister for Employment Affairs and Social Protection the date for the publication of the new social inclusion strategy; if she has received the document; and if she will make a statement on the matter. [50252/19]

Acting Chairman (Deputy Eugene Murphy): Perhaps Deputy Quinlivan will forgo introducing Deputy Brady’s question.

Deputy Maurice Quinlivan: I will be brief. Deputy O’Dea made a comment about Sinn Féin MPs taking their salaries. As the Deputy would know, if he knew anything about the North, that is simply not the case. Maybe if his party had not abstained from the North for 100 years, he would be well aware of that.

Acting Chairman (Deputy Eugene Murphy): I ask Deputy Quinlivan to address the question or I will dispense with it altogether.

Deputy Maurice Quinlivan: I did not get a chance to raise this matter because the Deputy left the Chamber. The question relates to another overdue report which is nowhere to be seen despite the crisis we face in tackling poverty. Will the Minister give a specific date for publishing the new social inclusion strategy? I am happy for the Minister to send on that report.

Deputy Regina Doherty: I thank the Deputy for allowing me to put this on the record of the House. Our roadmap for social inclusion is far more than just another report. The use of that term says a lot about the Deputy’s opinion. I intend to bring the social inclusion strategy to Cabinet for review at the earliest opportunity. I received a draft of our new social inclusion strategy only last week. It will have a whole-of-Government approach which recognises the shared responsibility across Government to achieve improved outcomes for the most vulnerable and marginalised in our society who I am happy to represent and do my best to look after. The roadmap will state a clear ambition to achieve the long-held, but as yet unrealised, target of reducing consistent poverty to 2% or less. It also aspires to make Ireland one of the most socially inclusive states in the EU. It sets a number of specific targets to be achieved across various sectors of government and identifies commitments to be delivered by each Department with timelines for delivery.

12 o’clock

The roadmap will reflect the most recent poverty data from the 2018 survey on income and living conditions, SILC, published by the CSO last week.

That data shows that the consistent poverty rate decreased to 5.6% in 2018, down from 6.7% in 2017. The percentage of the population experiencing deprivation also decreased significantly, falling to 15.1% from 18.8% in 2017. The percentage at risk of poverty rate decreased to 14% from 15.7% in 2017.

It is nice to know that the decisions we make in this House that impact some of the-----

Acting Chairman (Deputy Eugene Murphy): In fairness to every Deputy and the Minister, could we have a little bit of silence please?

Deputy Regina Doherty: I was going to finish by saying that it is nice to know that the decisions we make collectively in this House to spend taxpayers' money on helping some of the most vulnerable people in our society are working.

Acting Chairman (Deputy Eugene Murphy): I will allow a brief supplementary question.

Deputy John Brady: The word "another" is, as the Minister knows, about the delay rather than the report. I am disappointed that she used the word as an attack. She told us the report would be published shortly. A report on the reduced number of jobseeker's payments has not been released. Perhaps she has a different definition of what "shortly" means. She might enlighten us about that.

In September she told us that the report had been finalised, yet we still have not seen it. We have a major crisis with poverty in this State, whether it is child or in work poverty, and it is not being tackled. More than 100,000 people at work in the State live in poverty. Work should be a route out of poverty for people in Ireland but it is not. Millions of euro are being spent on the working family payment to supplement poor wages rather than paying workers properly in the first place. A living wage would address some of that.

Some 1,185 people in the Minister's Department do not earn a living wage. We have failed to meet our targets when it comes to reducing child poverty. The Government's target of lifting 95,000 children out of poverty by 2020 will not be met and it seems as if there will not be a plan in place.

Deputy Regina Doherty: The Deputy obviously did not pay any attention to the CSO SILC reports released last week, perhaps because he does not like the direction that things are taking. He would be much happier if we had people who were genuinely living in persistent poverty, similar to what is happening in Northern Ireland. The SILC numbers show a reduction to 5.6% last week.

I restate my thanks to the Members of this House, in particular Fianna Fáil Members who have supported the Government's budgets for the past number of years. The direct, targeted impacts we have collectively introduced to help lone parents and children have resulted in the SILC figure of 5.6%. With respect, what we are doing is working. We have the lowest rate of unemployment across the EU at 4.8%.

Teachtairacht ón Seanad - Message from Seanad

Acting Chairman (Deputy Eugene Murphy): Seanad Éireann has passed the Finance (Tax Appeals and Prospectus Regulation) Bill 2019 without amendment.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Micheál Martin: The Leas-Cheann Comhairle announced this morning the resignation of former Deputy Dara Murphy from Dáil Éireann, effective from 10.45 p.m. last evening, almost immediately after the vote of confidence in the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy. The reality is that Dara Murphy should have resigned at the end of 2017 because since he took up office with the Fine Gael grouping in Europe, the European People's Party, EPP, his parliamentary input has been reduced to near zero, to quote Harry McGee of *The Irish Times*. Since then, he effectively became an absentee Teachta Dála while still drawing a full salary.

Our role as Teachtaí Dála is essentially twofold; it is representational and legislative. We represent individuals, residents, communities, cities and counties on a range of issues and seek to resolve grievances and concerns through Parliament. We also make laws and engage in public debate which helps to influence and shape such laws.

Since the end of 2017, Dara Murphy did not discharge either of these functions. He has not spoken in the Dáil since 7 December 2017. I understand he only attended the Committee on Public Petitions once during 2018 and 2019. He asked a total of five parliamentary questions in 2019 and only two in 2018. I invite people to compare that record to that of his three colleagues in Cork North-Central. That behaviour reflects total disengagement from the Dáil.

The people of the northside of Cork elected him to represent them. For the past two years he did not do that. The people of the northside of Cork were neglected by him, and that was endorsed by the Taoiseach and the Fine Gael Party. The Taoiseach defended this behaviour, saying late last week that, "His main job has been a European job in the past two years, and he's done that extremely well". His job was with the Fine Gael Party in Europe. It had nothing to do with the Dáil or the European Parliament. Does the Taoiseach understand that basic point? Does he accept that former Deputy Dara Murphy's behaviour has fundamentally breached the code of conduct for Members in that he betrayed the trust placed in him by the people of the northside of Cork and has failed to obtain public confidence and trust in his role as a Teachta Dála and Dáil Éireann as an institution?

People are angry about this. People everywhere are talking about it. The Taoiseach sanctioned and okayed this and put party interest before the public interest. Working with Fine Gael and the EPP had nothing to do with Dáil Éireann and Dara Murphy's responsibility as a Deputy. Does the Taoiseach accept that he and the Fine Gael Party were wrong to sanction this arrangement and that he should apologise to the people of the northside of Cork, in particular, for the neglect of the past two years? Does he accept the basic point that former Deputy Dara Murphy's behaviour over the past two years was not morally sustainable? Can he outline the nature of his discussion with Dara Murphy in May 2018 when he announced that he would not contest the next general election?

The Taoiseach: I thank Deputy Martin. As he will be aware, Dara Murphy has resigned

from the Dáil and is no longer a Member of the House or the Fine Gael parliamentary party. He is taking up a new role in the European Commission, a job he applied for and got. It is not a Government appointment.

In relation to his remuneration and expenses, I spoke to him last night and last weekend. Last night he confirmed that he is willing to submit to any formal investigation regarding his conduct, whether it is his remuneration, expenses or whatever, and that can be done by the ethics committee or the Standards in Public Office Commission. If it cannot be done by those bodies for some reason, he is willing to put all of the information in front of the Clerk of the Dáil who can examine whether or not he complied with the rules and regulations of this House.

His role with the EPP was as a campaign director for a period of time and ended six months ago. While he did that role he was still responsible for looking after his constituency, through his constituency office in Cork, and being here as a TD and Member of the Dáil. The record shows that he was here for 120 days last year, including for 40-something sitting days, and voted on occasions. He is not the only Member of the House to have another job and other employment. It is not permitted for Government Ministers to have other jobs or employment, but it is permitted for TDs to have other jobs or employment and some members of the Fianna Fáil Front Bench have other jobs and other employment.

On my discussions with Dara Murphy in May 2018, at that time he informed me he would not run for the Dáil again. That did not come as any surprise. I thanked him for his service in the years gone by and said we would endeavour to find a new candidate to replace him to contest the election whenever it came, and we have.

Deputy Micheál Martin: I asked the Taoiseach whether he accepted that Dara Murphy's behaviour was not morally sustainable. This is not about a person having two jobs. People are angry that he took a full salary. The Taoiseach avoided the substance of my position, which is that he effectively walked away from the Dáil at the end of 2017. He did not represent the people of Cork from the end of 2017 onwards. The record speaks for itself. I am not talking about mere physical attendance. I am talking about parliamentary representation and representing people on the ground, which was non-existent, and in Dáil Éireann, which was non-existent. It goes to the very core of the work of a Teachta Dála to represent the people who elected him. The Taoiseach issued a fulsome statement in May 2018, when Dara Murphy announced he was not contesting the next general election. He confirmed that Dara Murphy would be continuing as director of elections for the European People's Party, EPP, which is Fine Gael's grouping in the European Parliament. The Taoiseach went on to state that "So while Dara might be leaving the Dáil, he is certainly not leaving political life or Fine Gael", and then added that, "I look forward to working with him closely during the next phase of his career." Dara Murphy essentially left the Dáil, however. He left the people of Cork behind him and said goodbye, and that was okay with the Taoiseach. What was more important was that Dara Murphy was not leaving Fine Gael and he was working with the party in Europe full-time. That seemed to be fine.

The reason I asked the question was that situation dovetailed with Dara Murphy's announcement that he was not seeking re-election. As far as the Taoiseach was concerned, the people of Cork did not matter and whether Dara Murphy continued working as a Deputy did not matter. All that mattered was that he was going to be with Fine Gael in Europe. Will the Taoiseach accept he was guilty of a serious error of judgment in allowing such a practice and behaviour, which has angered people and eroded public confidence in our democratic institutions? Dara Murphy should have resigned at the end of 2017. His behaviour was not morally sustainable.

The Taoiseach: I am not going to prejudice the outcome of any formal or official investigation and I do not think Deputy Martin should either. He made a serious error of political judgment himself this time two years ago when he viciously condemned Frances Fitzgerald and forced her to resign as Tánaiste. A subsequent investigation found out-----

Deputy Josepha Madigan: Hear, hear.

Deputy Eugene Murphy: That is different.

The Taoiseach: -----that Deputy Martin's political judgment was flawed and that he had mistreated that woman-----

Deputy Micheál Martin: I asked the Taoiseach about his judgment.

The Taoiseach: -----and forced her out. I am not going to make that kind of political mistake-----

Deputy Lisa Chambers: This is deflection of the highest order.

The Taoiseach: -----as Deputy Martin did in jumping to conclusions and judgment. I understand an investigation is still under way in respect of Deputies Dooley and Niall Collins, and there may even be others. I am not, therefore, going to prejudge the outcome of any investigation.

Deputy Mattie McGrath: Some Deputies on the Taoiseach's benches will be investigated as well.

The Taoiseach: That would be a failure of political judgment like Deputy Martin's two years ago when he did what he did to Frances Fitzgerald. Dara Murphy has stated that he is willing to submit to an investigation.

Deputy Micheál Martin: I am not interested in what he is saying.

Deputy Eugene Murphy: That is a different story.

The Taoiseach: I know the Deputy is not interested in the investigation.

Deputy Micheál Martin: I am making my own judgment, and the public has made their judgment.

An Leas-Cheann Comhairle: The Taoiseach, without interruption.

The Taoiseach: There should be a proper investigation and it should not be prejudged. Dara Murphy is willing to provide information and documents to the ethics committee or to the Standards in Public Office Commission, SIPO. If that cannot happen for some reason, as he is now a former Member, he is willing to submit the information to the Clerk of the Dáil and that is what should be done.

Deputy Micheál Martin: The Taoiseach has not answered my question.

The Taoiseach: As I stated yesterday, the rules around the way this House works when it comes to expenses, remuneration and fobbing in are far too lax.

Deputy Micheál Martin: It is not about that, Taoiseach. This is much more fundamental.

The Taoiseach: I think it is about the issues I mentioned.

Deputy Micheál Martin: It is not. It is about upholding the trust of the people who elect us.

The Taoiseach: As I mentioned, Members on Deputy Martin's Front Bench have other employment and may well-----

Deputy Lisa Chambers: That is not the same.

Deputy Eugene Murphy: It is different.

An Leas-Cheann Comhairle: The Taoiseach, without interruption.

The Taoiseach: -----be fobbing into this House on their way to that other employment.

Deputy Micheál Martin: The Taoiseach is dodging the question and ducking and diving

The Taoiseach: We need to change that fundamentally. We should not have a system where we have rules made by politicians for politicians.

Deputy Fiona O'Loughlin: The Taoiseach is the biggest politician. He is the Taoiseach.

Deputy Eugene Murphy: He is talking about this before an election.

The Taoiseach: In the House of Commons, at Westminster, this whole area has been handed over to an independent body and that is what should be done.

An Leas-Cheann Comhairle: I call Deputy Ó Laoghaire.

Deputy Donnchadh Ó Laoghaire: "She was six months pregnant when she explained the situation to her landlady. The landlady told her that she would have to leave before the baby arrived ... Her excuse was that the neighbours in the apartments 'wouldn't like the crying'. [She] waited until late in her pregnancy to tell the landlady because she was afraid of what the reaction might be." These words reported in *The Echo* today are those of Mr. Conor Lynch of Threshold and tell of the experience of one renter in Cork. Can the Taoiseach even begin to imagine the stress that heartlessness would have had on that woman, the worry and the anxiety, and she is far from alone? Threshold states this is not an isolated case and recounts another incident of a pregnant woman living in private rented accommodation where a new baby was not wanted by the landlord. That woman ended up moving into homeless accommodation with her new-born.

Does this not illustrate the depths of the crisis facing renters under the housing policy of the Taoiseach's Government? The 10,500 people who are now homeless deserve better than what they got on the floor of the Dáil last night. That was an opportunity to start from scratch, take stock, and do the right and the wise thing of accepting the system is broken and changing course. The Taoiseach and the Government could have listened to the solutions, such as a radical plan of home building, both council and affordable, a reduction in rents through a rent freeze and tax relief, and the implementation of Deputy Pearse Doherty's No Consent, No Sale Bill to protect family homes from circling vulture funds and evictions. The Government did not do that, however. It wasted that opportunity and backed its man to the hilt, as did the Fianna Fáil Party and Deputy Micheál Martin, who have now clearly shown whose side they are on. They have not shown up to take the side of homeless children and struggling workers and families,

but the side of landlords and property speculators. To add insult to injury, the Government bartered, cajoled and arm-twisted three Independent Deputies by promising requests and favours to be met in return for supporting the Government's man. The Government even bussed in the absentee Deputy for Cork North-Central - for one night only, however, as we hear this morning that he has resigned his seat merely hours after casting his vote of confidence. It was a farewell tour before he starts his solo career, though he has certainly been serving himself quite well for some time now - disgraceful behaviour that has let down the people of the northside of Cork city.

Where has all this got the Taoiseach, this desperate attempt to defend and protect his Minister? Some 10,514 people are homeless, including 4,000 children, there are record numbers all the time, including in Cork, children will wait for Santa in bed and breakfast and emergency accommodation, average rents in some places have now reached in excess of €2,000, people are years waiting on council housing waiting lists - last week, I met people 13 years and 17 years on the housing waiting lists - and a whole generation has no prospect of owning their own homes. In light of the figures released last night and the swathe of evidence in front of us, will the Taoiseach accept that his housing policies are not working and will he finally change direction?

The Taoiseach: I thank the Deputy for the question. I am very sorry to hear about that case he illustrated in his contribution. I do not want to comment on the detail without knowing all of the facts and information. It would be inappropriate to do so. What I do know is that pregnancy or having a child is not grounds for eviction - that would be illegal - and is certainly not grounds for issuing a notice to quit. That is why we have bodies such as Threshold and others that can assist people if they find themselves dealing with a landlord of that nature. We also have the Residential Tenancies Board, RTB, a public body set up by the Government, to help enforce the rights of tenants. As a Government we have enhanced tenants' rights and we have given more resources to the Residential Tenancies Board to deal with matters such as that. While most landlords may well be very good people who provide much needed rental accommodation, there are bad landlords and we have laws to deal with them and we have an enforcement mechanism through the RTB to deal with them as well. I do not know how the case described by Deputy Ó Laoghaire ended, but that is how it should have been dealt with.

We disagree on some things, but there are some things we agree on, and one of those is that the core of the solution to the housing shortage is more supply. That is exactly what we are doing: building more homes, council houses and social housing for people on the housing list, more private housing, because most people want to buy their own home, and more homes for people to rent. More supply is what is required.

Where have we come from and where are we now? Before the Government launched its housing plan, Rebuilding Ireland, three and a half years ago, housing supply was on the floor. Only about 7,000 houses were built in the year before Rebuilding Ireland was launched. We are now up to 20,000 houses being built this year and probably 25,000 houses next year. When it comes to social housing, in the Deputy's own city of Cork, the council only built about one social house before Rebuilding Ireland was launched, but about 1,000 houses are now under construction or in process. This year, we will build and provide more social housing than in any year this century, through the boom and the bust. We are delivering on housing supply - homes for people to buy, because that is what most people want, but also social housing because that is what some people need.

It was never going to be possible to go from a situation where virtually no houses were be-

ing built to suddenly having 35,000 or 40,000 houses being built every year, which is where we need to go to. No Government and no party, no matter the resources or the will, can just turn housing construction on and off like a tap. We had a collapse in this country's economy ten years ago. The Government was bust and did not build any housing for a very long time. The Fine Gael-Labour Party Government would have built more housing if we could have afforded to, but we could not. The banks were bust and not in a position to lend to builders, while the construction industry was on the floor as well. It went bust and nearly 100,000 people emigrated as a result, many of them construction workers. It was never going to be the case that we could just turn back on the tap. When one compares where we were three years ago to where we are now on supply, it has been a dramatic turnaround. We need to build on that to make sure we continue to increase the supply of housing. That is how we will get on top of this crisis.

Deputy Donnchadh Ó Laoghaire: The landlord was fined and rightly so. There are good landlords, as the Taoiseach has said, but there are bad landlords who are behaving like this. They are brazen because they know the deck is stacked in their favour. They know the whole system is stacked in their favour and the tenant is powerless. In every debate, the Taoiseach keeps begging for time. He says that the Government needs more time. Fine Gael has been in government since 2011. The Minister, Deputy Eoghan Murphy, has been in office since 2016. The Government has had plenty of time. The Taoiseach was disappointed at the weekend. Does he understand why people are angry and frustrated? People know that there is a lot of wealth in this country, some of which is concentrated in a small number of pockets. People know what might be possible with the right approach. They can see that the Government, and the State, is failing to meet two of the most basic and fundamental human needs imaginable: the right to be cared for and healthy and the right to a secure and safe house. The mere right to have a home, to have shelter - the Government is unable to deliver on that. How can the Taoiseach expect people to be anything other than angry? The Government hangs by a thread.

An Leas-Cheann Comhairle: The Taoiseach to respond.

Deputy Donnchadh Ó Laoghaire: I will finish on this.

An Leas-Cheann Comhairle: You should have finished a minute ago.

Deputy Donnchadh Ó Laoghaire: Maybe it is time for the Taoiseach to start listening. Why not introduce a rent freeze, a measure which would have the backing of the whole House and not just a minority?

Deputy Aengus Ó Snodaigh: The clock was not set.

An Leas-Cheann Comhairle: Okay. My apologies. I was being too vigilant.

The Taoiseach: I am reassured and glad to hear that the law was enforced and the landlord was fined. Deputy Ó Laoghaire omitted to mention that in his contribution.

Deputy Dessie Ellis: We told the Government.

Deputy Donnchadh Ó Laoghaire: The kind of behaviour I am talking about is favoured by the system and the structure.

The Taoiseach: That says the law was enforced and applied and I am glad to hear that it was. Deputy Ó Laoghaire is right when he says that many people are angry. Of course they are and I meet them all the time. Many people are angry about the problems our country faces and

the fact many of them remain unresolved. It is and has always been thus: people angry with the Government and angry about the problems any country faces.

Deputy Donnchadh Ó Laoghaire: Sometimes they are right to be angry.

The Taoiseach: It was the same in Northern Ireland when Sinn Féin was in office for ten years. It was the same when Fianna Fáil was in office as well.

Deputy Timmy Dooley: People have every reason to be angry.

The Taoiseach: There are many people who acknowledge the good work this country has done, taking us from a situation of mass unemployment and forced emigration to virtually full employment again-----

Deputy Donnchadh Ó Laoghaire: Homelessness is at record levels.

The Taoiseach: -----where incomes are rising, where poverty is falling and where people are becoming better off. We have delivered one of the best education systems in the world. We are investing in infrastructure all over the country again. People want us to do more.

Deputy Donnchadh Ó Laoghaire: We cannot care for and house our people.

The Taoiseach: They want us to build on what we have done. They want us to deliver on our plans in areas like housing and healthcare. They certainly do not think that the Opposition has all the solutions and all the answers, or would necessarily do a better job. The by-elections referenced by the Deputy were only by-elections. Sinn Féin won one and Fine Gael did not win any, but we got more votes than Sinn Féin across the four by-elections.

Deputy Micheál Martin: That is like someone saying that they got more presents than someone else for Christmas.

The Taoiseach: Deputy Ó Laoghaire should not make the mistake of thinking that Sinn Féin received some sort of endorsement for its policies; it did not.

Deputy Mattie McGrath: The Taoiseach and his colleagues are like schoolchildren.

Deputy Timmy Dooley: They are like kids fighting over sweets.

Deputy Alan Kelly: Yesterday, we finally got the aggregate report from the Royal College of Obstetricians and Gynaecologists, RCOG, on the CervicalCheck programme. We are thinking of the 159 women who had missed opportunities to get interventions. Following the publication of the report, the 221+ group will help and support those women over the coming weeks. We know that cancer screening is not diagnostic and is not perfect. We also know that the promotion of screening is critically important. This House knows that screening saves lives. Collectively, all of us are making progress on HPV screening and HPV vaccinations, on which my party has led. We are changing the quality assurance and management of our screening programmes. All of this good work represents good progress.

We know there have been a large volume of mistakes and errors in the administration of the screening programme when it comes to the HSE and the Department of Health. This has been demonstrated in the two Scally reports and the MacCraith report and has been compounded by incredibly inept communications and failures with regard to mandatory disclosure. Yesterday, the chief patient advocate who was on the RCOG review and the cervical cancer steering group,

Lorraine Walsh, told us that she resigned from both roles on 31 October last. I know Lorraine Walsh very well. She is one of the most formidable people I have ever met in my life. She explained on “Prime Time” on RTÉ last night that she resigned because she simply did not have confidence in the RCOG review. For me, this is some revelation. On 22 October when I and the Taoiseach stood here and he apologised to the women of Ireland for what happened to them through the screening programme, I raised with him, in fact I pleaded with him, in relation to an intervention on the RCOG review because I had fears that the same mistakes were going to be repeated. Unfortunately, he did not listen.

Today I am asking questions on behalf of Lorraine Walsh. The minutes of the cervical review meeting on 6 October state that over 50% of all reviews carried out by RCOG and sent to the HSE had to be sent back. How were proper controls for this review not in place by then and that that amount had to be sent back to RCOG to be re-examined? It has been revealed that three women, from a total of 1,051, had their slides relabelled in error as part of this process. Two of the three women in question were Lorraine Walsh, the patient advocate, and Vicky Phelan, who revealed all of this on day one. Statistically, what are the chances of them being two of the three women, from a total of 1,051 women, who had the labels taken off their slides and moved around onto other women’s slides? How could Lorraine Walsh get two reports from RCOG on 15 November and 16 November, one saying her report was concurrent and the other saying it was the total opposite? How was that possible over 24 hours? How did RCOG know that it was Lorraine Walsh’s report without her confidentiality being broken? Finally, how many women whose slides were lost or unavailable have been told as part of the RCOG review that their reports were concurrent when we do not actually know and they should be categorised as unknown?

The Taoiseach: In fairness to the Deputy, he has asked some very specific questions, one relating to the minutes of a meeting held on 6 October last. I was not present at the meeting and I have not seen the minutes so the Deputy will forgive me if I am unable to answer questions at that level of detail. It is the case that some errors were made during the process of the RCOG audit. They were flagged at the time and I am advised that they were dealt with.

I know Lorraine Walsh too. I have met her many times. I read her resignation letter when it arrived on 31 October, five weeks before this report was published. It was extraordinarily complimentary of the Minister, in particular, and of many of the people who now work in Cervical-Check. It did not mention RCOG at all. I appreciate that she is honest and truthful in what she has said since then, although that was not the reason that was given five weeks ago. I want to express my appreciation and thanks to her for the work she did as a patient advocate over many months. She certainly helped me in my work when I was putting together the apology I made in this House. She has made a difference in helping us to improve our screening programme and to restore confidence in CervicalCheck.

RCOG is the professional body for obstetricians and gynaecologists in the United Kingdom. It is well-respected. It is the world expert when it comes to gynaecology, cervical cancer and women’s health. It is independent. It was asked to do this report on behalf of the Government and it did it. I think the right thing is for the college to account for it. RCOG is not a public body or a Government body. They are experts brought in from the UK because we wanted to make sure the report was totally independent. They are willing to come to the Joint Committee on Health on 18 December - I understand this date has been set - to account for all of the matters relating to their report. That is as it should be.

Deputy Alan Kelly: I ask the Taoiseach to respond to the specific questions I asked on behalf of Lorraine Walsh. He said there was an independent report. I have to question that. If a report or review that is being conducted has to be constantly validated by the HSE, I am not sure it is fully independent. A number of people were upset by the response of the Minister, Deputy Harris, to the report yesterday. They have suggested that his response was too categorical and clinical and downplayed the findings of the report. They are not my words - they are the words of Stephen Teap and others. Lorraine Walsh made attempts on 2 September, 2 October and 22 October to talk to the Minister and explain her concerns regarding the RCOG. He never contacted her until, literally, an hour after he discovered that she had resigned. He also tried to contact her before the report was launched yesterday but nobody will be surprised to hear that she did not answer him.

I have two questions for the Taoiseach. There is a request that in the context of the women who were part of this review, particularly those who have questions as regards what is in the report, the State would pay for an independent review of their cases, at a cost of approximately €3,000 each. I do not foresee there being a huge number of women involved and, thus, there should not be a huge cost to the State. Will the Taoiseach consider the request? Will he also ensure that Dr. Gabriel Scally fully reviews the RCOG review outcomes and the process by which it was done and report back to the Dáil in the near future?

The Taoiseach: I will certainly give consideration to the Deputy's suggestion with regard to involving Dr. Scally again. He is very much trusted by the Government and, I think, by the House and the patient advocates. I would prefer to have that discussion with him rather than make an announcement on the matter now. We can certainly give consideration to funding independent reports for women who wish to have them. The Deputy should bear in mind that these are independent reports. The RCOG is the world-leading body of experts; it is independent and based in a different country. It came in here to do this work. I am not sure if a cytologist, a pathologist or a cytotechnician selected by a solicitor is independent or if one selected by a laboratory is independent. We would have to bear that in mind as well.

Deputy Alan Kelly: The Government can select them.

The Taoiseach: However, the judge heading the CervicalCheck tribunal which the Government established is empowered to appoint independent experts who would not be paid by the laboratory or paid through a solicitor. They can, I think, be genuinely independent.

Deputy Alan Kelly: They are open to any process.

Deputy Catherine Connolly: Approximately 35 years ago, Planning for the Future was published. That document was an open confirmation that the existing mental health services were not fit for purpose and that the rate of admissions, including involuntary admissions to hospital, was unacceptably high. It took another 21 years, and the unnecessary suffering of a substantial number of patients and their families, for the Government of the day to acknowledge that the rate of change was abysmally slow and a new approach was required. The latter came with A Vision for Change, which was to cover the period 2006 to 2016 and which was published after a long period of consultation and on the back of the suffering of patients and their families. It was a visionary and comprehensive document, which, in minute detail, showed what was required to provide mental health services of an acceptable standard throughout the country. It also took the precaution of not trusting any Government and it recommended the establishment of an independent implementation body, which was done. That body was in place for

two periods. I do not know how many times I have mentioned this, but it did its job so well that it was abolished. Since then, and particularly since the notional date of 2016 came and went, this Government, unfortunately, has utterly failed to implement A Vision for Change in any meaningful way. It has refused, as a measure of bona fides, to re-establish the independent body which was so effective and instead resorted to delays and obfuscations, a desktop review, which was completed in five weeks and left sitting on a table, and a refreshing of A Vision for Change. What is necessary is the reinstatement of the independent body and the roll-out and operation of A Vision for Change.

I mention all of this in the context of Galway, where there is a brand new facility but no staff. This new facility was supposed to bring change, where there are - I am not given to exaggeration - at least four delayed discharges and a number of clinical psychologists, occupational therapists and social worker posts that cannot be filled. I am told the figure is approximately 28. The moratorium-embargo that the Taoiseach repeatedly tells us does not exist actually does exist. One would need the help of Kafka to try to understand the language coming from the Government because I do not understand it. I have a list of the vacancies but time precludes from going through it. All of the applicants attended for interview, were successful and offered jobs but no sanction has been forthcoming from Dublin. The Taoiseach tells us boldly and unacceptably that there is no moratorium. My question to him is in regard to the €12 million that supposedly cannot be spent. I want an absolute assurance that that €12 million will not go back into the coffers of the HSE and that it will be used, in the first instance, in respect of Galway such that the four delayed discharges can be immediately dealt with and other patients can be treated in the hospital and, second, to fund essential posts.

The Taoiseach: Mental health is an issue in which I have a great interest and one that is of major concern to the Government. I do not agree with the contention that A Vision for Change has not been implemented at all but I do think it needs to be replaced by a new document. It has reached the point where it needs to be renewed. A lot of things have happened since A Vision for Change was first adopted. For a start, we have moved away from treating mental illness largely in hospital settings, or psychiatric institutions as they used to be called, to community settings. There used to be nearly 20,000 people in psychiatric hospitals and mental institutions throughout the country. The position has totally changed. It is now a largely community-delivered service. That brings with it new challenges but I think it is a much better situation than in the past. We have also seen the development, for example, of the National Office of Suicide Prevention and the success it has had in reducing suicide rates over the past couple of years and new programmes such as, for example, Jigsaw and the Children and Young People's Services Committees, CYPSC. We have seen the progress made in recent months in reducing the waiting lists for child and adult mental health services, CAMHS, which are down by approximately 20% or 30% in the past few months and the 24-hour helpline that I launched with the Minister of State, Deputy Jim Daly, only last week. We have over 1,000 different mental health services, but some overlap and there are gaps. People often find it difficult to know which is the right service for them at the right time. This new service helps to point individuals in the right direction.

In terms of the money the Deputy mentioned, I often hear figures like €12 million, €35 million and so on. We should acknowledge, and we should at least know in this House, that the budget for mental health for 2020 is over €1 billion. It has increased from approximately €750 million when this Government came to office to over €1 billion now. Of that, there is an increase of €39 million for next year, comprising €12 million or €13 million for new developments and €26 million to pay staff better and make improvements in the context of staffing, etc.

It is an extra €39 million for mental health services next year and a budget of over €1 billion for the first time ever. This shows the level of resources that are required and being provided to our mental health services.

The spend in Galway is not a matter for me. I am sure €39 million would cover those costs many times over but it is the responsibility of the national director of mental health services to decide how it is best allocated. I am sure there are many examples of how that money could be spent all around the country but it would not be right, or possible, for me, to identify one and direct that that be done. The national director of mental health services has to look at the entire list of things that could be done and decide how best the €39 million can be spent.

Deputy Catherine Connolly: I am not sure when it is going to dawn on the Taoiseach that in order to restore faith in the political process, we need language to mean something. A Vision for Change is not out of date. The desktop review did not say that it is out of date. Since the notional date of January 2016 expired, this Government has left a vacuum. The independent monitoring body, which the Taoiseach failed to mention, should be re-established.

On the €12 million, I took the precaution of raising it in the Dáil more than once. I sent a number of emails to the Minister regarding the €12 million that cannot be spent. I await replies to all of those emails. On Galway, does the Taoiseach, who is also a doctor, believe it is right that a mental health service has no psychologist, occupational therapist or social worker of the level that is required such that the treatment being provided is medication therapy as opposed to non-medication therapy? Is this in keeping with A Vision for Change? The statements on suicide we have had in the Dáil over the past four years and all of the various elements were unnecessary. What needs to be done is set out in A Vision for Change. Deputies should be calling for it to be updated and implemented and for the re-establishment of the independent monitoring body. In the context of the €12 million, will the Taoiseach tell us in plain language that it will be spent and that he does not stand over a situation where there are four delayed discharges and posts not being filled?

The Taoiseach: When I say it is out of date, what I mean is that it is a document which was published some 15 or 20 years ago and which needs to be renewed and updated. That is what we intend to do. I will return to the Deputy on the question of the independent monitoring body. I must talk to the Minister of State with responsibility for mental health on that.

The acute adult mental health unit at University Hospital Galway was officially opened in the summer by the Minister of State, Deputy Jim Daly. This is a 50-bed unit designed to replace an old facility that was not fit for purpose. The bed numbers increased from 45 to 50 as a result of the old facility being closed and the new, modern unit being opened. It is a modern safe therapeutic environment which will enhance the Galway Roscommon mental health services. I will check on staffing and revert to the Deputy. I can assure her that the €12 million will be spent. However, that is for 2020 and it is not quite 2020 yet.

Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation

An Leas-Cheann Comhairle: I ask all Members to focus on the programme for Government and promised legislation.

Deputy Micheál Martin: Watching last night's "Prime Time" programme, the interview which Ms Lorraine Walsh gave was, as Deputy Kelly noted on Leaders' Questions, quite distressing. It was in the context of yesterday's briefing of the 221+ group on the Royal College of Obstetricians and Gynaecologists, RCOG, review. It was particularly distressing that Lorraine Walsh felt she needed to resign as a patient representative. The Taoiseach needs to do more than just thanking Lorraine Walsh for her work. She and Stephen Teap were exceptional patient advocates and representatives on that group, but their input was not always appreciated and they had a sense of that. From my discussions and understanding, it reveals the need, to which the Government is committed, to introduce legislation to create a proper framework and supports for patient advocacy and representation. Lorraine Walsh and Stephen Teap were often on their own, facing huge challenges. Those in authority, particularly the Department, seem to not always have appreciated that. It did not work as we would have thought it would in light of all that has been said in this House about the primacy of the patient and the patient representative. There is a huge legislative vacuum in respect of this matter.

The Taoiseach: As I mentioned earlier, Lorraine Walsh did phenomenal work on the CervicalCheck steering committee. I have met her many times, as has the Minister. I am sure he would be happy to meet her again and speak to her on any concerns she has. Ms Walsh resigned from the committee on 31 October. The RCOG report was published only yesterday.

Deputy Micheál Martin: I know.

The Taoiseach: It was only completed in the past couple of days. I ask that people read the report-----

Deputy Micheál Martin: I did not ask about that.

The Taoiseach: -----and allow RCOG to come before the Joint Committee on Health, which it has offered to do. The best people to explain the report, which is essentially a clinical audit-----

Deputy Micheál Martin: I was not asking about this.

The Taoiseach: -----are the individuals from the RCOG who compiled it. We established a patient advocacy service in the past couple of months. Such a service had not previously existed.

Deputy Micheál Martin: The Taoiseach should speak to Lorraine Walsh and Stephen Teap again. They will tell him some home truths.

Deputy Donnchadh Ó Laoghaire: Earlier this year, the Judicial Council Bill was passed. It provides for sentencing guidelines in legislation for the first time, something that was long demanded by organisations representing the victims of crime and that was secured by Sinn Féin. Recently, there has been some discussion on preparation work for the personal injuries guidelines committee. This is welcome because the business community and voluntary groups are feeling massive pressure from runaway premiums, but surely the victims of crime also deserve some urgency to ensure that the question of inconsistent and inadequate sentencing is dealt with. What preparation is taking place to ensure that the relevant sections of the Judicial Council Bill are implemented and when will the sentencing guidelines committee be ready to meet and prepare guidelines?

Minister for Justice and Equality (Deputy Charles Flanagan): The Deputy is correct that the Bill was passed in the early summer. Since then, there has been considerable activity ensuring that the sections were appropriately commenced. I expect the council will be established and in place by the end of the year, which is in a few weeks. On the committees, some work is taking place in parallel. I expect that all aspects of the council will be firmly in place by next year.

Deputy Alan Kelly: The Gaming and Lotteries (Amendment) Bill will be debated again before being signed into law. On further analysis, and looking at the proposed amendments that are coming forward, the Labour Party believes that the Bill is flawed. If involved in any future Government, we would not allow this legislation to go any further; we would reverse what is proposed because we think it is very dangerous. We know about concerns regarding the social consequences in the context of bingo, which were outlined in the past 24 hours. On a very serious note, we do not have a regulator, casinos that are totally illegal - in some cases they do not even have planning permission - are operating less than a mile from this House and we have done nothing in respect of online gambling. We need a regulator. We are all aware of the addiction problems. I have spoken about this matter from the point of view of deep knowledge because I know people who have suffered very badly as a result of the House's lack of movement in respect of it. The Bill will be debated later. In that context, I ask whether we really need to allow high-stakes fixed-odds gaming machines to be prevalent across the country. Do we need to allow the stakes to be increased, via the legislation, by up to €5 and allow payouts of €500? Fianna Fáil really needs to think about this in the next few hours. When will we have proper legislation to bring in a proper regulator to deal with the various issues to which I refer and which are a scourge on our society?

The Taoiseach: The Bill is before the House. There will be more than enough time both here and on Committee Stage for Deputies to debate it and to put forward any amendments they may wish to propose. It is interim legislation. A bigger item of legislation involving the establishment of a regulator is also being prepared. The Bill is an interim measure designed to make some improvements while the larger item of legislation is being finalised by the Department of Justice and Equality.

In the context of bingo-----

Deputy Danny Healy-Rae: Save bingo.

The Taoiseach: -----the Bill has caused some concern. I reassure people that there are no plans whatever in the legislation that would cause the closure of any bingo halls in Ireland. Rather, the legislation seeks to ensure that bingo halls, many of which are big commercial operators, actually provide money to charity as required. The legislation requires that 25% of the money goes to charity. We know of some instances where literally none or a minuscule percentage is going to charity which is wrong. Nothing in the legislation will close bingo halls but it will require the owners and operators of the halls, many of which are big enterprises, to make the contributions to charity that they should have been making up to now.

Deputy Ruth Coppinger: There is a reference to the recruitment of front-line professionals on page 34 of the programme for Government. Will the Taoiseach give a commitment to look into the situation whereby the Hope Montessori autism spectrum disorder, ASD, preschool in Mountview in Dublin 15 is in danger of class closures in January, leaving children with autism with nowhere to go because the Teaching Council will not issue new teachers their numbers

in time? All the paperwork was submitted in good order but quite incredibly it can take a year to register a teacher. In preschool Montessori ASD settings, teachers must be qualified primary teachers. We know we cannot recruit such teachers in Ireland, schools must source them abroad, paying thousands of euro to an agency to bring them from Spain. The school has the teachers in place for January but the Teaching Council has not given them their numbers and the class may close. This is really serious. The children need the help. In September the ASD school paid over €5,000 to a site to recruit these teachers. I have been contacted by parents who say the staff are ready, and I am sure the Taoiseach has been too. Will he pull the finger out and get this done or will these children be left stranded in January?

The Taoiseach: The Teaching Council is the professional regulatory body for teachers. I am not aware of the issue but if the Deputy gives me the details I will ensure that it is looked into by my people.

Deputy Mattie McGrath: There are major concerns in the pig industry here about imported pork and other products coming from areas close to where there is swine flu. Have we proper checks in our ports and airports by the Department of Agriculture, Food and the Marine in this regard? This is a deadly serious virus and it could be worse than foot and mouth disease for the pig industry. The pig industry is our third largest food producing sector and neither the Minister for Agriculture, Food and the Marine nor many of the rest of us are aware of the seriousness of this matter as it applies to pork products imported from these regions adjacent to the current epidemic.

The Taoiseach: I will ask the Minister for Agriculture, Food and the Marine to get back to the Deputy on that.

Deputy Róisín Shortall: Tomorrow afternoon, the Irish National Teachers' Organisation, INTO, and teachers from DEIS band 1 schools will gather at the Department of Education and Skills to hand in a letter to the Minister about their concerns regarding a lack of targeting of educational disadvantage in the budget. The pupil-teacher ratio was reduced for other schools but there was no corresponding reduction for DEIS band 1 schools, which are the most disadvantaged schools in the country. Does this signal a change in approach by the Government on the principle of targeting those children who are most severely affected by disadvantage, as their education would therefore be affected by that disadvantage? Traditionally we have ensured additional resources would go to that sector and we accept the principle that smaller class sizes will help to overcome that disadvantage. Is this a change in policy?

The Taoiseach: There is no change in policy. We now have the lowest pupil-teacher ratios in primary schools ever and that has been delivered by this Government with the biggest budget ever for education.

Deputy Róisín Shortall: I am talking specifically about disadvantaged schools.

The Taoiseach: The targeting of additional resources is both for disadvantaged schools and children with special educational needs.

Deputy Róisín Shortall: The pupil-teacher ratio has not been reduced for them.

An Leas-Cheann Comhairle: With the help of Deputies, I will try to accommodate as many contributors as possible today. They should agree with my wish to call first those Deputies who did not have the opportunity to contribute on the Order of Business yesterday.

Deputy Eugene Murphy: As the Taoiseach knows well, the midlands has been hit by a tsunami with the proposed closure of Bord na Móna and ESB power stations, particularly those at Lough Ree and Shannonbridge. We have not had balanced regional development in north-east Roscommon despite the efforts of the Government. Our lifeline has been cut, and this has been a lifeline for the past 70 years. If I go around my area, every second or third house would have had a person employed by Bord na Móna or the ESB. Can the Taoiseach provide any hope in terms of what we can do for people in the region? I acknowledge that meetings are taking place and we met some people from Europe the other day. Nevertheless, this is a serious crisis and we need everybody on board to ensure our communities are not totally destroyed.

An Leas-Cheann Comhairle: We could bend the rules and say this matter might be in the programme for Government.

Deputy Eugene Murphy: It is in the programme for Government under the heading of balanced regional development.

The Taoiseach: It is and I am happy to answer the Deputy, with the agreement of the Leas-Cheann Comhairle. The Deputy asked the very good question of whether I can give hope to the people in the regions who will be affected by the closure of the peat power stations. The answer is “Yes” and I can. This is the first big test of just transition for our country which, over the next couple of years, will get out of burning peat. It is the right action from an environmental perspective but we must ensure the workers are looked after, with alternative employment brought into those regions and communities to replace that which is being lost.

The Deputy is aware that we are using proceeds from the carbon tax to establish a just transition commission and fund. The members had their first meeting in Tullamore just the other day. We are also investing in the National Parks and Wildlife Service and bog restoration. Bord na Móna will do that on top of the Government investment. Many of the staff could be moved from cutting bogs to restoring bogs. Bord na Móna is also diversifying its work away from being brown to being green. It is getting involved with recycling waste and other work. We are also investing in tourism in the region, particularly in the Ireland’s Hidden Heartlands initiative. I am determined, as Head of Government, to ensure that not only do the midlands not lose employment or economic activity because of this change but also that we will target investment in those areas so they can be better off. IDA Ireland has a role to play in this too.

Deputy Pat Buckley: Page 58 of the programme for Government indicates the Government’s support of timely patient discharge from hospitals. Unfortunately, in many cases, the step-down facilities or home help hours are not available for doctors to discharge patients into the most appropriate care setting, with doctors always discharging patients who are medically fit for discharge where a proper care setting is available. Anybody who says otherwise is lying. This is why it is totally outrageous that St. James’s Hospital is offering cash prizes for discharge of patients, which is sick behaviour. I have a flyer indicating that there is a €250 prize for the most improved use of the discharge lounge and the medical team sending most patients to a discharge lounge will receive another prize of €250. Surely this behaviour should be investigated as it is totally inappropriate and dangerous.

The Taoiseach: I thank the Deputy for the question. I understand St. James’s Hospital has withdrawn the poster and it was certainly not a national policy. I understand that this was specific to the hospital and it accepts that, at best, it was a clumsy idea. People who listened to Ms Phil Ní Sheaghda and Professor Patrick Plunkett on the radio this morning explaining how

discharge lounges work and why they are a good idea would have a better understanding as to what was attempted with this. However, offering cash prizes was not appropriate. They were not even cash prizes as the money was meant for teams rather than any individual staff member.

Deputy Mark Ward: Page 133 of the programme for Government commits to improving school completion rates, particularly in disadvantaged areas. The Get Ahead club in north Clondalkin meets the needs of many young people, some from the most disadvantaged backgrounds in my area, in helping them to complete school. Due to an increase in costs relating to how this much-needed and vital service is delivered, it is currently not being delivered. Will the Taoiseach confirm that the Minister for Children and Youth Affairs will meet a cross-party delegation of Deputies from Dublin Mid-West tomorrow to try to resolve this matter?

An Leas-Cheann Comhairle: I thank the Deputy for his brevity.

The Taoiseach: I thank the Deputy but I am afraid I cannot give that confirmation. I will inform the Minister for Children and Youth Affairs, Deputy Zappone, that the matter was raised in the Chamber and I will ask her to contact the Deputy directly.

Deputy Peadar Tóibín: The Taoiseach has stated he will defend the interests of Irish citizens in the North of Ireland. Thousands of people from across the country have asked him to put those words into actions. Some 100 years ago, Members of Parliament, north and south, refused to attend Westminster and they came here to create our Dáil as a 32-county Parliament at the time. Yesterday, I submitted a Bill that would give speaking rights to MPs elected in the North of Ireland. It is in our gift at this critical juncture of Brexit to allow elected representatives of the North of Ireland to have speaking rights here and facilitate representatives of citizens from Derry, west Belfast and west Tyrone in here. Will the Taoiseach facilitate this Bill in going through this Dáil before it ends?

The Taoiseach: I have not seen the Bill but when the Government sees it we will give it due consideration.

Deputy John McGuinness: I have raised before with the Taoiseach the case of Ger, who is in an acute care bed at St. Luke's Hospital at Kilkenny, which is an inappropriate setting, as he has been medically discharged. He has been there since last November. The Taoiseach stated he would examine this but nothing has been done. It is now over 12 months since the case began. This relates to funding for the special occupation service, SOS, Kingsriver and L'Arche, and the position remains the same despite the Minister visiting a parents' forum and giving commitments. If funding was available for SOS, Ger's case would be solved. It is an awful reflection on the Government that a young man who needs support outside hospital remains in an inappropriate setting. The managers of the HSE are standing idly by watching that happen while Ger's health deteriorates.

An Leas-Cheann Comhairle: That is a specific question.

The Taoiseach: It is a specific question about an individual and it is very difficult for me to answer a question without all the information.

An Leas-Cheann Comhairle: It could be directed to the appropriate Minister.

Deputy John McGuinness: I gave the Taoiseach a note on the case the last time I raised it.

The Taoiseach: The Deputy is aware it is unlawful for a Minister to make a direction about

any individual patient but-----

Deputy John McGuinness: There has been no direction.

The Taoiseach: I will have to check on this as I am not up to date on the matter. I am sorry.

Deputy Michael Moynihan: I raise the issue of the appointment of a consultant psychiatrist for the deaf community in the southern region. The position has been vacant for some time. Social workers who are dealing with the deaf community have implored me to use whatever offices I can to get a consultant psychiatrist appointed for the deaf community in the south. Does the Taoiseach or Government have any plans to make that appointment?

An Leas-Cheann Comhairle: I thank the Deputy for his brevity.

Minister of State at the Department of Health (Deputy Jim Daly): I will give the Deputy an update on the matter this afternoon.

Deputy Willie O’Dea: I recently raised the issue of the decision of RTÉ to move Lyric FM from Dublin to Limerick. I was informed by the Tánaiste, who was answering on the Taoiseach’s behalf on the day in question, that it was a decision exclusively for RTÉ. It has since been brought to my attention that the decision to move Lyric FM to Limerick in the first place was a Cabinet decision, done at the instigation of the then Minister, President Michael D. Higgins. Is it the Government’s intention to allow RTÉ to go ahead and unilaterally reverse a Cabinet decision?

1 o’clock

The Taoiseach: I will have to check this out as well. The legal position may or may not have changed since then. While I have been around the table, we have never been involved in operational matters involving RTÉ, about where it locates its staff or anything like that. I am not sure we would like to get into that space either. Perhaps the legislation has changed since then but I am interested to hear that it was a Government decision to locate Lyric FM in Limerick. I have never been part of a Government that directed RTÉ to do anything-----

(Interruptions).

The Taoiseach: -----but it is interesting that that was possible in the past.

An Leas-Cheann Comhairle: I call Deputy Grealish and then I will revert to those Members who spoke yesterday.

Deputy Noel Grealish: During the period of austerity, financial emergency measures in the public interest, FEMPI, legislation was introduced which resulted in cuts of up to 33% in the income of the Irish pharmacies. Since the FEMPI cuts of 2009, pharmacy is the only sector which has not had those cuts reversed. Pharmacists were buoyed up by a commitment the Minister gave at the annual conference of the Irish Pharmacy Union, IPU, that would see the FEMPI cuts abolished and talks commenced on a new pharmacy contract. Unfortunately, the Minister and Department are now proposing further cuts for the pharmacy sector which would result in an average reduction in income of more than €12,000. This completely contradicts the Sláintecare strategy which aims to keep key health services in the community with the focus on primary care. Will the Taoiseach give a commitment to leave the current contractual arrangements in place and immediately start the promised negotiations on a new pharmacy contract and investment in improved pharmacy services for the benefit of the public?

The Taoiseach: I am advised that this matter is currently under negotiation between the IPU, which represents pharmacists, the Department of Health and the HSE. Hopefully, we will be able to make an announcement on that in the next few weeks.

An Leas-Cheann Comhairle: I have ensured that Deputies who were unable to contribute yesterday got an opportunity to do so today. We have eight minutes remaining and I will take speakers as they appear on the list. Deputy Murphy O'Mahony will be followed by Deputy Danny Healy-Rae.

Deputy Margaret Murphy O'Mahony: Ba mhaith liom ceist a chur ar an Aire Talmhaíochta, Bia agus Mara ach níl sé anseo. Mar sin, cuirfidh mé an cheist ar an Taoiseach. There is much talk about farm incomes. The programme for Government included a commitment to protect farm incomes. Farmers across west Cork are on their knees. Beef prices are a major factor in that regard. Why is the Government standing over the importation of beef from other countries when we have enough beef here? This is obviously greatly affecting prices. Why is the Government standing over the importation of beef when there is no need for it?

The Taoiseach: I acknowledge the terrible impact low beef prices are having on the incomes of our beef farmers. I really hope we will see prices rise in the next few weeks, at least to the European average which they had been at previously. The Deputy will know the Teagasc farm report shows that farmers' incomes fell precipitously in 2018 and while they recovered a bit in 2019, they have not recovered fully by any means. To answer the Deputy's question, the reason we allow the import of food from other countries is that we are part of the European Union. We have a Single Market with the rest of the European Union. The Union has trade deals with other parts of the world which allow goods to be imported and exported. By and large, as a country, we gain overwhelmingly from that.

An Leas-Cheann Comhairle: I call Deputy Danny Healy-Rae to ask a question on promised legislation or the programme for Government.

Deputy Danny Healy-Rae: A Leas-Cheann Comhairle-----

An Leas-Cheann Comhairle: Which is it?

Deputy Danny Healy-Rae: People throughout the country, especially those who attend bingo nights, are worried and concerned about the Gaming and Lotteries (Amendment) Bill 2019 that will come before the Dáil tonight. These are ordinary, good living people, mostly elderly people and housewives. I am thinking of the 700 or 800 people who go to bingo in Killarney on a Sunday night. They used to go to Conroy Hall but another hall, St. Mary's Hall in Killarney, has been sourced. People travel from Kilgarvan, Dooagh, Tarbert and all over the county.

An Leas-Cheann Comhairle: It does not matter where they are from. The legislation is not on townlands.

Deputy Danny Healy-Rae: The Bill will be debated tonight.

An Leas-Cheann Comhairle: This matter has been raised already.

Deputy Danny Healy-Rae: I appeal to the Government not to hurt people who attend bingo.

An Leas-Cheann Comhairle: We have got the question.

Deputy Danny Healy-Rae: It has hurt people in rural Ireland enough by supporting the actions of the Minister for Transport, Tourism and Sport, Deputy Ross.

An Leas-Cheann Comhairle: I call Deputy Michael Collins.

Deputy Danny Healy-Rae: It should not hurt them any further by damaging bingo.

An Leas-Cheann Comhairle: The Deputy has made a case for Kerry and Deputy Michael Collins will make a case for Cork-----

Deputy Michael Collins: I absolutely will do so for Cork South-West.

An Leas-Cheann Comhairle: -----but they must realise the Minister must legislate for the country.

Deputy Michael Collins: The Taoiseach addressed this issue earlier but it is quite a serious one. Many of these bingo nights are run to fund local festivals and keep local community halls open. Bingo is a source of vital funds for rural Ireland. Applying the new lottery rules to community run bingo nights will have a serious negative effect on our communities where many people give of their time for the good of others. There is considerable confusion about this. Will the Taoiseach ensure events such as community bingo nights in west Cork-----

An Leas-Cheann Comhairle: It does not matter where they are.

Deputy Michael Collins: -----that are run for charities will be exempt from the new lottery rules? Will he sideline the Gaming and Lotteries (Amendment) Bill due to be debated tonight until this confusion has been cleared up?

An Leas-Cheann Comhairle: Thank you, Deputy.

Deputy Michael Collins: It is very confusing and worrying for the people who are going out to have some enjoyment and are also trying to keep the doors open in community and voluntary facilities.

An Leas-Cheann Comhairle: The Taoiseach clarified this matter earlier. Does he wish to repeat what he said?

The Taoiseach: I thank the Deputies for raising this matter. I assure them that bingo is just as popular in urban Ireland as it is in rural Ireland.

Deputy Michael Healy-Rae: Why is the Government attacking it then?

The Taoiseach: I know that from the number of queries I have received about this issue in recent days. I spoke to the Minister of State, Deputy Stanton, about this yesterday. He is from rural Cork, as the Deputies will know, and he assured me that this new law will not have any adverse impact on bingo halls or bingo nights and will not cause any bingo nights to be cancelled or any bingo halls to be closed.

Deputy Michael Healy-Rae: That is not true.

Deputy Mattie McGrath: It will.

The Taoiseach: However, it will require bingo operators, many of which are big commercial operations, to provide at least 25% of the money they raise for the charities. Some of them have not been doing that and that is wrong.

Deputy Mattie McGrath: It is the little people who are being attacked again.

An Leas-Cheann Comhairle: That is the same response from the Taoiseach we heard earlier.

Deputy Michael Healy-Rae: I raise a matter related to a commitment to the education sector in the programme for Government. In recent days, Mr. Patrick Crean, the principal of Castlegregory national school, convened an important meeting regarding the provision of what is called a general purpose or physical education hall for the school. Some 138 children attend that school. A general purpose hall is urgently required and it would be approximately 350 sq m in size. An application was made for the provision of a hall, which was turned down. I ask the Taoiseach and the Minister for Education and Skills to look favourably on providing this most necessary infrastructure for Castlegregory national school and its environs.

An Leas-Cheann Comhairle: We do not expect the Taoiseach to answer such specific questions.

Deputy Michael Healy-Rae: He is aware of the matter.

The Taoiseach: I am aware of it. The Minister of State, Deputy Griffin, has been working on this with the Minister for Education and Skills, Deputy McHugh, for some time and they hope to be able to confirm progress in a few months.

Deputy Seán Crowe: I raise an issue of concern under promised legislation. I visited a number of parks last weekend and saw clear evidence of turf having been gouged out by the tyres of scrambler and quad bikes. Will the Taoiseach discourage parents who might be thinking of buying these bikes for their loved ones at Christmas from doing so? These vehicles bring mayhem into communities and are destroying our parks. They are also making parks exclusive places. While parks, by their nature, should be inclusive, people are terrified to go into many parks because of young people using scrambler bikes, mopeds and quad bikes. They are destroying football pitches and amenities. People are waking up early in the morning and going to bed at night listening to this noise. What legislation is coming down the track to address this issue?

Deputy Charles Flanagan: I strongly discourage parents, young people or anybody else from purchasing scramblers or quad bikes for use in public places and parks in particular. There have been ongoing discussions with a number of stakeholders through a committee which I convened earlier this year. We are currently looking at a proposed legislative change which would refine the definition of public place. Discussions are ongoing between the Department of Transport, Tourism and Sport, my Department, and local authorities in this regard. I cannot say the matter will be resolved before the end of this year but this is an issue of importance and we are looking at how to address it.

Deputy Fiona O'Loughlin: I raise the issue of childcare and childcare workers. In this country, most of our families entrust their children to childcare workers to allow them to go to work, to care for other family members and so on. The childcare system is not without its challenges but we absolutely rely on it. While we agree with the closure of some childcare facilities

and crèches, such as those we saw highlighted on “Prime Time”, because they are not fit for purpose, the vast majority do a really good job in caring for and supporting our children. They support the very fabric of our communities. The newly introduced childcare regulations which require childcare facilities to register before 12 December are very onerous. I know that the deadline for meeting some of the conditions has been extended until June but, at the moment, only 50% of childcare operators have registered. On 2 January, 50% of our childcare operators may close down. What will we do when our teachers, nurses, doctors and public servants cannot go to work? This needs to be looked at.

The Taoiseach: The Minister, Deputy Zappone, is currently looking at this issue. I will ask her to contact the Deputy about it.

Deputy Declan Breathnach: With regard to the programme for Government, I raise the issue of the obligations and roles of the British and Irish Governments as co-guarantors of the Good Friday Agreement. The Irish Government made major constitutional amendments to enable the implementation of that agreement yet the British Government is failing to amend simple domestic law in order to protect the rights of Irish citizens, due to its interpretation of the agreement. What progress, if any, is being made by the Government in addressing these gaps in the implementation of the Good Friday Agreement? Can the Taoiseach guarantee that, as part of the Brexit withdrawal agreement, these issues in the Good Friday Agreement will be respected and honoured?

The Taoiseach: I am sorry, is the Deputy referring to the DeSouza case?

Deputy Declan Breathnach: Yes. I refer to the DeSouza case and the British Government’s interpretation in that case.

The Taoiseach: There is nothing about that in the withdrawal agreement but it is something we are taking up with the British Government. The British courts have made a distinction between being able to identify as British, Irish or both and being a citizen of Britain, Ireland or both. We do not agree with that interpretation. I have taken this matter up with the Prime Minister and the Tánaiste has taken it up with the Secretary of State. We will take it up again after the UK elections.

Deputy Tony McLoughlin: I have a question for the Minister of State with responsibility for sport, Deputy Griffin. Quite a sizeable amount of money has been allocated through the sports capital programme over recent weeks. I welcome that but I have been made aware of a number of appeals in my constituency. I am sure there are also appeals in other constituencies. Some applicants were not successful for one reason or another. Will the Minister of State outline the appeals process?

Minister of State at the Department of Transport, Tourism and Sport (Deputy Brendan Griffin): The Deputy is correct. We recently allocated €37 million to more than 1,000 sports clubs around the country. This means that €57 million has been allocated under the current round of the sports capital programme when one includes the previous tranche, which was for equipment only, and the second-chance applicants from the previous round. The deadline for any club whose application was invalid or unsuccessful to appeal is 20 December. Some 9% of all applications in this round were invalid. That is a decrease from 48% in 2012, so we have made great progress on that front. Those clubs whose applications scored in the bottom 25% were unsuccessful on this occasion. Clubs may appeal that decision. The deadline is 20

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December and I encourage any club whose application was invalid or unsuccessful as a result of being in that bottom 25% to appeal if it feels there is a case for doing so.

An Leas-Cheann Comhairle: The Minister of State has told us that this information is on the website. I have read it there. I was going to give a mark of six out of ten because there was some improvement on yesterday but I am afraid we have fallen back to five out of ten. We will strive to improve tomorrow in order to reach that mark. I hope it will not take too long to do so.

Message from Select Committee

An Leas-Cheann Comhairle: The Select Committee on Health has completed its consideration of the Health Insurance (Amendment) Bill 2019, and has made no amendments thereto.

Estimates for Public Services 2019: Message from Select Committee

An Leas-Cheann Comhairle: The Select Committee on Transport, Tourism and Sport has completed its consideration of the following Supplementary Estimate for public services for the service of the year ending 31 December 2019: Vote 31 - Transport, Tourism and Sport.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Sean Fleming - to discuss the future of Portlaoise general hospital; (2) Deputy John Brassil - to discuss the need for a general purpose room for a school in County Kerry; (3) Deputy James Lawless - to discuss the lack of autism spectrum disorder school places for secondary school children in Kildare; (4) Deputy Stephen Donnelly - to discuss the decision by St. Joseph's dementia care home in Shankill to cease taking residential patients in light of its current funding crisis; (5) Deputy Paul Murphy - to discuss plans for the National Maternity Hospital; (6) Deputy Michael Healy-Rae - to discuss funding for a general purpose room in Castlegregory national school, County Kerry; (7) Deputy Michael Harty - to discuss action for rural villages to prevent decline and promote renewal; (8) Deputy Éamon Ó Cuív - to discuss the need for additional funding for improvement works on accident black spots; (9) Deputy Richard Boyd Barrett - to discuss cash incentives advertisements to discharge patients in St. James Hospital, Dublin; (10) Deputy Aindrias Moynihan - to discuss the ongoing delays in building a new Garda station in Macroom, County Cork; (11) Deputy Fiona O'Loughlin - to discuss the lack of second level school places in Newbridge and Kildare town, County Kildare; (12) Deputy Gino Kenny - to discuss the proposed medical cannabis access programme; (13) Deputy Timmy Dooley - to discuss overcrowding at the accident and emergency department in University Hospital Limerick; and (14) Deputy James Browne - to address the shortage of

special needs education places in County Wexford;

The matters raised by Deputies Michael Harty, James Browne, Timmy Dooley and Sean Fleming have been selected for discussion.

Misuse of Drugs (Amendment) Bill 2019: First Stage

Deputy John Curran: I move:

That leave be granted to introduce a Bill entitled an Act to amend the law relating to the misuse of drugs and for those purposes to amend the Misuse of Drugs Act 1977 to criminalise the purchase of a controlled drug from a child and to criminalise the act of causing a child to be in possession of a controlled drug for sale or supply and to provide for related matters.

Most Members of the House will be aware that the abuse of illicit drugs has reached a level we have not seen before in this country. It is affecting individuals, families and communities throughout the country. What might have traditionally been seen as a problem for urban areas and, more often than not, areas of social disadvantage has now become a national problem. Illegal drugs are in every town and village in the country. I do not say this just to put it on the record, it is backed up by all of the evidence. If we look at the number of people who are seeking treatment for addiction or the CSO figures for drug-related offences, we will see that the figures are increasing every year. This shows the scale of the problem we are facing. It is interesting to note that total drug seizures by An Garda Síochána in 2017 were equal to those in 2015 and 2016 put together. There is a massive quantity of illicit drugs in the country. It is unfortunate but it needs to be put on the record that, in the last year in which drug-related deaths were counted, 2016, 736 lost their lives in this way. This issue is having a devastating effect on many aspects of life for individuals, families and communities.

In recent years a new feature of this trade has developed. Young children are being targeted and used to deliver, sell and supply drugs. This was very well explained in research undertaken by the Blanchardstown Local Drugs and Alcohol Task Force, which was published earlier this year. It brought to light the fact that the service had seen children as young as ten dealing drugs. It has actually come across one eight year old drug runner. It is appalling to think that children of that age are being groomed and targeted. Their lives are being ruined because once they get into that vicious cycle, it is very difficult to get away. They are being targeted because those who are using them often feel that there are fewer or lesser criminal consequences for young people than for other people who are caught. They are being used, abused and targeted by other people in the drug distribution chain.

The purpose of this Bill is to introduce two new criminal offences. It would become an offence to purchase drugs from a person under the age of 18. This puts a responsibility on people who are using drugs. If they buy drugs from a person under the age of 18 they will not just be charged with using or possessing; it would be a new aggravated offence to purchase drugs from a minor.

It would also be an offence to cause a child to be in possession of drugs with intent to sup-

ply. Those who are operating the distribution systems and using children as distributors and sellers of drugs would be committing an offence. While this will not solve our drug problem, it will offer a degree of protection to young people who are in a vulnerable position, who are being targeted and whose future is being taken away from them. I hope these new offences will protect the young people in question. I look forward to bringing this legislation to the Dáil at the earliest possible opportunity and I will be looking for co-operation from all sides to enact it at an early date.

An Leas-Cheann Comhairle: Is the Bill opposed?

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

Question put and agreed to.

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

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

Question put and agreed to.

Planning and Development (Amendment) Regulations 2019: Referral to Joint Committee

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

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

Planning and Development (Amendment) Regulations 2019,

a copy of which has been laid in draft form before Dáil Éireann on 2nd December, 2019, be referred to the Joint Committee on Housing, Planning and Local Government, in accordance with Standing Order 84A(4)(k), which, not later than 10th December, 2019, shall send a message to the Dáil in the manner prescribed in Standing Order 90, and Standing Order 89(2) shall accordingly apply."

Question put and agreed to.

Ceisteanna (Atógáil) - Questions (Resumed)

Commissions of Investigation Expenditure

1. **Deputy Brendan Howlin** asked the Taoiseach if he will report on the projected costs of the Commission of Investigation into the Irish Bank Resolution Corporation, IBRC. [47365/19]

The Taoiseach: Following consultations with the Opposition parties by the then Minister for Finance, the IBRC commission of investigation was established in June 2015. The commission is entirely independent in its work and Mr. Justice Brian Cregan is its sole member.

The commission was originally due to issue its final report by the end of December 2015 at an estimated cost of €4 million, excluding any third-party costs.

The commission is required to investigate certain transactions, activities and management decisions at the IBRC. In its first module, it is investigating the Siteserv transaction, which has been identified as a matter of significant public concern in Dáil Éireann.

In the commission's sixth interim report, dated 27 March 2019, Mr. Justice Cregan requested an extension of the deadline for reporting until the end of March 2020. He also responded to several issues I had raised with him in December 2018 following consultation with other Oireachtas parties. These concerned the estimated final cost of the investigation, the timescale for completion of the commission's work and whether it would be possible for the commission to reach interim findings.

On 31 May last, following completion of consultations with Opposition party representatives, I agreed to extend the commission's timeframe for reporting until 31 March 2020. I also arranged for the commission's sixth interim report to be published on my Department's website and laid before the Houses of the Oireachtas.

Other than what has been published in the commission's interim reports, I have no information on the status of its investigation, as the commission is completely independent in its work.

Regarding costs, from the time of its establishment to the end of October this year the commission spent approximately €6.7 million. This does not include third-party legal costs that have been incurred by the commission but not yet paid.

The commission's sixth interim report provides an estimate of the final cost of the completion of the first module of its investigation, which concerned the Siteserv transaction, of between €11 million and €14 million. However, this estimate assumes the investigation is completed in accordance with the timetable set out in the interim report and excludes costs or delays associated with judicial review hearings.

The commission also acknowledges a substantial degree of uncertainty regarding the amount of costs actually recoverable by parties before the commission and assumes the commission's legal costs guidelines are not successfully challenged.

As I have informed Opposition party representatives, my Department continues to be of the view that the final cost is likely to significantly exceed his estimate and could be of the order of €30 million.

Deputy Joan Burton: I thank the Taoiseach for that reply. We are now well into the fifth year of the commission of investigation into the IBRC and the controversial Siteserv transaction. Despite six interim reports to date, however, the commission has revealed no substantial detail surrounding the controversy. The reply the Taoiseach just read out confirms that this remains the case. To be frank, people are scratching their heads. The affair surrounding former Deputy Dara Murphy has seen somebody who has now gone off to a well-paid job in Europe fail to comply with the basic rules of the Dáil and get away scot-free. Now that the Deputy has

left the Dáil, can the Taoiseach tell us whether is he in any way accountable for his actions in the context of fobbing in?

The latest deadline for completion of the work of the commission of investigation has been set as the end of March 2020, as the Taoiseach just confirmed. The overall cost of the commission of investigation will be €30 million. Last March, however, the former chief of the IBRC suggested that costs could reach €100 million. Can the Taoiseach comment on that? We cannot allow the truth to be buried or allow the surging costs to undermine the credibility of the commission. Given the fresh legal actions that are under way, is the Taoiseach willing to further extend the deadline beyond March? If so, under what conditions? Can the Taoiseach provide an updated figure for the projected costs? I heard him refer to €30 million but, as I said, knowledgeable commentary is now suggesting a cost of €100 million. This Government is facing a crisis in the context of its credibility in dealing with significant matters of public interest. We really need an answer from the Taoiseach. The Dara Murphy affair has cast a pall on the Taoiseach's reputation. He probably had nothing to do with it other than facilitating Dara Murphy in going to Europe, which is really strange when the latter's job was to be a Deputy here. What has been revealed this week is causing outrage among the general public.

Deputy Micheál Martin: We have an issue here. The Taoiseach has outlined costs of €6 million to date. The commission, which was set up to investigate various IBRC transactions beginning with that involving Siteserv, has been in place for longer than the IBRC or the interim body it replaced. The individual transaction of greatest public concern happened over a period of months, but it has now been investigated for a period of years. Every single email, text message and document generated within the IBRC and those approaching it could have been examined by now. The Taoiseach adopted a stance of studied indifference when this was raised in June. The fact is that this commission is investigating a matter of major public, not just Opposition, concern. While the Oireachtas has set the terms of the legislation, it is the Taoiseach and the Government which have direct responsibility for communication with the commission on all matters. This was matter was a political scandal before the last election and it appears that we may go through another Dáil without getting basic answers to fundamental questions.

Has the Taoiseach asked the commission when it intends to produce a substantive report on its core work? Has he asked if it is on target to meet the deadlines under the extensions it has asked for, that is, the time it has given itself? When will the public know an answer to the basic question of whether State assets were sold below value? This is separate to the more contentious issue of who was responsible for this if it happened, and the role which lobbying may or may not have played. As a member of the Government, is the Taoiseach proposing to take any measures to secure extra information for the public in the next few months? Deputy Burton has identified potential future costs and no one has any real notion of when this investigation will end. This is deeply unsatisfactory. We need answers to some very basic questions that were asked about the transaction in question.

Deputy David Cullinane: The cost of this investigation is problematic to say the least. The Taoiseach stated that the spend so far has been approximately €6.6 million. On several occasions, he has cited an estimate of the cost, which I imagine was presented to him by his officials, of up to €30 million. There is an obligation on the Taoiseach to outline what this figure is based on and how it was arrived at. It would be an extraordinary amount of money to spend to continue with this commission of investigation. The Taoiseach has previously brought party leaders or spokespersons together to try to get a consensus on how we should move forward in respect of this issue. What was the *quid pro quo* when the deadline was extended to next

March? In other words, what was the expectation on the part of the commission of investigation which underpinned the extension? I imagine the Taoiseach will have to come back to party leaders some time next year to once again consider what to do next. Can he confirm this?

People will be concerned about the escalating costs and on what the figure of €30 million cited by the Taoiseach is based. I am aware that there are third-party and legal costs which have not yet been paid. Those are part of it, but there is a big difference between the judge's estimate and what the Taoiseach's officials are telling him it might cost. It is important that he clarifies the position in this regard.

Deputy Richard Boyd Barrett: Charles Dickens' best book was probably *Bleak House*. It starts with the tale of a legal case Jarndyce and Jarndyce, which had gone on for generations to the point where nobody knew what the case was about anymore. One thing that is clear in Jarndyce and Jarndyce is that the lawyers make an absolute fortune out of the whole thing, such that the original issue and any moneys that might have arisen from the case would all be hoovered up by the legal profession and the reason for starting the case would fade into the mists of time. This is also the kind of problem in this matter. On the one hand the Siteserv and IBRC issue is something we need truth and clarity on because there is a lot at stake in it. These costs, however, cannot be allowed to escalate to a point where they are, if some of the figures being bandied around are credible, far in excess of the sums of money that were being investigated by the investigation. That would be bizarre and unacceptable to the public. It will be interesting to hear what the Taoiseach has to say on that front.

An Leas-Cheann Comhairle: The Taoiseach has up to five minutes.

The Taoiseach: I can be shorter than that on this occasion. This is a commission of investigation and I need to be careful what I say about it. I answered a question earlier with regard to former Deputy Dara Murphy. I can confirm, however, that the Standards in Public Office Commission can investigate a former Member in relation to his or her conduct as a Member. The former Deputy, Dara Murphy, has said that he is willing to co-operate fully with any statutory investigation. I believe he should do so and I said this to him last night.

The Cregan commission is a commission of investigation established by the Dáil. It was demanded by the Opposition at the time. There was some reluctance in Government to do it, but the Government acceded to the demands of the Opposition at the time to establish the commission. As it is a commission of investigation that operates independently of Government - it is a little bit like a court or a tribunal in that regard - we cannot interfere in its work. The figure of €30 million is an estimate by my officials. It is based on the costs incurred to date and the costs trajectory of other commissions of investigation. We accept that it is only an estimate.

With regard to the timeframe for reporting, the accountability for the commission of investigation is set out in the Commissions of Investigation Act 2004. The establishment of a commission is by way of a Government order that has been approved in draft by both Houses of the Oireachtas. The order identifies a specified Minister who is responsible for receiving the interim and final reports, for granting any extensions of timeframe, and for other administrative tasks. As the Members are aware, the previous Taoiseach and I consulted Oireachtas representatives at every stage where a decision was required on IBRC. Following a request from the commission in its fourth interim report, which I received on 10 June, I extended the reporting deadline to the end of this year. I have no information to indicate that the deadline will not be met. Based on this, we anticipate another report before the end of this year, and we will see if

that happens.

British-Irish Council

2. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his attendance at the 33rd British-Irish Council. [48539/19]

3. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on his hosting of the recent British-Irish Council summit. [47640/19]

4. **Deputy Micheál Martin** asked the Taoiseach if corporation tax was discussed at the British-Irish Council when it met in Farmleigh recently; and if comments were made about corporation tax in Northern Ireland. [48831/19]

5. **Deputy Joan Burton** asked the Taoiseach if he will report on his hosting of the recent British-Irish Council summit. [48844/19]

6. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on his hosting of the recent British-Irish Council summit. [50113/19]

The Taoiseach: I propose to take Questions Nos. 2 to 6, inclusive, together.

I was pleased to welcome the administration heads from Scotland, Wales, the Isle of Man, Jersey, Guernsey and the British Government to Dublin for the 33rd British-Irish Council on 15 November. This year marks the 20th anniversary of the inaugural meeting of the British-Irish Council, BIC, and it was agreed that the council continues to be a valued institution of the Good Friday Agreement. It offers opportunities to engage on matters of mutual interest across our respective competencies.

The council discussed the political situation in Northern Ireland and regretted that Northern Ireland will not be represented politically at this important forum until the Executive is restored. The Secretary of State for Northern Ireland was present, as were civil servants from Northern Ireland.

The summit heard from health ministers from each administration who met that morning to discuss health and social initiatives to combat substance misuse, in particular the enhanced, innovative addiction treatment and rehabilitation services that will be central to tackling problematic drug and alcohol use in Dublin's north-east inner-city. The Ministers explored the links between health and social initiatives and community policing, and their long-term social and economic benefits to communities. In advance of the summit meeting on Thursday evening, health ministers from the travelling delegations visited the Dublin north-east inner-city inclusion health hub, a project that focuses on the transformation of the delivery of health services for drug users in the city.

The issue of corporation tax was not discussed, but the BIC summit provided an opportunity for ministers to update the council on their actions regarding Brexit and to discuss the latest domestic political developments across their jurisdictions, along with topics of mutual interest such as the economy, trade and ongoing relations with the European Union. I had a bilateral meeting with First Minister Sturgeon, during which we discussed Brexit, political developments and the ongoing review of bilateral relations between Ireland and Scotland.

Deputy Joan Burton: The Taoiseach chaired the 33rd British-Irish Council last month, and we are celebrating - or noting - the 20th anniversary of the inaugural meeting of council. We are in a period of immense change one way or the other, as we are all aware, with regard to the future relationships between the UK, Ireland and the EU. There are questions over the constitutional futures of both islands. It is necessary that we have a forum to continue to forge the east-west relationship. No matter what the changes will be, it is essential to maintain strong links between both islands during this period.

For the past two meetings of the BIC, however, the UK Prime Minister in office, Theresa May, and more recently, Boris Johnson, have failed to attend the summit and have had deputies attend on their behalf. This is regrettable, particularly given the Taoiseach's own dedicated attendance.

Yet again there has been no elected representation for the people of Northern Ireland because of the ongoing paralysis at Stormont. I welcome the hints at the moment that there could be another set of Christmas discussions. Christmas discussions at Stormont have provided positive outcomes on previous occasions, albeit for limited periods of times. I welcome any move by the two parties in Stormont perhaps to begin serious conversations when the British general election is over.

It is 20 years since the first meeting of the council. Does the Taoiseach feel it is now appropriate to review the role? If the British-Irish Council is to have a serious future, does the Taoiseach have any confidence that the next Prime Minister of the UK after the current election will attend the 34th summit in Scotland next year? We would all look forward to it also if the Northern Ireland parties, especially the DUP and Sinn Féin, could indicate that they might foresee their presence in Scotland next year. Will the Taoiseach outline his own view of the future role of the BIC, particularly in the context of Brexit, and will he commit to stressing this view and pressing the importance of the British-Irish Council to the next UK Prime Minister after the election on 12 December? I am conscious that polls appear to indicate the current incumbent has quite a good chance of remaining in office. Does the Taoiseach feel that any engagement will be likely from him with regard to the council?

Deputy David Cullinane: This year marks the 20th anniversary of the inaugural meeting of the British-Irish Council. Ministers with responsibility for health policy visited the north-east inner-city health hub, which I welcome. It is very important that these types of visits go ahead and that legislators can see what is being done on our behalf in these centres.

The Taoiseach also had a bilateral discussion with Nicola Sturgeon, which I welcome. Will the Taoiseach indicate if the issue of Scotland's independence and a potential second referendum came up during those discussions? The Taoiseach is aware that for some time we have pressed him and his Government to engage in the conversation on a united Ireland and for a Border poll at some time in the State. The difference between the Scottish and Irish situations is that Scottish leaders are actively engaged and participating in the debate on Scottish independence and a potential referendum. That is not the case in this State, be it on the part of Fine Gael or Fianna Fáil. We would like to see that change. The elements that we have sought - a White Paper on Irish unity and an Oireachtas committee to consider the practical steps to arrive at a final destination - are important and necessary in that regard.

As part of that fringe meeting, did the Taoiseach hold a discussion with First Minister Sturgeon on the potential for a second referendum on Scottish independence?

Deputy Micheál Martin: During yesterday's Question Time, I asked the Taoiseach about the future arrangements for a more systematic engagement between members of the Irish and British Governments following Brexit. I pointed out the familiarity that had built up over nearly 50 years of common membership of the EU and how essential that was to good relationships between the two Governments and peoples. The Taoiseach's reply was a very general one that did not go beyond what had been said for well over a year, that is, some form of altered British-Irish Council was being considered. I would have thought that, at this stage, this matter should have gone beyond generalities. The number of areas where regular contacts are required to maintain the broad features of, for example, the common travel area is wide and cannot be addressed by having a few more set-piece summits. Is it the Taoiseach's intention to consult on this matter or publish anything? Has he discussed a process with the British to start getting something more specific? We have mentioned the Nordic Council as a potential model for future British-Irish structures post Brexit.

We will soon reach the third anniversary of the collapse of the democratic institutions in Northern Ireland because of a controversy surrounding a heating scheme. It is a great pity that the Dublin media has paid so little attention to the details of the inquiry into that heating scheme, given that it has confirmed to everyone the core dysfunction that was operating in the DUP-Sinn Féin controlled Executive. One element of this was the secret structures whereby Sinn Féin ministers were controlled by non-elected people. The even more pervasive point was how each party was allowed to promote its own interests and other parties were systematically excluded.

Should the two parties find a way to work together again, and I hope they do, what cannot be allowed to happen is the continued marginalisation of other parties and groups. An essential part of ensuring that is to restore a civic forum. This is not an option - it is a requirement of the agreement. Another essential move must be an end to the practice whereby the leaders of the two larger parties in the Executive and their advisers get to control even basic information and the flow of same, denying others the right to debate issues before everything is agreed between the two larger parties. Will the Taoiseach assure us that the Government is seeking the full implementation of the Good Friday Agreement, not just those parts of it on which the two larger parties are focused?

Deputy Richard Boyd Barrett: I note that health ministers met as part of the British-Irish Council. I would be interested to know whether they were aware of the alarming similarities in the crises in the health services in the North, South and Britain. Today, health workers in the North are on strike. On 18 December, nurses will come out on strike. They are on work to rule today. Other health workers are already on strike because of a shocking inequality between health workers in the NHS in the North and those in Britain. Health workers in the North get paid less - they have caps on their pay - than their equivalents in Britain. This shocking inequality was initially supported by DUP health ministers in the Assembly and maintained by Ms Michelle O'Neill of Sinn Féin when she was health minister in 2017. Just as People Before Profit said to nurses when they went out on strike for decent pay and conditions in the South, we fully support health workers in the North fighting for pay parity. What is at stake is the quality of health services in the North, which are suffering exactly the same problems as ours are, namely, massively high waiting lists, huge overcrowding and terrible conditions for health workers. As a result, they cannot recruit enough health workers and others are leaving to work for agencies or leaving the country altogether. That sounds familiar, does it not? In the worst way, there are similarities between the North, South and Britain in terms of the mistreatment of

and underinvestment in our health services. We should all support the nurses and other health workers in the North who are taking industrial action to remedy that inequality.

The Taoiseach: When it comes to the British-Irish Council it has not been the norm for the UK Prime Minister to attend since its inception. I think that Mr. David Cameron may have attended one of the meetings, perhaps in London, or a few during his term of office, but it has been the norm since its inception to send a different senior Cabinet minister to attend the British-Irish Council to represent the UK Government.

In terms of the future role, I believe that both the British-Irish Council and the British-Irish Intergovernmental Council can have an enhanced future role after Brexit, with the British-Irish Council perhaps taking responsibility for monitoring issues around the common travel area, maybe even security co-operation as well as co-operation among the regions, and the British-Irish Intergovernmental Council, which really operates on an *ad hoc* basis, becoming more permanent and more structured with regular meetings, perhaps one summit once a year involving the two Heads of Government, with bilateral meetings involving ministers and their teams. When the UK leaves the European Union, we will still have a lot to talk about and we will not have the opportunity to meet four or five times a year in Brussels as we do now.

I know Deputy Micheál Martin mentioned the Nordic Council as a potential model. I think that is something that we need to examine. The intention now is to take it up with the Prime Minister after the British elections, which will happen next week.

Regarding the Scottish independence referendum, First Minister Sturgeon took the opportunity to brief me on her thoughts and plans about it. She informed me that it was her intention, and the intention of the Scottish Government, to have a second referendum in Scotland on independence in the next number of years. Of course, the Scottish Government will need the consent of the UK Government to do that. That may depend on the outcome of the elections next week as well.

On the general situation in Northern Ireland, it is very dynamic at the moment. There are a lot of moving parts. One is the outcome of the Westminster elections next week, which will impact on who will be the Prime Minister and in the Cabinet and whether the next Government has a majority or not. Also, there is still uncertainty about Brexit and whether the withdrawal agreement can be ratified. There is a potential in the next couple of weeks for us to get some certainty, both on the composition of the UK Government and also on the UK's intentions with regard to Brexit. I think that creates the opportunity for talks to resume in Northern Ireland around re-establishing the institutions and getting them functioning again and also around the full implementation of the Good Friday Agreement.

Deputy Boyd Barrett raised the problems that were being experienced in the health service in Northern Ireland. I make a point of at least looking at the front pages of all the Northern Ireland newspapers every day. He is absolutely right. There are major problems in the health service in Northern Ireland that are not dissimilar to the ones faced here, in Britain or, indeed, in very many jurisdictions around the western world. The front page of the *Belfast Telegraph* for the past three or four days has been leading with health stories around the strikes, problems with cancer tests, problems with waiting lists and access. It is sadly a feature of the vast majority of public health services in the western world to different extents. The extents do vary, but the problems are very similar - waiting times, overcrowding in emergency departments and difficulty recruiting and retaining staff. I know that the German health minister is currently seeking

50,000 more nurses. The UK's NHS talks about, I think, 100,000 vacancies. Even the whole issue of overspending - health trusts and so on not being able to stick to budgets - is very similar, albeit to different extents and different levels of severity in different jurisdictions.

We should say one thing about our health service that often gets missed. The focus is always on overcrowding and trolleys, and I understand why that is the case, but we do not focus on - this is unfair on our health service and our health service staff - patient outcomes enough. For example, somebody who gets cancer in Ireland has a better chance of survival than somebody who gets cancer and is treated by the NHS in Scotland, England, Wales or Northern Ireland. We are seeing real improvements in patient outcomes with regard to stroke, heart attack and life expectancy. All of these patient outcomes and indicators in our health service are going in the right direction. This does not happen by accident. It happens because of investment, good strategies, good policies and the phenomenal work of the staff in the health service. This should be recognised more.

Deputy Micheál Martin: Fianna Fáil-led Government cancer and heart strategies.

Deputy David Cullinane: We will pat you on the back.

Departmental Functions

7. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on the work of the parliamentary liaison unit in his Department. [47831/19]

8. **Deputy Brendan Howlin** asked the Taoiseach if he will report on the work of the parliamentary liaison unit. [48733/19]

9. **Deputy Micheál Martin** asked the Taoiseach the way in which his Department supports the Independent Ministers of Government as outlined in the Statement of Strategy 2016-2019 of his Department. [49131/19]

The Taoiseach: I propose to take Questions Nos. 7 to 9, inclusive, together.

My Department assists the Taoiseach and the Government, including the Independent members of Government, through the Government secretariat, the programme for Government office, the Cabinet committee structure, and the parliamentary liaison unit. As outlined in my Department's Statement of Strategy 2016-2019, these business units work to ensure Government business is managed to the highest standards. The business of Government is co-ordinated by the Government secretariat, which has responsibility for the preparation of the Cabinet agenda, the circulation of papers, and the communication of the Government's decisions to the relevant Ministers and Departments.

The programme for Government office provides assistance to Government in delivering on its ambitious programme of work through monitoring the implementation of the commitments contained in the programme for Government across all Departments. The office prepares progress reports and an annual report setting out progress made across all of Government in implementing the commitments in the programme.

The Cabinet committee system is an important part of the machinery of Government and a core part of the work of the Department. It provides a co-ordinated whole-of-government

approach to issues as necessary. The scope of the Cabinet committee system encompasses the Government's national priorities and the challenges Ireland faces in the coming years.

The parliamentary liaison unit was established to help ensure that Ministers and Departments are properly informed of the responsibilities and procedures in the 32nd Dáil. The unit provides assistance to Ministers and their Departments on Oireachtas matters, with a particular emphasis on assisting Departments with Private Members' business. The unit liaises with advisers to the Independent members of Government to ensure they are informed of Oireachtas issues and to assist them in engaging with the new processes arising from Dáil reform. The parliamentary liaison unit provides detailed information on upcoming matters in the Dáil and Seanad and highlights any new Oireachtas reform issues. The chief strategist for the Independent Alliance and the political co-ordinator for the Independent Ministers in Government are also based in my Department.

The Government press secretary acts as a spokesperson for the Taoiseach and the Government and is supported by the press office in his role of co-ordinating the media relations of all Departments. The deputy press secretary, who is also based in my Department, has responsibility for co-ordinating communications for all the Independents in Government. My Department continues to monitor these supports, enhancing processes as appropriate.

Deputy Richard Boyd Barrett: I asked about the parliamentary liaison unit in June in the context of the Bills being blocked by money messages. There are 55 such Bills, including all of those of People Before Profit, which have all passed Second Stage. The Bills include the Provision of Objective Sex Education Bill, the Petroleum and Other Minerals Development (Amendment) (Climate Emergency Measures) Bill, the Anti-Evictions Bill and the Cannabis for Medicinal Use Regulation Bill.

What I am curious about is how the Government assesses what requires a money message. It seems there is clearly an abuse of the money message provision and it is being used for political purposes. There seems to be no consistency or objectivity in deciding what supposedly has a cost. Even though the Bills clearly are not Bills about spending money or raising taxes, arbitrarily the Government declares there will be costs, but there is no consistency in that application. The only rationale appears to be political. I would like the Taoiseach to admit this and that politics rather than actual costs is dictating the use of the money message by the Government.

I will give an example because I asked the Clerk about this. I asked him what Bills do not require money messages. He said referendum Bills do not. I said that was very strange because referendums cost a lot of money. Why would they not require a money message while a Bill to stop issuing fossil fuel licences to oil and gas companies, which would cost the Government hardly anything, does require a money message? This exposes the abuse, and there is no other word for it, but I want the Taoiseach to prove me wrong. There are actually no objective fair criteria for the deployment of the money message other than partisan politics, because some things do not require a money message even though they could well be argued to have a cost and other things do require one even though they clearly would not have a significant cost other than minor incidental costs.

Deputy Joan Burton: I want to speak about some messages to the Taoiseach in particular in the context of the parliamentary liaison unit. The Taoiseach may be aware that hundreds of women were outside the gates of Leinster House yesterday with the slogan "SAVE OUR BIN-GO". I have to say I was astonished last week and earlier this week when I heard the Govern-

ment intended to go to war on the simple pastime of a lot of older women. Some very elderly people enjoy a game of bingo, for the most part in former cinema halls and theatres throughout the country.

Yesterday, the women outside wanted to be able to give this petition, which I have with me, to the Government but they were not able to do so. I will mention one woman whose name is in the petition and whom the Taoiseach may well have met locally in Dublin West. Kathleen Reynolds has a severe disability but nonetheless manages to play table tennis and manages to go every week to a couple of bingo games. As she has said and as have many other women, it is her pastime. Many of the women do not drink or smoke. They go to bingo. I am sure the Taoiseach must have been brought to bingo by his mother or grandmother when he was a child, as many people were.

An Leas-Cheann Comhairle: Are we all on the same page?

Deputy Joan Burton: This is about communication. The question is about the parliamentary liaison unit. The Taoiseach listed a rake of people from the Government Information Service and other offices who are all in the business of communicating and, it is presumed, being communicated with.

An Leas-Cheann Comhairle: The Deputy is stretching it now.

Deputy Joan Burton: There were more people than we would find on stage in the list of people the Taoiseach gave, yet the women with the bingo petition could not find one person in the busy Government who could come out and accept it. I do not generally do this and I apologise but, being honest, what has got into the head of the Government that it is waging war against bingo at a time when we have an unbelievable homeless crisis?

An Leas-Cheann Comhairle: We have the gist of the Deputy's question.

Deputy Joan Burton: I share a lot of Deputy Boyd Barrett's views on the money message.

An Leas-Cheann Comhairle: We will not get an answer.

Deputy Joan Burton: Mr. Justice Simons gave a clear warning in his comments to the court that the Government is on very thin ice, never mind bingo, with regard to the money message.

An Leas-Cheann Comhairle: We will not get an answer.

Deputy Joan Burton: We need a more comprehensive answer than the Taoiseach has just given us.

An Leas-Cheann Comhairle: Please leave some time for the Taoiseach to answer. I call Deputy Martin and ask him to stay within the confines of the question.

Deputy Micheál Martin: I certainly will, but may I express my admiration for Deputy Burton, who brought all of her experience to bear on a very important issue that generated a lot of activity and concern outside the House yesterday?

Deputy Joan Burton: There is no harm in it.

Deputy Micheál Martin: I am saying "well done".

Deputy Joan Burton: It is baffling that the Government is declaring war on it.

Deputy Micheál Martin: As an observer, I must admire the Deputy's capacity to do that.

An Leas-Cheann Comhairle: The clock is ticking and it is costing the Deputy time to admire her.

Deputy Richard Boyd Barrett: It is an important issue.

An Leas-Cheann Comhairle: I know. I have played bingo myself.

Deputy Micheál Martin: As a young fellow I sold bingoettes on a Thursday night in the Savoy in Cork and in the City Hall, where about 1,500 people used to play at that time. I understand the centrality of bingo to many people's lives and the Government should make a statement that bingo is not threatened. My understanding is that it is not and that there are exemptions that will certainly facilitate the continuation of bingo. At some stage, the Taoiseach and the Government should confirm this.

It is important to point out that when the parliamentary liaison unit was first set up, the Dáil was informed that it was intended to make sure the Government kept in touch with the Dáil as a whole. That is what was said. Subsequently it was confirmed that it is in fact there to service the inquiries of Independent Deputies who have, or might have in the future, agreements to vote with the Government in divisions.

In the past, the Taoiseach was asked to list the Deputies who are covered by the unit's work. He claimed that he did not know the exact answer. Now the Taoiseach has had time, can he tell us exactly who the unit works with? Are services provided by the unit to anyone other than the four non-Independent Alliance Deputies who voted for the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy? I am aware that there was apparently a lot of activity with Deputy Mattie McGrath yesterday. I might be wrong there, but apparently there was a great deal of engagement that came to naught in the end.

2 o'clock

Deputy Joan Burton: Maybe he is a bingo player.

Deputy Micheál Martin: The Taoiseach will also be aware of reports this morning that specific arrangements may have been entered into to get the Minister through the vote. Specifically, there are reports that Ministers may have been busy making promises on individual projects. Considering the Taoiseach's past commitment to transparency on these matters, will he publish the list of projects discussed yesterday with Deputies in the interests of trying to secure their votes?

An Leas-Cheann Comhairle: I call Deputy Boyd Barrett.

Deputy Richard Boyd Barrett: I asked my question already.

An Leas-Cheann Comhairle: I call Deputy Cullinane.

Deputy Richard Boyd Barrett: I can speak again if the Leas-Cheann Comhairle wants me to do so.

An Leas-Cheann Comhairle: I know Deputy Boyd Barrett would. I call Deputy Cullinane.

Deputy David Cullinane: I wish to speak to question No. 9. The Department of the Taoiseach is obliged to have a statement of strategy. My understanding is that the statement of strategy for the Department will reach its end date this month. We do not know how long this fractured Government has left as we move into 2020. It might be a month, two months or three months. We know that in the by-elections, to use a bingo analogy, the Government got neither a full house nor a line. In none of the four constituencies did Government candidates win seats. I would like to know what the thoughts of the Department of the Taoiseach are for 2020. As stated, it is obliged to have a statement of strategy in place. As the Taoiseach acknowledged in the past 48 hours, housing is one of the big challenges facing this State. It is a huge issue that is pressing down on people. Despite the fact Fianna Fáil Deputies sat on their hands last night and abstained, they were unable to express confidence in the Minister for Housing, Planning and Local Government. This is the big issue. It is one of the major challenges we face, as are health, childcare and a host of other matters. The issue regarding housing is enormous. The statement of strategy, which reaches its end date this month, notes that the Department “has a responsibility to ensure that policies developed uphold the Government’s commitment to develop Ireland in a sustainable way which fosters economic development and social progress”. From our perspective, the big issue in the context of social progress is housing. As already stated, I would like to know if the Department of the Taoiseach intends to put in place a new statement of strategy for 2020 or is the Taoiseach accepting that this fractured Government is dying on its feet and might only have a couple of weeks left as we go into 2020?

The Taoiseach: I confirm that no promises were made to Independent Deputies in return for votes on the confidence motion and there is nothing to publish. However, Independent Deputies and plenty of Opposition Deputies are in touch with Ministers all the time looking for help on issues and we try to help them as best we can.

As the Deputy stated, the statement of strategy will expire at the end of this year. We will have an election next year so the most appropriate thing is that the new statement of strategy should be for the new Government. Hopefully, it will not be for a new Taoiseach but that is a matter for the people to decide in May.

On Private Members’ Bills, it is worth pointing out that, under this Government, the current Dáil has allowed and facilitated the enactment of more Private Members’ Bills than any previous Dáil in the history of the State. Nine Private Members’ Bills have become law. In the previous Dáil, the figure was only four and it was zero in the Dáil before that. No Dáil in modern Irish history has been so willing to facilitate the enactment of-----

Deputy Micheál Martin: That is because of my reforming zeal at the commencement of this Dáil. We drove Dáil reform.

The Taoiseach: -----Private Members’ Bills. I pay tribute to Deputy Micheál Martin’s reforming zeal and self-congratulation in that regard. It is also worth saying there are 300 Private Members’ Bills in the system. Most of them do not require a money message. Probably only about 50 of the 300-----

Deputy Micheál Martin: The Government blackguarded it.

The Taoiseach: -----require money messages. In some cases, money messages have not even been requested. I have seen suggestions that there are 40 or 50 Bills awaiting money messages. However, a money message must be requested first and the matter is then processed by

the Department before a decision is made. It is all covered under Article 17.2 of the Constitution, which states that a Bill which involves a cost to the Exchequer cannot be enacted without a money message being agreed by the Cabinet and signed by the Taoiseach. We have a memorandum of understanding as a protocol that outlines the grounds on which a money message can be refused. Essentially, there are four grounds. First, if it requires money that has not been voted for by the Oireachtas. For example, the Cannabis for Medicinal Use Regulation Bill 2016 would establish two new Government agencies. It is not just about medicinal cannabis but it proposes to establish two new Government agencies. The cost of establishing two such agencies-----

Deputy Richard Boyd Barrett: We said we would delete those sections.

The Taoiseach: -----would be substantial. The second ground relates to whether a Bill is unconstitutional. Some legislation put forward is unconstitutional. On the advice of the Attorney General, I cannot grant a money message for legislation I know to be unconstitutional.

Deputy David Cullinane: The Taoiseach has 30 seconds to get the bingo answer in.

The Taoiseach: The third ground relates to whether the legislation is contrary to European law or international treaties. Again, I cannot sign a money message for legislation that is contrary to European law or to international treaties to which this country is a signatory. The fourth ground relates to circumstances where the Government is introducing legislation that supersedes a Private Members' Bill. It is common for the Government to agree that a certain Bill has a good idea behind it but that it is flawed in some way and that it will, in conjunction with its own team, experts and the Departments, with all of their resources, put forward legislation which is better and which does much the same thing. The National Minimum Wage (Protection of Employee Tips) Bill 2017 is an example in this regard.

I answered two questions on bingo earlier. However, out of respect for the Deputies, I would be happy to comment on the matter again. I have been to bingo with my-----

Deputy Joan Burton: I am sure the Taoiseach has.

The Taoiseach: I have been there on the odd Sunday night in recent times not too far from here. I am happy to confirm once again there is no threat to bingo halls or bingo nights. The change in the law is to require operators to give 25% of the money to charities, as they are supposed to. There are some large, profitable and commercial bingo halls that have not been giving any money to charity at all or that have only been giving paltry sums. The law will require that 25% of the proceeds of the bingo halls go to charity. I do not see why anyone should be against that. I can understand why the operators are against it because they would rather keep the money but they are wrong in that regard. The 25% to which I refer should go to charity. I hope Deputies will vote for the legislation and call out the operators because some of them have not been giving that money to charity, even though they are required to do so.

My Department receives petitions all the time. They can be delivered to the office at the entrance to Merrion Street Upper.

Written Answers are published on the Oireachtas website.

Sitting suspended at 2.07 p.m. and resumed at 3.07 p.m.

Saincheisteanna Tráthúla - Topical Issue Debate

Rural Development Policy

Deputy Michael Harty: I thank the Leas-Cheann Comhairle for choosing this Topical Issue matter and thank the Minister for Rural and Community Development, Deputy Ring, for attending to take the question.

The issue I highlight arose from a public meeting held in Newmarket-on-Fergus on the evening of Monday, 2 December. It was attended by all the local Members of the Oireachtas - Deputies and Senators - and the local county councillors, as well as the Garda inspector at Shannon. It was well attended, with more than 700 people, and was a call to us as Members to highlight the issues facing villages such as Newmarket-on-Fergus, which is a case study of what is happening to many villages and towns throughout Ireland. Newmarket-on-Fergus is a town close to Shannon and Ennis that has been bypassed by the M18 and it should do better than it does, which is the point people wished to highlight to the local Oireachtas Members. The problem is mirrored throughout rural Ireland.

The issues raised included the lack of basic services, amenities and facilities in the village; the fact that all the shops and many pubs have closed; the poor streetscape; and the lack of proper lighting, footpaths and public transport. Anxieties were also raised about policing services not being visible or being at a remove from Newmarket-on-Fergus. The town has a small station, which is manned infrequently for a few hours per week, and the policing service comes from Shannon. The issues in that regard were the lack of visibility of gardaí on the ground, a slow response time when the Garda is contacted, and a great deal of anti-social behaviour and illegal drug-taking. There is great concern that such activity is happening in a small village. There has also been a loss of GP services. A long-standing GP in Newmarket-on-Fergus retired last May but a replacement has not been found, which is a source of great anxiety for the community because people have to travel to Shannon or Ennis for a service. There is a lack of support for the public health nurse, the community intervention schemes, and home helps and voluntary groups in general. The loss of a GP is a substantial issue.

The story is familiar throughout Ireland and demonstrates how easily the fabric of a rural society can unravel. Newmarket-on-Fergus has benefited from supports from the Government and from the town and village renewal scheme, through which it received €200,000 in 2017. It received €500,000 from LEADER and €200,000 from a local philanthropic fund - the Tomar Trust - and it produced €300,000 of its own money to build community services in the area. Obair, the local community service, provides services from the cradle to the grave, including elderly services, unemployment services, a community crèche and meals on wheels, the last of which extend throughout south Clare, to Quin, Doorra, Newmarket-on-Fergus, Bunratty, Kilkishen, Kilmurry and Sixmilebridge. It is an extensive service that radiates from the town centre and the funding for it was welcome. It has a community café and educational courses.

Newmarket-on-Fergus has received substantial funding. Nevertheless, the issues raised on Monday night were cross-departmental. They spanned health, transport, housing, justice and education, and how the town interacted with the county council. The residents highlighted that while they have been given support, there is much more they could do if they were given additional supports. Not least in respect of policing, medical services and the upkeep and structure of the village, they believe that a great deal more could be done for them.

Minister for Rural and Community Development (Deputy Michael Ring): We appreciate the voluntary work that is done and the services provided in rural Ireland by voluntary groups. Without them, there would not be many of the services. The Deputy's question was general but he also focused on Newmarket-on-Fergus, which is fine.

There is no doubting the challenges faced by rural towns and villages, especially in the face of a changing retail environment and as people move away from town centre living. The Government is acutely aware of the need to support and revitalise towns and villages. This is a central objective of our investment in Project Ireland 2040 that is being backed up by an investment of €1 billion under the rural regeneration and development fund. It is worth highlighting the significant investment taking place in towns and villages and the many positive stories emerging throughout the country.

Since 2016, I have announced €68 million for more than 830 projects under the town and village renewal scheme, the sole purpose of which is the revitalisation of towns and villages. This year alone, I have announced funding of €15 million for 156 projects under the scheme, six of which are based in County Clare and will receive funding of more than €720,000. I have also approved funding of €86 million under the first call for proposals under the rural regeneration and development fund. Last month, I announced the successful projects from the second call, with 26 projects approved for funding of €62 million. In total, I have announced funding of €9.2 million from the rural regeneration and development fund for ten projects located in County Clare. This is a considerable investment in our towns and villages that will have benefits for decades. We are also focused on identifying policy solutions to the challenges facing our towns and villages. For example, my Department has supported a pilot scheme to encourage six rural towns and villages. Funding has been made available to each of the towns to assist in developing innovative proposals to encourage town centre living. It is envisaged that the lessons learned through the pilot scheme can help to inform the approach to supporting and investing in rural towns and villages in the future.

As for Newmarket-on-Fergus in particular, additional funds have been sought from my Department for a specific project that has significant potential for the community there. I have directly engaged with the group involved to explore the options available to it. The group is already in receipt of significant support through my Department, including grants of €500,000 from LEADER and €200,000 from the town and village renewal scheme. The group is also in receipt of €300,000 each year under the community services programme managed by my Department.

These are just some of the steps being taken by my Department and the Government. I assure the Deputy that I will continue to pursue all options available to me to support towns and villages throughout the country, including Newmarket-on-Fergus.

Deputy Michael Harty: There is a recognition within the community of the support it has been given. The issues raised on Monday night were broader, relating to housing, justice, education and transport. The Minister was right to acknowledge the volunteerism in the town and in many communities. The voluntary organisation in Newmarket-on-Fergus, Obair, was set up 20 years ago and is a fantastic organisation. It has developed services out of the Tradaree centre, which is where most of the services I outlined are delivered from.

There is an issue with housing. There are up to 60 derelict buildings in the small town, yet a planning application has been submitted for a new housing estate. It would make much more

sense if the derelict and vacant buildings within the village structure were supported to bring them to a level whereby they could be used as accommodation for families or single people, which would restore vitality to the village, rather than building a new housing estate, which would have to go through the planning process and jump through various regulatory hoops. A great deal of the vacant accommodation could be used to accommodate people rather than building a new estate.

Another issue raised was cross-departmental, given that it is under the remit of the Office of Public Works, Iarnród Éireann and Clare County Council. There was flooding on the rail line at Ballycar between Limerick and Ennis, which passes through Newmarket-on-Fergus. Flooding can interrupt services on the rail line for up to three or four months in a wet winter but it is an important component of the western rail corridor. The issue needs to be addressed, although there are turf wars among the State bodies I mentioned over which of them is responsible. Perhaps the Minister will consider that and bring it to the attention of other relevant Ministers.

Deputy Michael Ring: I thank Deputy Harty for the spirit in which he raised this matter. I work across Government with all Ministers and have to make sure that all legislation and everything that happens at Cabinet is rural-proofed. The Deputy raised a valid point. I have to speak to the Department of Finance, the Minister for Finance, Deputy Paschal Donohoe, and the Government. We set up a pilot scheme for six towns to deal with vacant properties in towns and villages, which is a major issue.

A real difficulty for the retail sector in this country is online shopping. It affects retail, jobs and people. We are coming into the Christmas season and the busiest people all over the country will be couriers, which is having a major effect on our shopkeepers, jobs and rural services. My Department is examining this issue. I gave each of the six towns in the pilot scheme €100,000 and asked them to come back to me with suggestions and ideas. Even before that happened, I looked at a preliminary report. One issue was vacant houses, to which Deputy Harty referred.

Some people will not like what I am about to say. Many on the left think nobody should make a profit. If somebody has a property, there is nothing wrong with the State giving that person support to renovate it and make it available for rent. Some people do not support the ideology I support, but I believe that people are entitled to make a profit if they have properties. If we can encourage people in towns and villages, in particular, to make their properties available for rent, that would help the rental sector and revitalise towns. There is no point in pretending otherwise.

Retail will not return to towns and villages any day soon as long as people are shopping online. Millions of euro are spent online every year. It is a significant challenge for rural Ireland. The town and village scheme, outdoor recreation scheme, CLÁR programme and the urban regeneration scheme have revitalised many towns and villages and created many jobs. There are quality people in every corner of this country. I came into office in 2017 and since then my Department has invested €29 million in Clare alone.

Special Educational Needs

Deputy James Browne: I thank the Minister of State for taking this debate on school places in Wexford for children with special needs. Parents of children with special needs come to me in a state of distress every week. Very often they are worn out, not because their children

have special needs but because they are exhausted from having to fight for school places and the basic services they need so that their children can have a quality of life. My heart goes out to them because I know the battle they are facing every single day to ensure that the education and special supports their children are entitled to are provided. Waiting times in Wexford for special needs assessments are unacceptable. Many children are waiting years for the approval of services such as occupational therapy, physiotherapy and speech and language therapy. This is simply wrong.

Today, I want to focus on the lack of school places for children with special needs. Last year, over 850 children with special needs across Ireland received home tuition because spaces could not be found for them in schools. Many of these children are in my home county of Wexford. Many schools in Wexford do not have adequate facilities or spaces for children with special needs. Mainstream schools and special schools have long waiting lists. In Enniscorthy, there are long waiting lists for support classes in St. Aidan's and St. Senan's primary schools. St. Senan's primary school has been waiting at stage 2 for a new build, which includes badly needed special needs classes, for the fourth longest period of time in the country. St. Aidan's primary school has been approved for an additional classroom, but has not received approval to go to tender. This needs to happen immediately to provide the additional classroom which is badly needed this September.

I welcome that a new building for St. Patrick's special school is being built in Enniscorthy, but it started two years after it was promised. Meanwhile, the principal, teachers, special needs assistants and students have to endure Dickensian conditions in the existing building.

Our Lady of Fatima special school in Wexford town is a remarkable school with a wonderful principal in Rita Waters, outstanding staff and special children. The conditions in which teachers at the school have to teach and children have to learn are simply not acceptable. The car park doubles as a schoolyard and a bus collection point, which is dangerous and unacceptable.

Many special schools across the country are waiting up to 13 years for new builds that are badly needed. There are severe problems throughout County Wexford, including in New Ross, Gorey, Wexford and Enniscorthy. Schools that cannot take children are very often not provided with the resources and training that teachers and special needs assistants need to uphold every child's right to an education. Very often, the provision of special needs assistants in schools who can provide the necessary support for students and teachers is inefficient. Appeals are often turned down, but it is impossible for principals to know why that happened.

For those children who cannot get a place in a mainstream or special school, parents often apply to every school in the county and beyond. This is not a solution and it is impossible where both parents are working. More importantly, all children want to go to school where their friends and neighbours attend school. It is distressing for any young child, but especially a child with special needs, to have to travel long distances every day for basic schooling needs and to go to an area where he or she does not know anybody. The only alternative to this is home schooling, which is not a substitute for an appropriate school place unless it is clinically advised. Children are missing out on developing social skills and the opportunity to mix with other children, and all of the benefits that come from that for any child. It can be very destructive to a home environment and where both parents are working, it can be almost impossible to manage. Ultimately, it is not right for the child.

I ask the Minister of State to deal with these issues, commit to an appropriate number of spe-

cial classes in County Wexford, ensure every child has a right to access education and publish an implementation plan as soon as possible for County Wexford to ensure that children have adequate school places and supports.

Minister of State at the Department of Health (Deputy Jim Daly): I thank the Deputy for raising this important issue. I am taking this matter on behalf of my colleague, the Minister for Education and Skills, Deputy Joe McHugh.

The provision of education for children with special needs is an ongoing priority for the Government. Currently, almost 20% of the total education Vote, or €1.9 billion, is invested in supporting children with special needs. The numbers of special classes, special education teachers and special needs assistants are at unprecedented levels. Nationally, 167 new special classes opened for the 2019-20 school year, which means there are 1,618 special classes in place compared with 548 in 2011. Of these 1,353 special classes cater for students diagnosed with autism spectrum disorder, ASD. The majority of children with autism attend mainstream classes, where they may access additional supports if required.

Some students may find it difficult to manage full-time placements in mainstream classes and, therefore, placement in a special class or special school setting may be deemed appropriate where placement in mainstream class is not in the best interests of the child. The National Council for Special Education, NCSE, has a statutory function to plan and co-ordinate the provision of education and support services for children with special educational needs, in consultation with the relevant education partners and the HSE. The council has well-established structures in place to plan and co-ordinate special education provision throughout the country. This includes identifying the need for and establishing special class placements in various geographical areas where they are required. It ensures that schools in an area can, between them, cater for all children who have been identified as needing special class placements.

Normally, special classes are established with the full co-operation of the schools in areas where they are required. However there are some parts of the country where the council has faced challenges in getting schools and their patrons to voluntarily agree to provide special classes or school places. I know that this can cause much anguish for the parents and families involved. In County Wexford, there are currently two special schools and 60 special classes in mainstream schools, including four ASD early intervention classes, 33 primary ASD classes and 15 ASD post-primary ASD classes. Seven of the ASD classes are new for the 2019-20 school year. All newly assigned teachers to special classes and schools with newly established special classes undergo a suite of professional development provided by the NCSE through its network of advisers.

The Minister for Education and Skills has the power under section 37A of the Education Act 1998 to direct a school to provide additional provision where all reasonable efforts have failed. The legislation contains a procedure through which the capacity of schools in an area can be tested and, ultimately, a ministerial direction made requiring a school to make additional special education provision available. The Minister for Education and Skills is prepared to use the legislation when necessary to ensure that children can access a suitable education. However, the preference is for schools to engage with this challenge on a voluntary basis because it is the right thing for the children in their community.

To this end, the NCSE is continuing its engagement with schools, patron bodies, parents and others throughout the country to bring the required additional special class and special school

placements on stream. The Department of Education and Skills is not aware of any significant unmet need for additional places in County Wexford. If the Deputy has information in this regard, I will arrange for it to be passed on to the NCSE. Special education needs officers are available at a local level to support parents and schools on the placement of students. I again thank the Deputy for raising this matter.

Deputy James Browne: There is a constitutional right to primary education and education in general. This right was placed in our Constitution in 1937, which was very far-sighted at the time because such a right was not common then. It is crucial that this right be upheld and vindicated for every child, no matter what his or her personal situation. Some 850 children could not get places last year, including some in my county. For example, one parent's child was placed on a list at two years of age. The child is now four and a half years old and is 17th on the waiting list for a place at one of the schools in my home town. All the places on offer have been taken. The other school in the town is also full. There is a problem. Perhaps there may be spaces available at the other end of the county which could be used to accommodate children. However, this approach would not be suitable where a child wants to remain in his or her local community or in situations where both parents work. It is not appropriate for a child with special needs to be travelling the length of the county. It is neither practical nor right.

That situation is replicated across Wexford, so I cannot understand the NCSE stating that there is no issue in the county. I regularly meet parents who are in a very distressed state. That is before we even get into the financial distress experienced by parents who have to spend a great deal of money to get occupational therapy, speech and language therapy and physiotherapy that they cannot access from the State. Parents are struggling every day and have a constant fight to get the supports they need. There is a real sense of anguish for these people, because they want the best for their children. Those parents know that every year their children are held back means it is going to be harder for them to catch up and live full and fulfilling lives as they get older. I do not get the sense that the Department and the State are taking this issue as seriously as they should. I know the benefits that can accrue to children with special needs because my goddaughter has Down's syndrome. She is in St. Patrick's special school where she is getting wonderful support. When children cannot get places in such schools or access the supports they need, they fall behind and that adds to their distress.

Deputy Jim Daly: The State, the Government and the Department take this issue very seriously. I also understand the issue well in light of my background as a former school principal and as a parent. I understand the importance of this issue and the anguish that can be caused. As a practising politician, I understand the stress that parents trying to access places for their children can experience.

Specifically in the context of County Wexford, the NCSE has informed me that three places are available for early intervention in Wexford town, nine places for ASD primary school classes, four in north Wexford, four in south Wexford and one in Bunclody. There are also four places in ASD post-primary special classes, with two in north Wexford and two in Bunclody. There are seven places for those with emotional and behavioural difficulties etc. If Deputy Browne would like to make the information to which he refers available to me or to pass it to the office of the Minister for Education and Skills, we will pass it on to the NCSE.

In the wider context of the Government's point of view, since 2011, the amount of money we have spent on special needs education - an area I have a particular interest in and knowledge of - has risen from €1.2 billion to more than €1.9 billion. That is an increase of more

than 50%. When I entered the Dáil in 2011, the number of special education classes stood at approximately 500. There are more than 1,600 classes today. The number of these classes has therefore trebled. The Government, the Department and the State are taking this matter seriously. If individual situations need to be brought to the attention of the NCSE, then we are more than happy to facilitate the transfer the information for the Deputy.

Hospital Overcrowding

Deputy Timmy Dooley: I welcome the opportunity to raise the important issue of overcrowding at University Hospital Limerick, UHL. I am disappointed that the Minister for Health, Deputy Harris, has not got the time, inclination or interest to be here to discuss such an important issue. He has no problem, however, travelling to Limerick next week to participate in the opening of what is referred to as the health science academy at University Hospital Limerick. I will read what was stated about that facility, namely, “In collaboration with the University of Limerick, UL, and the mid-west community healthcare organisation, CHO, UL hospital group have developed a health science academy with an emphasis on research, education and training programmes, which will have clear outcomes for patients and impact patient care”. The opening has been postponed by two weeks because the last time the Minister for Health was supposed to be present to perform the opening and showboat for the cameras, some 85 patients in the hospital were on trolleys. That event was cancelled hastily, and the Minister was able to duck his responsibility of dealing with the crisis at the hospital.

The Minister of State knows full well, and this is no fault of his, that over the past four years the annual number of patients on trolleys has almost quadrupled. In 2012, there were 3,626 patients on trolleys according to the yearly count. This year, the figure is 12,810 and that is only up to 28 November. That is an appalling situation.

I can go through case after case of constituents of mine who are affected because the Mid-Western Regional Hospital in Limerick deals with patients in three counties, as well as Limerick city. People contact my office daily to tell me about outrageous situations endured by elderly and sick people. An example is that of a farmer in his 70s who was rushed to the hospital when he collapsed on his farm. He remained on a trolley in the accident and emergency unit for almost three days, while still in his dirty farming clothes. He was located beside a patient with an ulcerated leg. It was not possible for his clothes to be changed or for him to have a shower. That man remained on the trolley for almost three days until he was transferred to a ward. That is an appalling situation and is just one of many such cases I hear about daily. People in their 90s are spending 48 hours in what is an accident and emergency department, where the lights are on and there is no capacity to get some sleep. It is a terrible situation in which to treat someone. The nurses and doctors I talk to, who are not alarmist, are saying it is impossible for them to do their job. They cannot get medical equipment through to check blood pressure because of the way the trolleys are stuffed into the space. What we do not want is the Minister coming down to have his photograph taken again outside and inside some new development that is going to benefit people in the future, or at least that is how it is being presented. I want to see the Minister appoint someone, before the end of this week, with a budget and the capacity to look at all of the resources available in the mid-west region and then to try to use them to the greatest extent.

There are closed beds, wards and areas that can be reopened. We need to end this rubbish

talk of there not being an embargo on the employment of nurses and doctors, because there is one. That topic has been raised in this House in recent days. There are nurses prepared to come back to this country if they are given full-time contracts. This is a serious situation. I am not crying wolf. I do not play that game. I understand how these things work, but a life will be lost unnecessarily - if lives have not already been lost unnecessarily - because of the overcrowded conditions in which nurses and doctors are expected to deliver services. We need a response from the Minister as soon as possible.

Deputy Jim Daly: I welcome the opportunity to address the House on the issues raised by Deputy Dooley. The Minister for Health wishes to acknowledge the distress that overcrowded accident and emergency departments cause to patients, their families and the front-line staff working in challenging conditions in hospitals all across the country. The number of patients attending accident and emergency departments continues to increase year-on-year. For the first ten months of 2019, the number of patients attending hospital accident and emergency departments increased by 2.7% and the number of admissions to accident and emergency departments has increased by 0.9% compared to the same period last year. The emergency department at UHL, is one of the busiest in the country. As such, the hospital and the CHO were identified as one of the nine focus sites requiring additional investment, focus and support last winter.

According to HSE TrolleyGAR data, there was a 16% increase in patients waiting on trolleys year-to-date in UHL emergency department in October 2019 compared with the same period last year. In October, however, 883 patients were counted on trolleys in UHL, which was a 1.6% decrease compared with the previous month. It is acknowledged that this figure is unacceptably high and the HSE is actively working with the UL hospital group to ease congestion in UHL, with a focus on facilitating transfers to Level 2 hospitals, assistance from rehabilitation units and CHO services, and prioritisation of diagnostics to aid inpatient discharges. The HSE winter plan was launched on Thursday, 14 November in preparation for the anticipated increase in demand over the winter period. The Government has allocated an additional €26 million to fund the implementation of the winter plan. Each winter action team has set out a range of initiatives it will undertake within its area to implement the plan. The integrated winter plan for University Hospital Limerick will be delivered by winter action team 3. The initiatives for winter action team 3 include additional home support hours to facilitate early hospital-to-community transfers, additional aids and appliances to facilitate early hospital discharge and emergency department avoidance, mobile doctor service units to manage increased demand for home visits and to facilitate emergency department avoidance, a low-level domiciliary rehab team in Limerick city to facilitate early discharge and emergency department avoidance, additional triage nursing support in Shannondoc to support emergency department avoidance, an additional registrar in UHL to help in addressing workflow and improving patient experience times and additional health care assistant supports in University Hospital Limerick to provide staffing at ward level to support additional surge patients.

A capital budget of €19.5 million has been approved for the provision of a modular 60-bed inpatient ward block at University Hospital Limerick, with funding of an additional €10 million allocated in 2019. The HSE has advised that the enabling works are complete and the main contractor has commenced work. It is anticipated that the construction will be completed in 2020. This important project will go some way towards addressing the acknowledged lack of bed capacity in the region. It is recognised that there is a deficit in diagnostic capacity at University Hospital Limerick. A capital development proposal for an extension of the radiology department at University Hospital Limerick to include a second MRI unit has been prioritised by the

HSE to progress to design stage in 2020. In the interim, the University of Limerick Hospitals Group has tendered for a modular MRI managed service. The National Treatment Purchase Fund will work with the HSE to fund the activity associated with the MRI scanner as part of the agreed extension in the fund's support for hospital emergency departments for diagnostics at the end of the year.

Deputy Timmy Dooley: All of that sounds fantastic, but the reality is that it is not having an impact on the ground. Trolley numbers at University Hospital Limerick are still unacceptably high and are entirely out of sync with every other hospital in the country. The only solution is for the Minister to appoint a senior official within the HSE or the Department of Health, or an external independent consultant, to decamp to Limerick to take up control. Such a person should report to the Minister on a daily basis with identified outcomes, actions that will address the seriousness of the situation and workflows that will ensure the numbers on trolleys return to the normal average that exists. Of course we understand that there are peak times when numbers are expected to escalate for various reasons. It cannot be acceptable that on two occasions in recent times, University Hospital Limerick has broken all records for the number of patients on trolleys. This is within the control of the Minister. A little forward thinking is required. It is certainly not about establishing an academy. If one were developing an academy around best practice, one would not start at the ground operations in Limerick.

We need intervention and management control. There should be a direct line to the Minister that enables him and the HSE to respond. The appropriate moneys should be put in place to resolve the problem. It is not rocket science. It is about nurses and doctors. It is about money. It is about utilising every available bed in the region. There are private nursing homes that are not at full capacity. It should not be beyond our capabilities to have people decanted into these facilities, where adequate and appropriate nursing care is available to them. Bed capacity in the tertiary hospital should be left to those who need it. We need action. We do not need another photo opportunity with the Minister standing in front of some new development that will be of benefit some time in the future. We need action now. We need to address the people who are on trolleys. We need to have in place a service for the people who will find themselves in hospital over the coming days and weeks, as the winter conditions have a significant effect on older people.

Deputy Jim Daly: I apologise to the Deputy for having to disappoint him on the double. I disappointed him when I appeared here on behalf of the Minister, Deputy Harris. I am going to disappoint him again when I inform him that I will be representing the Minister in Limerick next week. It may be a consolation for the Deputy to know that I will be there for the photo opportunity he mentioned instead of the Minister.

Deputy Timmy Dooley: Good. I will call off the protest so.

Deputy Jim Daly: It must be acknowledged that attendances at our emergency departments are increasing each year. According to the health service capacity review, Ireland has one of the highest acute bed occupancy rates in the developed world. It is widely agreed that additional beds must be a key part of the solution at University Hospital Limerick. Over the past two winter periods, an additional 25 beds have opened in Limerick, including eight as part of the 2018-19 winter plan. The new emergency department, which opened in May 2017, provides modern and safe facilities that are fit for purpose and meet the expectations of patients and families. The high-quality accommodation provided at this new facility better protects privacy and dignity. In response to the Department of Health's health service capacity review, a new

60-bed ward block has been established as a rapid-build interim solution to the bed capacity issue at University Hospital Limerick. The University of Limerick Hospitals Group has welcomed the commitment in Project Ireland 2040 to construct a new 96-bed ward block over the current emergency department. A design team has been appointed for this project.

Improving timely access for patients is at the heart of Sláintecare. The 2019 Sláintecare action plan, which has been published by the Department of Health, builds on the progress made in this area in recent years and includes a work stream on access and waiting lists. 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 been already made this year in implementing the actions under the Sláintecare action plan. We all acknowledge that there is little doubt that the challenges we face are significant. I firmly believe that every Member of this House wants to find patient-centred, evidence-based, results-focused and sustainable solutions to the challenges facing our health services. Investment alone will not deliver the health service to which we aspire. Equally, this will not be delivered by reforms or productivity improvements on their own. Investment, reform and productivity improvements and additional capacity must be delivered in tandem if we are to have a realistic chance of meeting healthcare needs over the coming decades.

Hospital Services

Deputy Sean Fleming: On behalf of the people of Laois, I have to express severe disappointment that the Minister, Deputy Harris, is not here today. The Minister should be here because the problems at the Midlands Regional Hospital in Portlaoise are firmly within his resolution. He is the only person who can solve them. In light of his failure to attend this debate, I formally invite him to visit the hospital in Portlaoise in the coming weeks between now and the Christmas period. He made a visit there during the Christmas period over two years ago, but he has not been seen or heard from at the hospital since then. The inaction of the Minister for Health with regard to a report that is on his desk is the key source of the problem at the hospital in Portlaoise. The proposal that has been on the Minister's desk since September 2017 involves the full closure of the emergency, maternity and paediatric care departments at the hospital, as well as the cessation of all inpatient surgery there. A small amount of such surgery is taking place there at the moment. The report in question, which was prepared on foot of detailed consultation by the HSE and senior management in the Department of Health, has been left sitting on the Minister's desk for more than two years. Therefore, the position set out in the report remains the current position of the HSE and the senior management personnel. The Minister's inaction is causing serious problems. It is undermining current services in the hospital. Why would people seek to take up employment in the hospital as consultants, surgeons, doctors, non-consultant doctors, nurses or care staff when they know this cloud is hanging over it as a consequence of the Minister's failure to take action?

The previous Topical Issue debate showed us what happens when an accident and emergency department is closed in a region without the promised additional facilities being provided in the locations where patients are expected to go. That is the state we are at. According to this report, the closure of the services at Midlands Regional Hospital in Portlaoise that I have mentioned would necessitate the provision of a minimum of €140 million to upgrade services at Tullamore and Naas hospitals and to facilitate the transfer of all births in Portlaoise hospital to the Coombe Hospital. That money is simply not available. It cannot and should not happen.

We are formally asking the Minister to visit Portlaoise and to make a positive statement on the future of the hospital there. The current level of services should be supported and all necessary funds should be provided for consultant posts to facilitate the development of services into the future. Parts of County Laois are only an hour from Dublin. People in County Laois are used to travelling to St. James's Hospital for critical hospital surgeries. We are all familiar with that. Midlands Regional Hospital in Portlaoise, St. James's Hospital and the Coombe Hospital are part of the Dublin Midlands hospital group. It is good that complicated births are transferred from Portlaoise to the Coombe. More than 400 children were delivered in Portlaoise hospital last year. I would say the hospital got close attention in the form of HIQA reports, etc., as a result of the controversy of some years ago. As I have said previously, the circumstances of the death of a child in the hospital were covered up by senior HSE management. It took a great deal of legal work to establish that. People knew that a child had died at the hospital and HSE senior management covered it up. While there were with no repercussions for the HSE, the reputation of the hospital was damaged. Following on from the HIQA inspections, most people will accept that maternity services at Portlaoise hospital over the past two or three year have been among the safest in the country. I am not aware of any maternal or infant death on delivery in recent times. As a result of a light having been shone on the facility it has improved.

It would be a shame if the Minister were to proceed with the closure of the maternity services and emergency department. If the emergency department is closed, the maternity ward would have to be closed because it would not be safe. We need confirmation that the emergency department will continue to operate 24-7, 365 days of the year, as it currently does. If the Minister would confirm that, we could get on with the future development of the hospital.

Deputy Jim Daly: I do not have a formal reply to read. I acknowledge the Deputy's concerns. I am happy to pass on his invitation to the Minister to visit the facility and to update all of the Members representing the area on the plans regarding the hospital.

Deputy Sean Fleming: I addressed my opening statement to the Minister, Deputy Harris. People will be shocked that the Minister is not here to respond to this Topical Issue matter, which was selected yesterday for discussion today. I expected the Minister to be here. Not only is he not here, he has not afforded the Minister of State, Deputy Daly, the courtesy of giving him a script to read on his behalf. Shame on the Minister, Deputy Harris, for treating the Oireachtas Members of County Laois in such a manner. I do not have an ego, but I represent 85,000 people who live in County Laois and the surrounding counties. I have never encountered this treatment before.

Approximately 40,000 people visit the accident and emergency department each year. On 17 April 2018, in a written reply to a parliamentary question, the Minister said that he would engage in a consultation process with local GPs. In September 2018, well over a year ago, he told me that the process for that consultation had been agreed and an external facilitator was to be appointed. That has not happened. Nothing the Minister has said to date has happened. I note the Minister of State is being provided with a script. If it is related to this matter, it is welcome, belatedly.

My opening statement on this Topical Issue matter is verbatim my opening statement on a Topical Issue Matter on this issue on 19 April 2018, which means I have been raising this issue for 20 months and the Minister has done nothing but add to the uncertainty by not resolving the issue. This uncertainty is damaging the hospital and public confidence in it. It is also preventing staff taking up positions in the hospital. I reiterate my invitation to the Minister to

visit Portlaoise hospital and to confirm that the accident and emergency department there will continue in operation. If the Minister was even to contemplate scaling down services, he would be adding to the already overcrowded accident and emergency departments in neighbouring counties in terms of trolley numbers and queues. The other hospitals could not possibly cater for additional people. The Minister needs to confirm that the services currently provided in Portlaoise hospital will continue to be provided, following which we can focus on the development of services into the future.

Deputy Jim Daly: I would like to clarify that there was no intention to insult the Deputy or degrade the issue. It was human error that I was given a response to a different Topical Issue matter. I now have the correct script, which, with the indulgence of the Leas-Cheann Comhairle, I will read.

I thank Deputy Fleming for raising this matter. I would like to reassure him that, as stated previously by the Minister, Deputy Harris, the most important issue in regard to the consideration of services at the Midlands Regional Hospital Portlaoise is that patient safety and outcomes come first. The Minister has committed to securing and further developing the role of the Midlands Regional Hospital Portlaoise as a constituent hospital within the Dublin Midlands hospital group. Since 2014, the focus has been on supporting the hospital to develop and enhance management capability, implementing changes required to address clinical service deficiencies and incorporating the hospital into the governance structures within the Dublin Midlands hospital group.

Significant work has been undertaken to strengthen and stabilise current arrangements for services at the hospital to ensure that services that are not sustainable are discontinued and that sustainable services are safely assured and adequately resourced. Funding has increased by 42% relative to the 2012 budget and staffing levels have risen by 31% from the 2014 base. Governance and management arrangements in Portlaoise hospital have been strengthened, additional clinical staff have been appointed and staff training, hospital culture and communications have improved. The Dublin Midlands hospital group has been working for some time on a draft plan for a new model of clinical service delivery at Portlaoise hospital that takes account of the need to develop services at Portlaoise in the context of developing a model of service provision for the entire hospital group. The draft plan has been submitted to the Department of Health. I would like to emphasise again that patient and public requirements are paramount and have underpinned the Department's consideration of the draft plan.

The HSE group involved in the development of the draft action plan for Portlaoise hospital included eight national clinical programmes, the National Ambulance Service and the HSE national acute hospitals division. This group focused on the risk issues and the interdependencies of the various clinical services across the emergency department, general surgery, general medicine, general paediatrics, obstetrics, gynaecology and neonatology. The HSE consultations took place with the clinical staff and management in Portlaoise general practitioners, the Irish Prison Service, Tallaght Hospital, paediatric surgery and emergency department services, and the master of the Coombe Women and Infants University Hospital. As the Minister outlined previously, no decision has been made on the draft action plan for Portlaoise hospital. He has committed to ensuring that local clinicians and the community will be consulted before a decision is made, and he has decided that a comprehensive consultation exercise should be undertaken by the HSE with an external facilitator and involving the key stakeholder groups in Portlaoise hospital. The consultation will involve key stakeholders and local community representatives and provide an opportunity to listen to and address the issues and concerns that

stakeholders have highlighted. The consultation will also provide an opportunity to set out the immediate priorities for service development and improvement in the hospital.

Estimates for Public Services 2019: Message from Select Committee

An Leas-Cheann Comhairle: The Select Committee on Health has completed its consideration of the following Supplementary Estimate for public services for the service of the year ending 31 December 2019: Vote 38 - Health.

Environmental Impact of Quarries and Incinerators: Motion [Private Members]

Deputy Willie O’Dea: I move:

That Dáil Éireann:

recognises:

— the severe and worsening impact on wildlife, biodiversity and ecosystems of some commercial activities which are known to be harmful or potentially harmful to the environment;

— that in September 2019, despite receiving over 4,000 objections, the Environmental Protection Agency (EPA) upheld a decision by An Bord Pleanála to allow Irish Cement burn used tyres, animal waste, sludge and other waste at its plant in Castlemungret and have claimed that the temperature at which tyres are burned will mean that there is no significant impact on the environment;

— that since 2017, the EPA has received a significant number of complaints about dust deposition from residents of the Mungret and Raheen areas of Limerick City;

— that in 2018 Irish Cement was convicted of two counts of breaching its industrial emissions licence;

— that the maximum fine Irish Cement faced for these breaches was €4,000;

— that electricity-only incinerators may emit more than 33 per cent more fossil carbon dioxide than gas power stations;

— that this situation has caused considerable concern over Irish Cement’s ability to deliver on its claims that there will be no impact on the environment or public health as a result of its burning of tyres; and

— that Irish Cement has consistently refuted any suggestion of a public health threat from its plans;

further recognises that:

— a recent survey of local authorities has found that out of 1,100 active quarries around the country, 150 are deemed to be unauthorised;

— quarry operators are able to continue blasting and excavating without planning permission;

— some local authorities are customers of these unauthorised quarries, having previously issued enforcement notices against them;

— special areas of conservation have been placed under threat and damaged by these operations; and

— it is clear that some quarry operators continue to operate with impunity despite the actions of both the courts and local authorities;

acknowledges that:

— communities have campaigned to raise awareness of both unauthorised quarries and the issuing of licences to companies who have previously broken with regulations;

— local authorities and the courts have pursued some quarry operators; and

— An Taisce has worked to pursue unauthorised quarry operators;

and calls on the Government to:

— ensure that the right to public participation, including early and open consultation in decision-making, is respected in the context of incineration and quarrying developments;

— ensure that planning applications in respect of incinerators and quarries take into account planning history, site suitability, visual and amenity impacts, health risks, climate targets and obligations to protect biodiversity;

— revoke licences subject to the completion of investigations in cases where individuals or companies are found to have previously acted outside environmental regulations on multiple occasions;

— bring forward legislation to remove the EPA's absolute right to immunity;

— allow appeals to the EPA to be considered on substantive grounds outside of the courts;

— empower the EPA to use a more robust system of enforcement action against polluters whereby the scale of fines is based on a percentage of licensee turnover;

— expedite the upcoming €5 per tonne Waste Recovery Levy for incineration in order to recover potential costs to society, public health and the economy of pollutants;

— direct revenues generated from the levy and collected in the Environment Fund towards improved recycling infrastructure;

— conduct a review of enforcement orders issued by local authorities which have not

been effective to date;

— ensure that any quarries operating without planning approval cease operation and undertake an analysis of any adverse environmental impacts;

— assess the environmental impact of quarries operating without planning permission and ensure an immediate cessation of operations where they are not in compliance with environmental regulations;

— implement a review of the planning process for quarries;

— prioritise the prevention and recycling of waste over incineration;

— implement a community-led zero-waste policy to reduce the consumption of plastic and to encourage alternative forms of recycling, waste disposal and measures to further encourage the development of the circular economy; and

— ensure that plans for residual waste, left over after recycling or re-use, are prepared on the basis that the levels of such will be progressively reduced.

There was a time when incineration was seen as the perfect antidote or alternative to landfill when it came to the disposal of toxic waste. However, those days are long since passed. Public opinion has moved on and science has moved on. The arguments put forward in favour of incineration have been shown by numerous studies and reports to be both self-serving and simplistic. I could give examples but time does not permit me to do so. Incineration is not a very efficient way to produce energy. Three to four times more energy can be saved by a combination of reusing, recycling and composting. Trash cannot be regarded as a renewable resource and incineration cannot be seen as sustainable technology, because when something is burned, we have to go all the way back to square one and extract more virgin resources to replace it.

4 o'clock

Another effect of incineration, as evidenced from studies of what has happened in various countries that have built large numbers of incinerators, is that the focus of policymakers shifts from how to dispose of waste to how to keep the incinerator operating. The net result of this, as we anticipate in Limerick, is that we would have to import other people's waste. In other words, we will be moving from landfill to incineration but we will be burning not only our own waste but other people's waste. As stated by Dr. Ludwig Krämer, former waste director for the European Union:

An incinerator needs to be fed for twenty to thirty years, and in order to be economic it needs an enormous input. So, for twenty to thirty years you stifle innovation, you stifle alternatives, just in order to feed that monster which you have built.

Even if incineration could be made safe, it could never be made sensible. It does not make ethical or economic sense to spend so much time, money and effort destroying materials that we should be sharing with the future. Professor Paul Connett gave evidence on behalf of an organisation in Limerick called Limerick Against Pollution during the recent An Bord Pleanála oral hearing.

He is a retired professor of environmental chemistry at St. Lawrence University in New York. He wrote a book on how we should proceed titled *The Zero Waste Solution: Untrashing the Planet One Community at a Time*. I recommend it to every single member of the Cabinet

and certainly to every member of the next Cabinet. It shows how in places such as the United States, Canada, Australia, Italy and individual provinces in Canada such as Ontario and Nova Scotia, not only the state but cities, communities and individual corporations have tackled the problem of waste through composting and recycling.

There is increasing public resistance to incineration. A vote in the European Parliament supports the notion that no material can be burned in incineration if it can be recycled or composted. This amounts to more than 90% of waste, which would virtually rule out the building of new incinerators in Europe and force the closure of several existing ones. In the United States, not one new trash incinerator has been allowed for the past 25 years, since 1995. In that period, 300 proposals have been put forward for such incinerators and all have been rejected.

Incineration has a devastating impact on public health. Incinerators generate a toxic ash which is poorly handled, toxic air emissions which are poorly monitored and nanoparticles which are not effectively captured by air pollution control devices, travel incredibly long distances and penetrate deep into the lungs. As a direct result of the State's policy on incineration, we have a very serious issue in my constituency. A licence for incinerating waste was granted to Cement Roadstone Holdings Limited for its plant at Templemungret in Limerick, right in the middle of a population of approximately 25,000 people in the southern suburbs of Limerick city. The company sought and secured planning permission from Limerick City and County Council. The decision went to An Bord Pleanála, which held an oral hearing lasting about ten days that many of us attended. An Bord Pleanála approved the planning permission. The company then applied to the Environmental Protection Agency, EPA, for a licence and despite receiving 4,500 objections, the EPA granted it nevertheless. Is the Minister aware of a single instance where planning permission was granted for a plant such as this and the EPA subsequently decided not to grant the licence? In my view, the EPA slavishly follows the planning authority and automatically grants the licence. That approach is completely bonkers. The planning authority deals with planning issues such as traffic, whereas the EPA is supposed to protect the environment.

The irony of the EPA's decision was well summed up in a letter to the *Limerick Leader* last September by Dr. Angus Mitchell, a leading member of Limerick Against Pollution, who wrote that it was a devastating moment filled with cruel irony. Last week, he continued, as the Government declared a climate and biodiversity emergency, some 4,500 citizens of Limerick who had lodged complaints against the proposed plan by Irish Cement to incinerate vast amounts of toxic waste in their midst were notified by a cold formal email that their pleas had fallen on deaf ears. This is a natural consequence of the Government's waste management policy. In a further irony, this licence is being granted to a company that has been polluting the environment in my region for decades. I recently turned up a case from 1940, almost 80 years ago, where a number of local people took a case against Irish Cement Limited for polluting the environment. Mr. Justice Gavan Duffy remarked that there was no excuse for the indifference to people's rights demonstrated by Irish Cement Limited. He found there was a public nuisance in this case and granted damages. Unfortunately, things have not improved much since 1940; in fact, they have disimproved.

Time and again, Irish Cement Limited has been convicted before the courts of this country for violating its limited licence requirements. It has been convicted for polluting the environment but the fines are risible. According to Davy Stockbrokers, Cement Roadstone Holdings is projected to make a profit of €4.23 billion, an increase from €3.37 billion last year, yet the largest fine imposed on the company as a result of its pollution of the environment in Limerick has

been €4,000. What is the significance of a fine of €4,000 to a company of that magnitude? It is now proposed to give Cement Roadstone permission to burn 90,000 tonnes of toxic waste annually. That is the initial permit but the figure will rise dramatically, as was the case in Drogheda. Incredibly, there is no system for collecting data on the implications of this incinerator for public health. In 1998, a report on the alleged consequences of pollution from the Aughinish Alumina plant in Askeaton recommended that such a system be put in place. However, 21 years later no such system has been put in place.

As I said, the Environmental Protection Agency tends to slavishly follow the decision of the local authority. Its attitude in this regard, to cite Dr. Mitchell again, belongs to another era of business, an era that itself should be extinct rather than propelling the planet towards extinction. When the EPA makes a decision it is possible to appeal but that appeal will be to the EPA. That it is akin to someone convicted of a crime by the district judge in Limerick being told he or she can appeal the conviction to the same district justice. What happened to the constitutional principle, one that has been repeatedly accepted by the Supreme Court, *nemo iudex in sua causa*, or nobody should be a judge in their own cause?

It is amazing that in 2019, the EPA cannot, by law, be held accountable for any of its decisions. The legislation establishing the EPA made it immune from suit, in other words, it prevented it by statute from being sued. I tried to move a Bill in the House recently to end that immunity. I was ruled out of order by yet another Government misuse of the money message mechanism. In 2010, a report on the EPA was commissioned by the then Minister for the Environment, Heritage and Local Government, Mr. John Gormley. One of the report's strongest recommendations was that this immunity should be ceased forthwith. It pointed out that the statutory immunity enjoyed by the EPA was problematic from the point of view of the Constitution and the European Convention on Human Rights. Although the Government ruled my legislation out on the basis of a money message, it could have easily brought forward its own legislation, as I had done extensive research on the matter, but it chose not to do so.

The Minister of State is not a member of the Fine Gael Party but he should note that all parties and none in the Limerick area have vehemently opposed this proposal. They have done so publicly and privately and have spoken against it at public meetings. I have tabled this motion in an effort to halt this process and, at a minimum, delay, but hopefully avert, the calamity which faces the people of my city. It will be very interesting to see the Government's attitude. If the Fine Gael Party takes a different view in here from its representatives on the ground in Limerick, who are promising to go to the stake on behalf of the people, what would that say about them? I look forward to the Minister of State's response with eager anticipation.

Deputy Jack Chambers: Today's debate centres around two instances where private companies are seen to damage or potentially damage the environment and it appears that nothing can be done about it. These are only two cases in a wider trend whereby the Government is not willing to tackle the activities of some companies. These are not isolated cases. For example, almost 1,200 people a year are dying as a result of air pollution, yet the Government will still not introduce a nationwide ban on smoky coal. The EPA wants such a ban, the Government claims it wants it, and even some Irish coal producers want it but it is not happening because the Government is afraid of legal threats from outside the State. That is not good enough.

Unpublished research by the HSE and EPA has warned that where poor air quality is recorded, it has an affect on cardiac arrhythmia and asthma and causes a deterioration in COPD and related illnesses. Despite these findings, this trend continues. The issue of unregulated quar-

ries which the motion seeks to address is much the same. Despite enforcement actions by local authorities and An Taisce, legal actions and convictions, some unauthorised quarry operators have continued blasting and extraction. They appear to be able to act as a law unto themselves, even in special areas of conservation. We need to understand, before even more of our habitat is destroyed, why the mechanisms in place to block these operations are not working.

As a party we have put forward several constructive proposals to deal with the small number of commercial operators working in an environmentally damaging manner. These measures include strengthening the Environmental Protection Agency and reviewing the mechanism by which so many illegal quarries have been able to continue to operate with impunity, as well as encouraging the reduction of waste. The Government has shown itself on a number of occasions to be afraid of tackling companies engaged in environmentally harmful activities. As I said, along with these matters, a nationwide ban on smoky coal has been stalled because of an apparent legal threat. Instead of real action, the Government has put forward unworkable proposals around many issues and it is not seeking to address the core problem with smoky coal.

One in eight quarries across Ireland operates without planning approval according to a recent survey by RTÉ. It found the quarries are able to challenge the system of regulation through constant appeals and judicial review applications to the High Court while continuing to profit from illegal activities. Despite the actions of others, including environmental groups, the enforcement regime is not working and there is a hands-off approach from the Government. Due to the length of time it takes to go through the process, these operations will continue to extract material, expand their work and blast the countryside without permission. It has also emerged that some councils are also customers of these quarries, which is a total contradiction and a worrying development when it comes to enforcement. There is an example in the Minister of State's county. An urgent review is required, particularly with quarrying operations in special areas of conservation.

This simply would not be allowed in other industries. A restaurant could not continue to operate in these circumstances but we allow people to carry out blasting nonetheless. It is absolute madness and there seem to be different rules for some businesses over individuals. We are entering a period of significant change as we seek to meet climate change and biodiversity commitments. It is undeniable that many people will have to change their behaviour. Some will face job losses and retraining, as we have seen in the midlands, and businesses will have to change to focus their activities on something more sustainable. Others will refit and improve homes. We know this process must work, because if it does not, there is no alternative. We cannot allow some of these businesses to continue their operations with total impunity and disregard for the State. The fact that local authorities and enforcement procedures are being ignored is simply unacceptable. The message is loud and clear that tackling this challenge is for some and not for all. If that message is allowed to fester, it will lead to more division and delay, and it could ultimately lead to a failure to deliver on our 2030 and 2050 climate targets.

Deputy John Lahart: I commend my colleague, Deputy O'Dea, on bringing forward this motion with other colleagues. Some points have already been made but I will make a general point. Along with the Minister of State, we are all familiar with the fact that in recent years there has been much talk about the need for the Government and individual citizens to make changes to assist Ireland in delivering its climate action obligations. We see efforts made at an individual and household level as well as at a community, national and international level. Both individuals and large corporations are adopting new policies and strategies so they can make their contribution in reducing their carbon footprint while diversifying and innovating

into other materials. This enables people to carry on doing what they have done but in an environmentally sensitive way.

Concrete and cement form a very interesting topic to some. There was a very interesting article recently in one of the United Kingdom newspapers about cement, which is the second most used substance in the world after water. It is highly carbon intensive. Every three years since 2003 China has used more cement than the United States did in the entire 20th century. This is an incredibly carbon-rich compound.

There have been a few examples in the media recently of companies that have traditionally been in a heavily carbonised industry. Tyre manufacturers are an example. We know that locally and nationally there are issues, specifically on bonfire night, with the burning or illegal dumping of tyres. One of the market leaders in the manufacturing of tyres has established a leasing system whereby a person does not buy tyres. A person leases them from a company, and when they reach end of life, they can be returned to the company. There is a contract and this ensures the tyres can either be remoulded or recycled but they are certainly not dumped and they do not end up in the ocean. If that company, Michelin, is capable of doing such things in a toxic industry, other companies should be able to do it too. I heard on the radio this morning that Kingspan, one of our great companies, is hoping to recycle a billion plastic bottles and turn the particles from them into insulation material so that our homes, in the not too distant future could be insulated by completely recycled material that would otherwise go into the ground.

What is the connection between those companies and cement? If companies are able to make a shift in what they do and can still carry on the business they are in, innovations in earthworks, cement and quarrying must be considered as well. As Deputies O'Dea and Jack Chambers have said, some companies can carry on their business in a legitimate way and we hope to make progress with them and help them innovate with some of their products. If others are sticking up their fingers to the Government, wider officialdom and the legal system in carrying out their works without any regard to the law and, more important, the country's climate action obligations, this must be dealt with through the full force of the law, as Deputy O'Dea noted.

It is very hard for people to figure out how this happens. Most of us know of quarries at some location in our constituencies and there are one or two in the rural part of mine. How these can be missed from an enforcement or legal perspective is beyond me. This motion is setting its face against the illegal quarrying work that is going on and it is stressing the environmental impact of these quarries and incinerators. It is putting it up to the Government to formulate a policy once and for all to ensure that national regulatory agencies get whatever powers they need. There must be enforcement. The idea that a company can have a soft route through judicial review or appeal and escape the hands of the law with impunity must end once and for all.

Minister of State at the Department of Communications, Climate Action and Environment (Deputy Seán Canney): I wish to address the environmental aspects of the Private Members' motion. My colleague, the Minister of State in the Department of Housing, Planning and Local Government, Deputy English, will deal with the planning and quarrying related aspects of the motion later.

The Environmental Protection Agency undertakes a range of regulatory tasks relating to the licensing, permitting, consenting or certification of activities that could have an impact on the environment or on human health. The agency is the competent authority for granting and enforcing industrial and waste licences, and it undertakes an annual programme of audits and

inspections of agency-licensed facilities. The Minister for Communications, Climate Action and Environment is constrained by the provisions of sections 79(3) and 86(5) of the Environmental Protection Agency Act 1992, as amended, from becoming involved in any way with the licensing of installations under the Act. On the matters raised relating to the licensing of Irish Cement, therefore, it is not appropriate for the Minister to comment or interfere in any way.

There are no plans to amend section 15 of the Environmental Protection Agency Act 1992 with respect to the immunity of the agency. My Department is not satisfied that a basis exists to support a proposal for amendment having regard, in particular, to the potential implications for the effective discharge by the agency of its statutory functions and the potential impact of such a precedent on the effective operation of other State bodies that have a similar form of immunity.

Public participation is central to the work undertaken by the Environmental Protection Agency in determining licence applications. The agency has a clear process in place to ensure the public is aware of a licence application and can participate in the decision-making process at the various stages. On the agency's website, each installation has a homepage from where key information can be viewed, such as the licence application, licence details, correspondence regarding the licence application and inspection and other enforcement reports. The European Environmental Bureau, the largest network of environmental citizens' organisations in Europe, examined how effectively European countries are making available to the public information about industrial pollution and identified the agency's website as best practice.

The agency will grant a licence only when it is satisfied the emissions from the installation when operated in accordance with the conditions of the proposed licence will meet all required environmental protection standards, will not endanger human health or harm the environment in the vicinity of the installation or over a wider area. In arriving at a determination on a licence, the EPA ensures there is planning permission in place before it can grant a licence to the activity where an environmental impact assessment is required. Section 97 of the Environmental Protection Agency Act provides the agency with the power to revoke, or suspend the operation of, a licence or revised licence if it appears to the agency that the licensee no longer satisfies certain requirements set out in the Act as regards being a fit and proper person. In arriving at a decision to revoke, the agency will also have regard to the seriousness of the matter. The agency licensing process allows for submissions and objections to be made outside of the courts, including requests for oral hearings.

Regarding enforcement, the agency adopts a risk-based approach towards enforcement and considers and uses a range of enforcement tools, including issuing non-compliances to formal enforcement processes such as prosecutions. The agency recently published its enforcement policy which sets out the wide range of enforcement powers, including statutory enforcement powers available to the EPA. This document sets out the policy the EPA applies when enforcing environmental and radiological protection legislation. It aims to promote a shared understanding of the principles and criteria underpinning enforcement decisions.

Since 2017, the EPA launched a new enforcement initiative to drive further environmental compliance at industrial and waste facilities. Licensed facilities with the poorest compliance status are identified on a national priority list for enforcement using a new system developed by the agency. Points are allocated to each site based on compliance data such as complaints, incidents and non-compliances over the previous six months. Sites which exceed a certain threshold become a national priority site and are targeted by the agency for further enforcement action.

4 December 2019

A review of the environment fund has been completed by my Department. Following this review, a three-phased series of environmental levies over the period 2020-25 is proposed, including a waste recovery levy. The primary aim of the levies is to encourage positive environmental behavioural change and climate action. It is intended that any resources generated will be ring-fenced to support additional environmental initiatives, infrastructure and actions that drive further positive change.

I will now address the issues raised in the Private Members' motion relating to waste prevention, plastics and the circular economy. Section 21A of the Waste Management Act gives legal effect to the waste hierarchy in this country. This means that waste legislation and policy must prioritise the treatment of waste in the following order: prevention; prepare for reuse; recycle; recovery, including energy recovery; and, finally, disposal, which in practice means landfilling. These priorities are reflected in our key strategic documents, namely, our national waste policy, A Resource Opportunity, the national waste prevention programme and the regional waste management plans. However, the Government also recognises the urgent need to transform our approach to waste in line with modern, circular economy principles. This will involve a mindset change from accepting waste as a fact of life to rejecting wastefulness in every shape and form. The climate action plan has committed Government to delivering a new national policy that will lead the transformation from waste management to circular economy practice. Building on the European Commission's circular economy action plan and the associated legislation, my Department has initiated this process.

Following a targeted stakeholder conference that took place in September, my Department will launch a public consultation on a new waste policy before the end of this year. The general public and all stakeholders will have an opportunity to shape and influence our future policy direction in this area. Given the new higher legal targets we need to meet for recycling, it will be important to have comprehensive buy-in for the measures we need to take.

We should also note that the incoming European Commission intends to introduce a more ambitious circular economy action plan in the coming weeks. At a minimum, this is likely to further extend circular economy principles into the areas of construction waste and textiles. By weight, construction waste accounts for half of the 15 million tonnes of waste generated in this country every year. I have been already working with my officials and other partners to tackle this problem. Our construction waste resource group provides a valuable platform to discuss and monitor construction waste, including the capacity of the sector to manage its waste.

On plastics, the Government has committed to leading the way in reducing single use plastics. To date, we have agreed that Departments and bodies will no longer purchase single use plastic cups, cutlery and straws; strongly supported new EU legislation which includes a ban on plastic straws and other discretionary single use plastic items; committed to a 90% plastic bottle collection target and a 55% plastic packaging recycling target; commenced a clean oceans initiative to combat marine litter; and introduced a new law to ban microbeads.

A member raised the issue of tyres. I want to put on the record that 97% of car tyres were recycled here in 2018. That is as a result of innovation and rules brought in by the Government.

I welcome the opportunity to set out the work which is being done to deal with the environmental issues raised in this motion.

An Leas-Cheann Comhairle: Sinn Féin members have 15 minutes. I call Deputy Cul-

linane.

Deputy David Cullinane: I move amendment No. 1:

To insert the following after “basis that the levels of such will be progressively reduced”:

“— end ‘side-by-side’ waste collection systems;

— increase the number of recycling centres and the range of items accepted;

— legislate to establish an independent regulator to oversee the waste collection industry; and

— introduce a franchise model of waste collection as a first step towards remunicipalisation of domestic waste collection, so that councils can insist on standards of delivery including affordable prices for households and waiver schemes as well as greater employment and contract protections for waste disposal workers.”

I wish to share the timeslot with my three colleagues, Deputies Quinlivan, Ellis and Mitchell. I will take five minutes and the Leas-Cheann Comhairle might let me know when my five minutes are up.

It is important we face up to the challenge waste management presents to us in the context of climate action and the need for us to face up to our environmental responsibilities in a way this State has not been doing for some time. We can no longer simply brush under the carpet the problem of waste management by burning or burying the problem, which we have done for far too long. That approach has been fundamentally flawed. We need to view waste as not something we need to get rid of in the cheapest far-off places. We need to change our relationship with waste and see it as something that is of value and something that is a resource. Only then, will we as a society have a desire to stop burning and burying it and to start reducing, reusing and recycling in more ways.

Sinn Féin is totally opposed to incineration. It causes air pollution and the emission of toxic fumes. There is also an increase in the volume of traffic generated by the transportation of waste to and from incinerators. One other aspect of incineration is that after burning, the remaining ash, which is usually 20% to 30% of the mass of waste, still needs to be disposed of in landfill. A further approximately 7%, known as fly ash, is classified as toxic waste which cannot be disposed of even in landfill and requires further treatment. In addition, building an incinerator involves a large capital cost. Once built, it must be used on a continuous basis, which will lock-in incineration as the primary method of disposal for generations to come.

We warned against this when there were plans to build incinerators in Dublin ten years ago. One got the go-ahead from a former Green Party Leader and the then Minister with responsibility for the environment, John Gormley. Prior to leading his party into government with Fianna Fáil, he campaigned against the proposed incinerator. In fact, the Green Party Leader was one of the most vocal and prominent voices against the Government’s incineration policy. Yet, once in government with Fianna Fáil, he oversaw the very same policy he once fought against. Today we are dealing with an issue of legislation about which the Green Party, despite having held the ministerial office with responsibility for the environment for four years, declined to do anything.

The Environmental Protection Agency has too much power and there is not enough ac-

countability. Its ability to override the wishes of the ordinary people and the mandate of local politicians and local councillors cannot be allowed to stand. At the same time, we need to change the model of waste that Fine Gael as well as Fianna Fáil in government with the Green Party, so eagerly pursued. We need to treat waste as a resource. To do that, we need to take private profit out of it and that means taking it back into public ownership and control. Sinn Féin is committed to putting waste collection back under the control of local authorities. The current privatised system is expensive, bad for the environment, and severely lacking in controls and regulations. We cannot have profit supersede the environment. We are the only state in Europe with a completely privatised waste collection system and the only EU state persisting with side-by-side competition for waste collection.

I was first elected as a councillor in 2004. I am not sure when the Minister of State first entered politics. There was a massive public campaign against privatising waste collection at the time. When the Government first brought in bin charges, they were brought in at what was called a nominal value. In Waterford it was initially £40 a year. We made the argument that, once a charge was brought in and the service became about profit, the charges would go up and up and that eventually the service would be privatised. Fianna Fáil said that was not the case and that this was not its intention. Martin Cullen was the Minister for the Environment, Heritage and Local Government who championed this measure. Throughout the process we were told that privatisation was not on the agenda and that costs would not increase. That is what happened. There is now no local authority in the country providing this service.

We have ended up with multiple operators, in some places six or seven, passing each other out on different days. They are going into housing estates to collect bins from different doors, creating more traffic congestion. All the while, the cost for consumers and householders has increased. The average cost for waste collection is now between €300 and €400 a year, depending on where in the country a person lives. We are not rewarding people for recycling more, although people are doing so. People are treating waste more as a resource, as I have said. They use the green bin and the brown bin but, despite the fact that households are recycling more than ever before, they are paying more than ever.

We also have multiple operators making profit, going in and out of housing estates, and doing what they do. We are committed, in the first instance, to ending the practice of side-by-side competition. We support the analysis carried out by Dublin City Council which suggests moving towards a franchise system. This would be a stepping stone towards full public ownership of waste management services. We need to do all of this to ensure that we do right by the environment and set the very highest standards in waste management policy.

Deputy Maurice Quinlivan: I wanted to speak on this motion as it is directly relevant to a very important issue in my constituency of Limerick city. I was appalled when the Environmental Protection Agency awarded Irish Cement a licence to burn tyres and other rubbish at its factory in Mungret, Limerick. This area is surrounded by homes, sports fields and other community facilities. It is a rapidly growing area in which a great number of houses are under construction. Local people, businesses, and public representatives do not want this. People in Limerick are pretty unanimous in opposing it. A massive rally was held which was attended by sportspeople, business people, politicians and community groups. Everybody was involved in it. It is not fair that one company can run roughshod over all of this legitimate opposition and proceed with a project that will have a massive impact on our community. The air quality and local environment belong to everybody in Mungret and Limerick, not just to Irish Cement. This was a toxic decision by the Environmental Protection Agency, whose purpose should be

to protect people and our environment. This incinerator will be accompanied by buildings in which to store rubbish waiting to be burned. In addition to the emissions that will pollute our city and countryside, Mungret will become a dumping ground for waste from across the entire State and, possibly, from abroad.

As I have said, there has been a massive campaign by people in Limerick and surrounding areas in opposition to this plan. Thousands of people have been out protesting. I would like the Minister of State to address this issue in his response. He cannot simply wash his hands of this issue. It is a very serious issue in Limerick and the disregard the Government has thus far shown to the local community in this regard will be remembered in the upcoming general election, whenever that takes place. People are really frustrated, angry, and disappointed with this decision. Nobody stood up for them and nobody stood by them. Sinn Féin will continue to stand with the community and to call for this wrong and unjustified decision to be overturned.

Deputy Denise Mitchell: I will speak in favour of the Sinn Féin motion. Illegal dumping is a scourge in many communities. In my own constituency, illegal dumping has spiralled out of control. Local residents are at their wits' end as they see rubbish appearing daily on their greens, in alleyways and beside public bins. No one is held accountable. Illegal operators act with near impunity and it is the local residents who suffer the sight of their green spaces being covered in domestic waste while their children have nowhere to play.

The local Sinn Féin councillors and Dublin City Council staff are doing all they can in my area but they are fighting a losing battle. There is an illegal dump in my constituency. This dump, in Moatview, is a matter of concern. I wrote to the Environmental Protection Agency, EPA, last year to request its assistance urgently in cleaning up this site as the council was struggling to contain this dump, where domestic and industrial waste had been disposed of. The local gardaí were unable to divert resources to assist in the stamping out of dumping because they were already too stretched in the area. We need the Government to treat this issue seriously.

Local authorities across the State successfully managed waste collection for decades before it was privatised. This has resulted in a race to the bottom. We have seen an upsurge in illegal dumping and illegal landfill sites run by rogue operators. Costs are increasing and dumping is getting worse. Bringing waste collection back under council control is a straightforward and progressive solution that would have a significant impact on people and communities.

Deputy Dessie Ellis: I am glad of the opportunity to speak on a number of environmental issues that have had a significant impact on my constituency of Dublin North-West. In Finglas, we had the famous Dunsink tip head, which was in operation for more than 30 years. This was nearly ten years more than it had initially been licensed for. After much campaigning and lobbying by me and the great Finglas environmentalist, Mr. Brendan O'Connell, the dump was eventually shut down. This only happened after a long and arduous campaign that ultimately ended in us taking the case to Europe, having had little or no success through the EPA. This was not necessarily the end of our problems, however. The Dunsink tip head was capped, but the subsequent management of the closed site left a lot to be desired. The leachate pool, which was designed to remove contaminants from the waste products in the dump, failed to operate properly on a number of occasions. On one example, the leachate pool pump failed. There was no backup pump in place and the pool overflowed, the contaminated water subsequently polluting the Tolka river leading to the deaths of thousands of fish and other aquatic life. This is an example of the failure to manage correctly those facilities designed to protect the environment. The destruction of this beautiful and popular amenity was an act of environmental vandalism.

Another issue that greatly affects the people of my constituency is the privatisation of bin services. Our amendments to this motion seek for bin services to be returned to the local authorities and to be taken out of private hands. As a consequence of the privatisation of bin services, illegal dumping has become an increasing scourge in our local areas as well as a threat to health. Dublin City Council has to spend millions of euros every year to clean up our communities and to remove dumped waste of every description. This money could have been spent more productively elsewhere. Not only do private individuals pay for this service, but Dublin City Council also spends money on the issue, which is absolutely mad.

A number of houses and apartments built during the regeneration of Ballymun were affected by pyrite, which caused major structural damage requiring significant and costly repairs. This was repeated throughout the country, particularly in Louth, Ashbourne, Balbriggan, Finglas and Ballymun. It was the result of poor monitoring and management of quarries. People moving into new homes later found to have pyrite were left for years in despair and misery as a result of this major failure. Proper measures to manage and protect our environment and its resources are vital if we are serious about addressing these concerns.

Another issue I find very infuriating is that relating to bottle banks. Bottles are placed in separate containers depending on whether they are clear, brown or any other colour. Lo and behold, when the truck arrives, the glass is all emptied into the same container irrespective of how it has been segregated. This is infuriating. The Minister should find out the reasons for this practice. What is the point in telling people to separate their bottles and then dumping them all into the same container? It does not make any sense. The Minister should look into the matter and tackle the local authorities in respect of it.

Deputy Jan O'Sullivan: I want to speak very briefly about complaints from residents in the Mungret and Raheen areas of Limerick regarding dust deposition and Irish Cement's proposals to burn tyres and various other materials at the cement factory in Mungret. As previous speakers from the Limerick area stated, this is a cause of real concern. There have been public meetings, marches, etc., and several serious objections to the proposals have been raised. I welcome this motion and I would like to support the other Limerick Deputies who have spoken on it. Across party lines, we all wish to express our concerns, particularly about the lack of confidence that the terms of this licence will be properly monitored if it is granted. The effects of such a development on health and on air quality are unknowable. This is a cause of serious concern to people in the immediate area and, because of the prevailing winds and effects on the atmosphere, the wider region. The motion speaks for itself. Obviously, it deals with other issues relating to quarries and so on. I wish to place on record the fact that I have very serious concerns about this issue. We have not been given proper assurances that if this goes ahead it will be properly monitored through an independent monitoring system that will satisfy people that the air is not being polluted. In the past, people in the area have found dust on their cars and around their homes. Several new schools, housing developments and a playground where young children spend a great deal of time have been built in the area, which is quite heavily populated. This adds to the concern about the possible serious detrimental effects of this development.

As already stated, I will not address the other issues but I know that there is concern regarding unlicensed quarries operating in various parts of the country. We all share the concern about illegal dumping, which can be seen throughout the countryside. In some cases, people go to extraordinary lengths to dump household rubbish in really beautiful places that are quite out of the way. It can be very difficult for the authorities to actually bring prosecutions in respect

of this type of behaviour. I reported one case myself. I was climbing a hill in a neighbouring county and encountered rubbish dumped in this manner. We were able to get evidence and send it to the local authority, which did prosecute those responsible. That is very welcome. However, it can be very difficult for local authorities to actually pursue culprits. Some people make extraordinary efforts to dump their rubbish in beautiful and out-of-the-way places. One would hope this mindset had been eliminated from this country but unfortunately it has not.

We have to be vigilant and ensure that we have appropriate strong safeguards and penalties for people found guilty of this type of activity. We must also make sure that the planning process is appropriate and properly implemented where quarries are concerned.

Deputy Maureen O’Sullivan: This motion relates to two particular issues, namely, Irish Cement being allowed to burn tyres by both An Bord Pleanála and the Environmental Protection Agency, EPA, and unauthorised quarries, 150 of which were discovered by a recent programme. However, it reflects wider concerns. These concerns involve two questions. Firstly, do we value the environment? Secondly, if we do, how do we go about protecting it? There are doubts about how much we value the environment. The issues at the core of this motion are just two aspects of a much wider debate. No one is blameless. Every Government in recent history has made disastrous decisions about the environment and ignored the right course of action. That also applies to many communities in Ireland. However, it is easy to pass the buck and say that the fault lies elsewhere.

I find it ironic that permission is being given for tyres to be burned by an Irish Cement plant in Castlemungret when every Hallowe’*en* there is a major problem in certain areas of Dublin with young people acquiring tyres for bonfires. Gardaí, community and youth leaders and teachers are all on the same wavelength in trying to dissuade young people from burning tyres. At the same time, many young people are highlighting climate change. The Private Members’ motion takes notice of the claim that the temperature at which tyres are burned means there will not be a significant impact on the environment. However, impact is impact, regardless of whether it is significant or not.

The motion also refers to complaints lodged by nearby residents about dust deposition. I know the effects of the burning of tyres at bonfires on communities in Dublin, not to mention the very costly clean-up required afterwards. I note that Irish Cement has faced fines for breaches, but a maximum fine of €4,000 is not going to make a difference to a company like Irish Cement. We have implementation with a small “i”. The same can be said about the unauthorised quarries. According to the motion, it seems that enforcement notices issued by the local authorities were not effective. I wish to place those two issues, the burning of tyres and quarries, into the bigger picture of how we value our environment.

We know that global emissions are rising. There is more and more evidence of climate breakdown. The climate emergency is not in the distant future; it is affecting us now. There is a need for balance between going green and achieving a just transition for the affected communities. We must not exacerbate the poverty faced by certain groups. I want to acknowledge the work of Dr. Lorna Gold, who has produced very balanced, thoughtful and insightful speeches and articles on this, particularly addressing the need for balance. Green policies and social policies need to be complementary. Too often they are pushed into battle with each other. In one of her articles she writes, “Good eco-social policies are about a win-win of addressing inequality *and* emissions”. She goes on to note that a just transition requires progressive welfare systems, social insurance and good social services. Practical measures include retrofitting of

public housing for those on low incomes and good public infrastructure. We have examples of that already. Dr. Gold also calls for supports for those communities displaced by the transition to low-carbon sectors. There is a real need for forward planning, which is very difficult in political life. Nobody knows how long they are going to be here. That is why there is a need for consensus among all Members, regardless of which party or grouping is in power. This is not just a decision for whichever group or party is in power; it is a decision for all of us.

That leads me on to another aspect of the motion, namely, the need for greater public awareness, engagement and participation. Dr. Gold has noted that we need to identify the bigger polluters and support the principle that the polluter pays. One of the proposals from the Youth Assembly is for a staggered corporation tax linked to emissions.

Recommendation No. 7 from the Youth Assembly is that Ireland would outlaw acts of ecocide, which is the widespread and systematic loss of ecosystems, including climate and cultural damage. This covers a multitude but we know how long it takes to bring in legislation, so we need to start the process now. The overall question is, of course, what will happen to the recommendations from the Youth Assembly.

There is an interesting recommendation on labelling on packaging with regard to distance travelled, which could be difficult to implement. What the assembly is trying to do is invaluable in this regard. It brings up the issue of online shopping because it involves a lot of packaging, which could be avoided if the customer was to go to into a real shop and bring his or her own bag. With online shopping there is a lot of travelling on the purchases.

Youth Assembly recommendation No. 9 is a targeted nationwide information campaign to educate the population about the climate crisis, its causes, effects and solutions. The two issues we are discussing today are included in that with aspects of the Fianna Fáil's Private Members' motion and the Sinn Féin amendment. The motion calls on the Government to prioritise prevention and recycling of waste over incineration, and to implement a community-led zero waste policy. The Sinn Féin amendment calls for an increase in the number of recycling centres and the range of items accepted, which comes back to the students' recommendation for a nationwide information and education campaign. This is vital because how can we recycle or work towards zero waste when there is a lot of ignorance and misinformation, and a lack of information, on recycling such as what exactly can be recycled and what we have to do with many items to make them recyclable.

I attended an event recently where a restaurateur spoke about the difficulty she faces in the restaurant when it comes to recycling. This is a person who is totally committed to recycling and climate issues. She said that to recycle a specific item, there were a number of steps she had to go through, some of which negated the effect of recycling the item. We need detailed and accurate information in a way that is readable, accessible and manageable. How many recycle bins are contaminated because of the lack of real information? Similarly, we need to know exactly what is supposed to go into compost bins.

I find more knowledge and awareness among schoolchildren, especially in the schools with a green flag. Those schools cover issues such as litter, waste, global citizenship, energy, water and biodiversity. We see children telling the adults what they are supposed to be doing in this regard.

Turning to the Houses of the Oireachtas and our efforts on waste, I have a particular gripe

about the bins, which I have raised previously. I guarantee that we would find the same items in all of the bins in the Oireachtas. I may exaggerate slightly but I believe it is true because I do look at them. We need an awareness campaign in Leinster House and in LH2000. I cannot speak about Agriculture House or the Engineering Block because I am not there. We need bins for cans and for paper, and we need to know exactly what is recyclable. What happens to food waste here? There is also a question to be asked around energy and we could take the Bundestag in Berlin as an example. The idea of an independent regulator is also worth studying because I have questions around what happens to waste. Deputy Ellis referred to bottles and I would also query what exactly happens to the waste when the various bins are collected.

It is all very well using the bins, but we need guarantees that the next steps are also environmentally friendly and do not undermine the green agenda. The students also recommended that the subject of sustainability be made compulsory to junior certificate. Many of us were delighted to see history put back in its rightful place. We could make the same points about geography. Sustainability and climate could be included in that subject.

Regardless of Ireland not meeting its emissions targets the biggest polluters are the United States of America and China. While we can do our best, they need to be much more proactive than they currently are.

Dr. Lorna Gold's paper is called *Is Ireland ready for a Green New Deal?* We have to be ready and we need to move on to that page also. Dr. Gold referred to issues of power, privilege and prestige at play. This is the reality of the Private Members' motion. While this debate is very welcome, it must be part of the wider debate on waste and climate in the context of a green deal. We cannot go at this piecemeal or issue by issue. There must be an overall plan to tackle the issues.

Deputy Michael Collins: I welcome the opportunity to speak on the motion. Ireland's reliance on exporting waste cannot continue. I ask the Government not to rush too heartily into pushing waste electricity facilities without diligently researching the impact the sites would have on the local communities and the environment, and so we do not see a scenario where the alternative is worse for people's health and the environment is polluted even further.

The Government's record on environment is dismal. I would like to see stricter guidelines on the construction of wind farms and better dialogue with local communities where such facilities are built. Planning guidelines are needed for solar farms. Currently there are none. The Government's policy creates a vacuum and developers take advantage of the situation by pushing through poorly thought out applications without consideration for the environment or rural communities. This has happened recently near Bandon and Kinsale. We must listen to the concerns of the people we represent. This is not being done by the Government.

In my constituency I have seen how the Government does not take local concerns into account with regard to protecting the environment. In the past 12 months in Skibbereen the people had to go all the way to the High Court to stop the building of a plastics factory. In the Bantry area, after kelp farming was given the go-ahead without local consultation and proper investigation into the environmental impact, the people had to go to the High Court to put a stop to it. Both cases were successful, but at great expense and time to local volunteers who are trying their best to save the environment.

I proposed to the Taoiseach a park-and-ride scheme in west Cork from Clonakilty. He

seemed to be encouraged by this and we thought he was thinking along the same lines on it, but there was inaction from the Minister for Transport, Tourism and Sport. When I went to the office of the Minister, Deputy Ross, I got the usual thing, and we all know what happens in there. We have constant congestion in areas like Bandon, Innishannon, Clonakilty, Dunmanway and right through west Cork because of the Minister's blatant disregard for west Cork. A private company is now taking the initiative in providing an affordable private transport alternative that will take thousands of cars off our roads annually and improve people's quality of life and the air we breathe.

Deputy Mattie McGrath: I, too, support the motion by Deputy O'Dea. It is a very important motion and especially for the Deputy's area. I am astounded that the Minister of State, Deputy Canney, has been shoved in here on his own with just one Fine Gael backbencher. They have a good few representatives in that area, including a Deputy who was a very senior Minister until he retired, and I wish him well in that. None of them is here this evening to listen to the people's complaints and concerns.

Some 5,000 objections were lodged with the EPA on this issue. Not five, not 50, not 500. It was 5,000. A fine of €4,000 is not enough. The objections were all ignored blatantly. It is like rubbing a fat sow's behind as they thicken their egos. This was debated in this House and the Minister for the Environment, Community and Local Government at the time, Deputy Kelly, my erstwhile colleague from Tipperary, did nothing about it. There are also question marks about the ownership of this company and the connections that some Members of the House may have to it. This stinks to high heaven and not only because of the smell of the tyres. The whole reason for it stinks. I support the small and struggling businesses who are trying every day. I support the young people in the schools and all their initiatives. I support Tipperary County Council in its recent initiative to track down people who litter and leave waste. Big is not necessarily wonderful. How many times are we going to have to learn this in this country?

We struggle, and we squeeze the small people. The Government wants to get rid of the bingo cards too when some people just want to play bingo. This is not like the big gamblers who go to the Galway tent. I do not know if the Minister of State was ever in that tent, but I was not and I do not want to be in it either. It appears that the ordinary people do not matter. It is a case of to hell or to Connacht with them. Take every piece of decency they have and take every social outlet they have and make them pay up or shut up. It is like Marie Antoinette's "let them eat cake". It is pure banana politics. This issue is too dangerous and too serious.

Irish Cement and Roadstone plc have not had a good record around issues of dumping, blackguarding communities, forcing out small, decent, family-run businesses such as Ready-mix and so on, and wiping them off the face of the earth.

I have attended the AGM of Irish Cement and Roadstone plc a number of times. It has left a trail of devastation all over the world - in America, for a family in Wexford, everywhere. It is too big to be taught. This Government loves big business, but it will stand on small people and put them under heel like a case of "Croppies lie down". That is what is wrong with this Government.

I support Deputy O'Dea's motion. I wonder what the Fine Gael Deputies will do when it comes to the vote. What will they do in the vote on bingo? It is obvious that, when it comes to big people, the Government loves them. When it comes to small people, though, it is a case of

to hell or to Connacht like dirt on the soles of their shoes. That is not acceptable.

There are too many issues, for example, the 5,000 complaints. That is unbelievable. This is dangerous. We have changed legislation to allow the EPA and An Bord Pleanála to issue planning permission that moves away from the objectives, which is dangerous, and this is an example of that. The former Minister, Deputy Kelly, did nothing about it even though he was asked to several times. The Minister of State, Deputy Canney, and I know what tyres are. We have seen bonfires. Galway has won the All-Ireland a few times. Galway people like an old bonfire. We cannot light bonfires any more, but we know the smelch of dirt and filth involved.

I am unhappy with and concerned about this situation. I will hand over to Deputy Michael Healy-Rae.

Deputy Michael Healy-Rae: I thank Deputy O'Dea for tabling this motion, as it is important that we have this debate. I have concerns over the continued exportation of waste, but when it comes to providing alternative policies, we must be careful and prudent in terms of their impact on local communities. I thank the people of my local authority of Kerry County Council who provided a waste collection service for years. I also thank them for their management of transfer stations once our local authority got out of the service. I compliment the private operators. In County Kerry, we have companies like KWD Recycling, Higgins Waste & Recycling Services, Dillon Waste & Recycling and so on. In making the collection of waste and recycling of recyclables their business, they are creating employment and dealing with our waste in the best way they can, a way that is proper and diligent and meets all EPA guidelines. I thank them for their work.

The Minister of State's legs are on the ground where this matter is concerned. I thank and acknowledge the people who go out at 3 a.m. and 4 a.m. I often meet them when they are starting their day's work driving a lorry and collecting our waste around the country. I thank those in County Kerry and throughout the rest of the country. They are the people who collect the waste and go into housing estates. They do it at that hour of the morning in the interests of safety. They want to drive their lorries into areas and have the waste collected when there are no children around, no youngsters on bicycles, no one stepping out from behind a car and before anyone else is up. For that, we must give them our humble thanks. Only for them, the collection of waste would be much more hazardous.

I compliment my colleague, Deputy Michael Collins, on his remarks about the warmer homes scheme and cutting carbon emissions. I have people in County Kerry who want to avail of the warmer homes scheme, but they cannot do so because it is oversubscribed. Will the Government be serious about providing funding to allow people to make their homes warmer and cut back on the amount of fuel they need? All of the compliance suggestions being made cost money. People need assistance in the form of grant aid. If the Government has a greener homes scheme, it should make sure to fund it properly and give money to those who need it to make their homes more efficient.

Acting Chairman (Deputy Frank O'Rourke): Next is Deputy Dooley, who is sharing time with Deputy O'Loughlin. They have ten minutes in total.

Deputy Timmy Dooley: I welcome the opportunity to address this important debate. I thank my colleague, Deputy O'Dea, for tabling this motion. He and I operate in side by side constituencies and we are equally disturbed by the proposals to put an incinerator in place that

will impact negatively on the livelihoods of people in the region. We do not believe it is acceptable to our communities. Nor is it right from an environmental perspective.

As Deputy O’Dea and others have identified, the management of waste and the thinking around same have changed significantly in recent years. We are in a circular economy where we need to reduce the amount of waste that is coming into the overall waste management system. When new infrastructure is built, vast amounts of money are invested and that company and society are effectively locked into the processing of waste in what is now recognised as an outmoded system of waste management. What is really needed is more forward-thinking waste management, for example, better use of the recycling process or better composting procedures. That requires education, Government policy and Government thinking. Unless we put all of that in place, we are not going to have a better approach to the management of our waste or environment. It is essential that the process under discussion be stopped. Government policy must give that direction.

Many in the House objected to the continuation of drilling for oil off the western seaboard. It took the Taoiseach in a panic at a UN meeting in the US to capitulate when the pressure came on from international concerns and NGOs. He did not listen to what was happening in the House. It might take the Taoiseach being out of the country and in the company of others for the light to dawn on him in respect of this issue. The sooner the Government comes to the realisation that locking ourselves into an investment in infrastructure that is past its sell-by date and no longer fit for purpose for residential communities across the State, the better. It would ensure that we did not have a continued diminution of people’s quality of life in the area. Indeed, this is not just about them. As Deputy O’Dea and others have identified, the particles go high into the atmosphere. With the passage of time and rainfall in other regions, others must sustain the negative impacts on their health as well. We need to address this matter.

I wish to speak to the part of the motion that deals with quarrying. An interesting “Prime Time” programme the other night focused on unregulated quarries and local authorities’ inability to deal with them. In some cases, local authorities were even contracting with them and purchasing aggregate from them. That is wrong and should not happen. What is happening not only damages the environment, but also the genuine, hard-working quarry owners who work and live by the standards, which are rightly difficult to meet. McGrath Quarries in my area meets all of the standards and works with local communities because it recognises that quarrying by its nature is not necessarily an easy business to conduct alongside where people live. McGrath Quarries does a hell of a good job. It works with the communities, tries to minimise the impact and lives by the standards. Why should it be disenfranchised because other quarries are effectively operating lawlessly? In Donegal, a quarry owner was dredging the riverbed and had the audacity to say in an interview that he was benefiting the environment. His quarry operates with impunity. That is wrong and needs to be tackled.

Unless we succeed in bringing these rogue operators to heel, what kind of message are we sending to the good operators in my area and elsewhere who spend money to meet all of the standards and who respect the environment and the communities in which they are based? We are sending out the wrong signal. It is incumbent on the Government to put in place appropriate standards, put a body of law behind them and put funding in place to enforce them. That must happen. Otherwise, we will be equivocating. Today, I saw a leaflet of a Fine Gael councillor that could be mistaken for a Green Party leaflet with all of the green imagery it used. There is an element of greenwashing by the Government as it attempts to give the impression it is green friendly. It recognises the impact and negativity that are adding to the destruction of the envi-

ronment. It should stop the greenwashing and attempting to take credit for something it is not committed to. It should show it is active by enforcing and enhancing the existing body of law to ensure standards are maintained and the environment is respected.

Deputy Fiona O'Loughlin: We all acknowledge that we need quarries but, like so many other things that we need, they come at a price. Quarries certainly serve us in terms of the materials they deliver but they can cost local communities in terms of dust, noise pollution, water contamination and, in particular, extra traffic. The Minister of State, Deputy English, lives in a rural setting. People living in an area with more than 20 or 30 trucks laden with stone passing their house every day certainly do not have much peace. There is also air, water and noise pollution and the impact of trucks thundering through small villages disturbing the peace of residents. There is also the effect that quarries can have on water tables. This is before we consider the potential destruction they cause to natural habitats and historic monuments. No one can be in any doubt as to how much of an impact these industrial operations have on what are often very rural places and environments.

Some quarry groups, organisations and companies fully adhere to the regulations and are good operators in every sense of the word. However, I must mention the lack of planning and regulation for quarries, which is a national scandal and a serious problem. One in eight quarries is unauthorised. I cannot think of any other business that would be allowed to operate in such a regulatory vacuum. Consider the situation I spoke about on Leaders' Questions regarding crèche regulations, which could result in 50% of crèches being unable to open in January 2020 because they will not have the documentation required. Under the regulations, that documentation must be issued by 12 December.

I ask the Minister of State not to tell us that these issues are beyond his control. We do not want to see wholesale closures of quarries but it is essential that they are properly regulated and controlled. I suggest they be monitored by local authorities because this does not happen at present. I cannot think of any other business that would be allowed to operate day after day while planning permission was being sought. Some quarry operators circumnavigate, twist and bend the law with impunity, challenging the implementation of regulations with appeals and taking judicial reviews, all the while continuing their operations. They are not only flouting the law but laughing at it as they continue to extract and blast without permission. This is certainly not always the case but it occurs far too often.

It is time for an urgent review of this situation to bring these rogue operators into the net of efficiency and transparency. I will give a few examples from my constituency of Kildare. A 22 ha quarry close to the Curragh has been operating since 2014. In 2015, the quarry was served with an enforcement notice stating that it did not have planning permission for what was being developed. The owner was told that, if convicted, he could be fined up to €12,000 and-or be jailed for up to two years. Unbelievably, the unauthorised quarrying continued for years. An Bord Pleanála published a highly critical report about the quarry, stating it had significant effects on the environment but we did not need a report to tell us that. We also had a case in Ballymany, where a developer said he was using the land for plant waste only. In effect, it was a quarry and the residents in a nearby housing estate suffered for many years. Many of our communities are simply not able for this level of disruption. We must think about the cost to our citizens.

The Hill of Allen is a very historic site that is full of heritage. It has been blasted away to surface our motorways and primary roads. There are only two volcanic basalt hills in Ireland. One is the Hill of Allen and the other is the Giant's Causeway. No one is suggesting that we

start quarrying the Giant's Causeway so why are we not concerned about the destruction of a prime heritage site in the centre of Kildare? The Hill of Allen was the seat of Fionn Mac Cumhail and the Fianna. Instead of celebrating this incredible historical resource, to which we could bring visitors from all over Ireland and the world to share one of our most important myths, we have stood by and allowed this hill become a victim of quarrying. It is important to mention this because we have no idea of the true value of our land if we allow the destruction of a key historical site with recorded national monuments, a burial chamber and a cairn, not to mention the iconic tower on top of the hill, which is under threat from sustained blasting.

Despite enforcement actions by local authorities and An Taisce, it is appalling that some unauthorised quarry operators have continued blasting. This matter has to be addressed. Fianna Fáil is very concerned about it and we need the Minister of State to ensure it does not continue to happen.

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): The Minister of State at the Department of Communications, Climate Action and Environment, Deputy Canney, addressed the environmental aspects of the Private Members' motion under discussion. I will speak on the planning and quarrying related aspects of the motion, which fall within my area of responsibility at the Department of Housing, Planning and Local Government.

The "RTÉ Investigates" programme, "Between a Rock and a Hard Place", which aired last week, highlighted that one in eight quarries, or 151 out of 1,100 active quarries throughout the country operate without planning permission and are effectively unauthorised. It is a serious situation that I do not think any Deputy in the House can condone under any circumstance. I am glad Deputy O'Dea has tabled a motion so we can have this discussion.

While the aggregate sector is a cornerstone of the construction industry, employing thousands of people and making an important contribution to economic development through providing building material for all forms of development, including housing, roads and water infrastructure as well as commercial and industrial development, it goes without saying that all operators in the aggregate sector, as with all other economic sectors, are expected to fully comply with their statutory obligations and adhere to the necessary laws of the State, as passed by the Houses of the Oireachtas. However, in the interests of balance, and Deputy Dooley made a comment on this, it should also be acknowledged in this regard that a large majority of quarry operators operate in compliance with the law and adhere to their statutory obligations. Unfortunately, it is a minority of quarries that operate outside the law and bring the sector into disrepute.

We all know there are significant environmental impacts associated with quarrying operations in terms of noise, dust, blasting, vibration, impacts on water quality, groundwater, traffic, as mentioned by Deputy O'Loughlin, waste, ecosystems and landscapes, to name just some. Quarries also have significant impacts on local communities and residents in whose vicinity they operate. Accordingly, it is imperative that quarrying operations are appropriately regulated and comply with all relevant environmental requirements.

The planning system is the system through which quarries are regulated in terms of being required to obtain planning permission before commencing operations and to comply with any conditions attached to planning permission where it is granted. When assessing individual planning applications for quarries, planning authorities or An Bord Pleanála, as appropriate,

must take into account the principle of proper planning and sustainable development, including a range of environmental health, transport, site suitability, visual, amenity and other relevant impacts of the proposed development. Furthermore, where the development of a quarry may affect a special area of conservation, planning authorities are required to screen the development and undertake full appropriate assessment of the proposed development under the habitats directive, where necessary.

It is fair to say the regulation of the sector has been a legacy issue since the Celtic tiger years and probably even before that. Notwithstanding this, it should be noted that strenuous efforts have been made by my Department to improve the regulation and compliance of the sector through new legislation which came into effect in 2012 and which gives unauthorised quarries the opportunity to regularise their affairs by registering their activity with the local authority, obtaining substitute consent or retention permission for past unauthorised activity and obtaining planning permission for ongoing activity. Unfortunately, while many regularised their activities, not all quarry operators availed of the opportunity provided at that time. In addition, in May 2013 a ministerial policy directive was issued to planning authorities reminding them of their statutory obligations in planning, monitoring and enforcement, requiring them to ensure that sufficient resources were put in place for this purpose and, in particular, to prioritise action on large-scale unauthorised developments, including quarries. Detailed guidelines were also issued to planning authorities under section 28 of the Planning and Development Act 2000, offering guidance to planning authorities on planning for the quarrying industry in local development plans and on determining planning applications for quarrying and ancillary activities in their functional areas. These guidelines were also intended to be of assistance to the owners and operators of quarries in complying with their statutory obligations and meeting relevant environmental requirements.

While the situation relating to unauthorised quarries subsequently improved somewhat further following the enactment of the 2012 legislation - it was also helped by the downturn in economic activity at that time - the indications are, as outlined by the "RTÉ Investigates" programme, that the number of unauthorised and unregulated quarries has been increasing again as construction activity has ramped up, which, in turn, has increased the demand for aggregate material. As has been referred to by Deputies, problems are also increasing. In effect, the necessary planning legislation and guidance is already in place to facilitate the proper regulation of the sector. However, under planning regulations and legislation, the enforcement of planning control is a matter for the relevant planning authority, which can take action if a development does not have the required permission where it is unauthorised or where the terms and conditions of planning permission have not been met. In this connection, there are extensive enforcement powers provided for in Part VIII of the Planning and Development Act 2000, with a view to ensuring that works pertaining to permitted developments are carried out in accordance with planning permission and that no unauthorised development takes place. Furthermore, if a person is of the view that any development works being undertaken are unauthorised, they may make a written complaint to the development planning authority, which is required to investigate the matter within established time frames and take any appropriate enforcement action, including, where necessary, seeking a court order requiring the cessation of operations. It is also worth mentioning in this connection that serious breaches of the planning code that come before the courts can, on indictment, incur significant fines of potentially up to €12 million in cases where significant environmental damage or pollution are caused and imprisonment of up to two years or both imprisonment and a fine, with further fines of up to €10,000 for each day the offence is continued.

While the necessary legislation, enforcement powers and penalties are already in place, there is clearly a need for more proactive and effective enforcement of the legislation by planning authorities. Married to this, there is also the need for the courts and the Judiciary to impose more serious penalties for breaches of the legislation by quarry operators that come before them, especially in cases involving consistent and persistent breaches of previous court orders that have continued to be ignored. This will send out an appropriate signal and warning that non-compliance with statutory obligations will no longer be tolerated in this area. In light of the information and evidence that has recently come to light in the “RTÉ Investigates” programme on unauthorised activity in this area, my Department will soon engage further with planning authorities on the need for more decisive actions against illegal quarries, advising them to use more full use of the enforcement powers available to them so this problem can be better addressed and eradicated once and for all.

What is currently happening in this area is not acceptable in a modern democratic society where citizens and sectors have a civic responsibility to operate in compliance with the law of the State. One particular point in the motion to which I would like to refer specifically mentions the alleged sourcing by local authorities of aggregate material from unauthorised quarrying operations. It should not be the case that, for example, the roads and housing divisions of local authorities are sourcing material from unauthorised quarry operations that are in breach of the requirements of the planning code while another division of the local authority is taking enforcement action against those same operations, including taking action to cease operations. This is something that should not be happening and my Department will soon write to local authorities to remind them of the need to adhere to the public procurement guidelines for goods and services, as published by the Office of Government Procurement, which requires that any materials, products or services being procured are sourced from authorised sources that are operating in compliance with relevant statutory requirements.

It is important to put on the record the Government’s concerns on unauthorised activity in this area, as outlined in the motion. I mention the concerted range of actions that have already been taken and the Government’s commitment to continue to tackle the problem and to take whatever further actions necessary against concerned illegal operators in this field. I take Deputy Dooley’s point - Deputy O’Dea may have made the same point - that local authorities are often under pressure, when it comes to resources, in making these enforcement decisions and might often shy away from doing so because of the legal costs and consequences involved. That is something the Department will engage with local authorities on more because it is important they feel they have the funding and backing to do this. Often, a local authority can have the choice between spending the money on another positive development or taking a legal case and the choice is often made to spend the money elsewhere. We will engage with them on that because it is important we look at that issue. We have to strengthen local authorities so they are in a position to take these legal cases when they have to.

Acting Chairman (Deputy Frank O’Rourke): Deputies Ó Cuív, Lawless and O’Dea are sharing time.

Deputy Éamon Ó Cuív: I support the motion. We need to tackle this issue. If the assertion that was made by RTÉ was correct, that one in eight quarries across Ireland is operating without planning permission, that is a serious issue. Furthermore, if local authorities are buying from authorised quarries where they themselves are the planning authority, that also raises serious issues. I have always believed that when the law is being widely ignored, the law is brought into total disrepute. Sometimes it has to be considered whether the way the law operates is pro-

portionate and reasonable. We have a serious issue at which we need to look. We must ensure that everyone complies with the law. My understanding up until I saw the “RTÉ Investigates” programme was always that if one was not in compliance, the first thing one was told to do by the local authority was to desist from whatever business one was in and then one could seek retention, or in this case, substitute consent. I always had an understanding about what would happen in a case where one did not desist from whatever activity, irrespective of what enforcement was involved. For example, if one was using a private premises for commercial purposes and one did not have permission to do so, one would have to desist. My understanding was that a local authority would seek a court injunction and restrain one by the order of the court from doing what one was doing. To see that people can go on carrying out major works consistently seems to me to be a serious issue. We need to develop a much more comprehensive policy on the extractive industry. We want an extractive industry, we want it to be compliant and we want it to be environmentally sensitive. We also have to look at making it possible for small quarries to operate in isolated areas. Otherwise, we will ruin the roads and cause a huge carbon footprint by bringing vast amounts of material over long distances. We need to move forward, regularise all of this, make it workable and then enforce the law fully.

Another issue at which we must look is the substitute consent mechanism, particularly when somebody wants to use a disused quarry for some other purpose. We need to make it easier to apply for permission to use quarries for legitimate purposes, such as using them for recreational purposes as quarries are good for rock climbing and so on. We need to make that process easier so we can rehabilitate and reuse quarries, which in many cases are eyesores, for productive and legal purposes.

Deputy James Lawless: I have heard many references to the “RTÉ Investigates” programme during the debate. While I have not watched it, I have extensive experience of dealing with quarries, landfills and so on in my constituency, both as a Deputy and previously as a member of the local authority. It is only fair at this point to go a little against the tide and say they are not all bad and they are not all the same. In fact, quarry owners and operators are employers and provide local employment, and they tend to be small, often family, businesses. In light of the jobs they provide, they have a secondary economic impact. It is tough, rough work that can be dangerous at times. Some of them take their obligations seriously, both as employers and in respect of safety, run a tight ship, and try to derive a profit margin for their employees and stakeholders, which should be recognised.

As always, the few ruin it for the many. The “RTÉ Investigates” programme suggested that one in eight quarries is unauthorised while more than one in eight may be authorised and follow the letter of the law but not the spirit. There are many cowboys in the sector. I am reminded of one in particular in my constituency, namely, the A1 waste facility in Kerdiffstown, near Sallins, which has practised every violation under the sun for more than 20 years. The EPA was initially slow to engage until it was forced to the table by local residents’ associations. The landfill and former quarry came to a halt when a blaze broke out at Christmas a number of years ago that was visible from the M7, such was its extent. It drew national attention, and the EPA and Kildare County Council finally acted to address the issue, although it took far too long. The happy ending is that a public park will be developed on the site to become a public amenity with a path and connection to the greenway. I recognise the work of Kildare County Council and of the former Minister for Communications, Climate Action and Environment, Deputy Naughten, who was supportive of the project, as were his predecessors.

One of the secondary impacts of such operations, aside from the overspill on the immediate

vicinity, is the impact on local roads. Local rural byroads tend to be traversed by heavy goods vehicles such as lorries and trucks entering and exiting, and it is often debatable whether the empty or laden trucks rattle more. Either way, they are not suitable for local rural roads. Sometimes, the State itself or State agencies can be complicit. I have previously raised in the House the issue of the Drehid landfill in north-west Kildare, a Bord na Móna site that has irritated many landowners and residents, not only in the immediate vicinity but along all the approach roads, from Prosperous and Clane to Sallins, Allenwood, Killeen and beyond, as truckers find the route of least resistance and plough through at high speeds in articulated lorries travelling in both directions many times a day. Broadford in north-west Kildare also suffers, and a recent example is the Millpond site, where water quality issues continue to be raised and fingers have been pointed at a number of local pits and operations. That may or may not be the case, but it certainly does not do anything to build the trust of the residents when it takes so long for their water to become drinkable. The media descended when there was a boil water notice for much of the greater Dublin area, but the residents of Broadford have been unable to drink the water for two or three years.

Some positives have emerged, not least in respect of the circular economy. Earlier in this Dáil term, I introduced an amendment to legislation on the potential for old mines to be rehabilitated to allow rare earth minerals, which are important components for electronics such as iPhones, to be extracted. For quarries, in the same way, we can tidy up legislation already in place. It is a good opportunity for the circular economy.

Deputy Willie O’Dea: I thank my colleagues and everybody else who spoke on the motion. I read Deputy Cullinane’s amendment and, given that I do not disagree with any of it, I am disposed to accept it. I take the opportunity to refer to a small group in Limerick, Limerick Against Pollution, that has stood in the ditch to resist the proposal. It is a small, dedicated group that has worked tirelessly on behalf of the people of its area, and every man, woman and child who is potentially affected by the proposal in Mungret owes it a great deal of gratitude. Even though the group is small in number and badly financed - it sells tickets and holds events such as raffles to raise funding - it is supported by thousands of people, including all the political parties in the area and none. I have attended most of the public meetings and rallies, where Fine Gael representatives were among the most vehement in their opposition to the proposal. They were fully on the side of the community and some were almost ready to lay down their lives to protect the community. It will be interesting, therefore, to see how their party colleagues in the House will respond to the motion and whether they will accept it. I am not playing politics but rather making a last-ditch effort to prevent a calamity in my community. I heard nothing in the responses of the Ministers of State, especially in that of Deputy Canney, that will afford any comfort or consolation to the people on whose behalf I am speaking.

The people of Limerick are watching the debate closely. The matter is in the heart of 25,000 residents, and 4,500 objections to it have been submitted. If the Minister, Deputy Eoghan Murphy, wishes to reflect on the matter overnight, he can, but the people are watching the debate carefully. If there is a marked difference between the approaches of Fine Gael in the House and Fine Gael on the ground in Limerick, people will naturally ask why. I ask the Minister and the Government to give careful consideration to the proposal. The Ministers of State outlined nothing in respect of incineration except for a vague promise that the Government is committed to a circular economy at some indeterminate time in the future, like St. Augustine, who wrote, “O God, make me good, but not yet.” We heard nothing about the proposal in Mungret. If, as the Ministers of State asserted, we recognise that change must come and the whole system

has to be recast, why will we not pause the proposal for yet another incinerator that will have a lifetime of 20 or 30 years? Such proposals are now resisted by communities in other countries that realise they were mistaken, while we are aware of the problems yet seem determined to make the same mistake.

I ask the Government to accept the motion, as amended, to show good faith and to demonstrate that it and its representatives on the ground in Limerick are on the same wavelength.

Amendment agreed to.

Motion, as amended, agreed to.

Microbeads (Prohibition) Bill 2019: Order for Report Stage

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I move: “That Report Stage be taken now.”

Question put and agreed to.

Microbeads (Prohibition) Bill 2019: Report and Final Stages

Bill received for final consideration.

Question proposed: “That the Bill do now pass.”

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): What we are doing in respect of microbeads is significant. We are bringing forward a ban on microbeads and being more ambitious than our EU partners. Due to the changes we are making, our EU partners will be playing catch-up with us. To protect the environment, including our watercourses and marine environment, and as part of the wider programme of climate action, it is significant legislation. There was good debate on the matter in the House, with a consensus approach, which is why we have been able to conclude it so swiftly. I sought a derogation from the market laws with the Commission at an early stage in order that we could move quickly, which I am glad to say happened.

I am also glad for the support we received. The former Senator, Grace O’Sullivan, from the Green Party and Deputy Sherlock from the Labour Party had each drafted legislation on the issue but withdrew them in order that we could progress the legislation before us. I thank them very much for that and for making the issue a priority with me, because as a result I made it a priority with my Department, which is why, working together, we have been able to do what we have done. It is a positive outcome from the process they started.

Deputy Jan O’Sullivan: Is it possible to say a word on the Bill?

Acting Chairman (Deputy Frank O’Rourke): Very briefly.

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Deputy Pat Casey: I acknowledge that Deputy Sean Sherlock and the former Senator, Grace O’Sullivan, MEP, introduced a Private Member’s Bill on microbeads. We have been supportive of it throughout the process. The introduction of the Private Members’ Bill probably triggered Government action. As a result of the co-operation of the committee and all parties in the House, the Bill is before the House today. I thank the Minister and all of the officials for the work they have done on it.

Deputy Jan O’Sullivan: On behalf of my colleague, Deputy Sean Sherlock, I thank the Minister for bringing forward the Bill in response to legislation introduced by Deputy Sherlock and the former Senator, Grace O’Sullivan, MEP. Deputy Sherlock felt very strongly about this issue. He has arrived in the Chamber and I will let him speak for himself.

Acting Chairman (Deputy Frank O’Rourke): I will be extremely flexible.

Deputy Sean Sherlock: The Acting Chairman is very kind. I thank my colleague and I apologise for not being here on time. I congratulate the Minister because I genuinely believe he made a decent effort in bringing the Bill before us. The process started with Grace O’Sullivan, MEP. I have had some pitched battles, if I could put it that way, with the Minister on occasion in respect of this legislation and we had one or two stand-up rows. Notwithstanding the Minister’s current travails, he genuinely sought to legislate for this matter and I appreciate his efforts in that regard. I told him this could be his lasting legacy. I am not sure about the housing issue, but this certainly could be something that will be part of his legacy as Minister and I congratulate him in that regard.

I want to satisfy myself that the issues raised on Second Stage have been comfortably dealt with and that, once the legislation comes into effect, we will ban microplastics in this country. I again seek that reassurance from the Minister. As I said, the former Senator, Grace O’Sullivan, MEP, started the ball rolling on this legislation. We in the Labour Party took up the cudgel and I accept that the Minister has been genuine in his attempt to legislate and make Ireland, as an island nation, a forerunner in western Europe on this vital issue.

Question put and agreed to.

Landlord and Tenant (Ground Rents) (Amendment) Bill 2017 [Seanad]: Order for Report Stage

Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys): I move: “That Report Stage be taken now.”

Question put and agreed to.

Landlord and Tenant (Ground Rents) (Amendment) Bill 2017 [Seanad]: Report and Final Stages

Bill received for final consideration.

Question proposed: “That the Bill do now pass.”

Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys): As everybody knows, this Bill originated as a Private Members’ Bill in the Seanad and received support from all sides of the House. Its primary objective is to deal with what are widely seen as the potentially adverse consequences for ground rent tenants flowing from a 2012 ruling of the Supreme Court.

I am pleased the Bill received support in this House and I thank colleagues on all sides for that support. I thank Senator Robbie Gallagher for initiating the Private Members’ Bill, my colleague, the Minister for Justice and Equality, Deputy Charles Flanagan, for establishing the expert group to examine the Bill and draw up the appropriate Committee Stage amendments, and the members of that group, especially Professor John Wiley, the leading Irish expert in this complex area of law, as well as the officials in the Department of Justice and Equality for the work they put into the Bill. I also acknowledge the work of Deputy Caoimhghín Ó Caoláin and the way in which he managed the Committee Stage consideration of the Bill. I thank all of those in Carrickmacross who supported the Bill.

Arising from acceptance of the Government’s Committee Stage amendments, it will be necessary to report on those amendments to Seanad Éireann. I hope to do that as soon as possible, possibly as early as next week. I have already asked the Minister for Justice and Equality to commence the legislation following signature by the President and he assured me that he will do so. My hope and expectation is that the new legislation will enter into force before the end of the year. I know that will be good news for the people of Carrickmacross who have waited a long time for it.

Deputy Niamh Smyth: I am very proud of the work my colleagues, Deputy Jim O’Callaghan and Senator Robbie Gallagher, have done on the Bill and I am delighted to see it reach this stage today. It will have a real impact on the people and business owners of Carrickmacross and south County Monaghan. As matters stand, businesses on the west side of Carrickmacross Main Street must pay ground rent to the Shirley estate as the property is a freehold. The Bill will allow people to buy the freehold of their properties. Once enacted which, I am delighted to hear, the Minister intends to ensure before the end of the year, businesses will no longer have to pay ground rents to landlords arising from Ireland’s colonial past.

As the Minister knows, we met business owners in Carrickmacross numerous times and their anger about the challenges they face was palpable. This legislation will affect business owners across the country, but the Minister and I, along with Deputy Ó Caoláin who attended the meetings with us, are familiar with people’s frustration about an archaic law which placed a huge burden on business people. It was particularly unfair on those on one side of a street in Carrickmacross. This is a wonderful day for those business people. It is to be hoped that the legislation will bolster business in Carrickmacross, not just at Christmas time but for many years into the future. Business people in the town are under the same pressure as many others in having to pay rates and meet their overheads. I thank everyone involved in ensuring that the Bill is passed. Jim Hand and many others in Carrickmacross will be very happy to hear that the legislation has eventually come to pass.

Deputy Caoimhghín Ó Caoláin: I join my constituency colleagues, the Minister, Deputy Humphreys, and Deputy Smyth, in warmly welcoming the passage of Report and Final Stages of the Dáil consideration of the Landlord and Tenant (Ground Rents) (Amendment) Bill 2017.

The passage of the Bill in a relatively short period is indicative of the cross-party support it has enjoyed since its initial drafting. I acknowledge the special import of the work of my colleague on the Joint Committee on Justice and Equality, Deputy Jim O’Callaghan, in regard to same. It is very important that the Bill progresses through all further steps in order to come into effect. It is not just the people of Carrickmacross who have been very much on our minds in facilitating the passage of the Bill, but people elsewhere in other settings and locations around the country who will, it is hoped, stand to benefit.

The issue at the core of the Bill is the outstanding anomaly from times long past regarding ground rents. We have to ensure that, like so much associated with those times, ground rents are confined to the history books. This continuing anomaly, where landlords in external residence have been exacting significant demands and have undermined the ability of people in business to develop and expand their enterprises, has curtailed the potential of not only individuals but whole communities. It has prevented them reaching the highest levels of economic success. I join the voices of other Deputies in wishing the interests located along the west side of the main street of Carrickmacross every success in the future. I hope we will hear good news and that this Bill has lived up to its intentions and delivered on its purpose.

Question put and agreed to.

Acting Chairman (Deputy Frank O’Rourke): The Bill, which is considered to be a Dáil Bill under Article 20.2.2° of the Constitution, will be sent to the Seanad.

Gaming and Lotteries (Amendment) Bill 2019 [Seanad]: Order for Report Stage

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I move: “That Report Stage be taken now.”

Deputy Michael Healy-Rae: On a point of order, if that is allowed, on the record of the Dáil today, the Taoiseach made a statement concerning this proposed legislation. What he said showed one of two things. He was either misleading the Dáil, and I would not like to think that he purposely did that, or he did not understand what is being proposed by this Bill. I say that because what the Taoiseach stated earlier was that what the Minister of State is proposing will not affect bingo and will not close down bingo halls. That is factually incorrect. If the Minister of State does what he is proposing to do, that will have a detrimental effect on the running of bingo operations and games because it is reducing by at least half the funding that can be made available for prizes and jackpots, lines across, full boxes and full houses. The Taoiseach, therefore, either misled the Dáil or he did not understand the implications of what is being proposed.

I hope the Minister of State understands the implications of the legislation he is proposing. The people who run bingo, whether it is a small, medium or large operation, are of the opinion that what the Minister of State is doing is detrimental to the game of bingo. If were to live forever, I would not understand why the Minister of State would want to attack a sector of society composed of people minding their own business and who just want to play the game of bingo. My God, those people were outside of these Houses yesterday and they were the most respectable people in the world. I want the Minister of State to clarify this before we go one bit further, because the Taoiseach was wrong in what he said today.

Acting Chairman (Deputy Frank O'Rourke): I call Deputy Scanlon for a brief contribution and then I will give the Minister of State an opportunity to respond before we move on, if he wishes.

Deputy Eamon Scanlon: I will be very brief. Following on from my colleague, I am speaking only of my local bingo games that have been in operation for the past 25 years to raise funds for the local youth clubs, football pitches etc. These bingo games pay out some €1,300 a week. They are not, therefore, tied into this 5% profit issue, but there is awful confusion about that and we need to get this issue clarified. I am glad the Minister of State is nodding his head in agreement with me because the real problem is the information circulating. Representatives from those bingo games were in contact with me today and they had that opinion. I am glad the Minister of State is again nodding his head on this issue because this is where the crux of this issue lies. As I mentioned, our local bingo games pay out some €1,300 a week. Sometimes we pay out 85% and other times 110%, when we have not got enough in to pay the prizes, because there is a set prize fund.

I have one other question on this issue for the Minister of State. What is the situation concerning local lottos? I am referring to clubs that run local lottos voluntarily to raise funding for local football pitches and such like where the prizes could run into €5,000 or €6,000 over seven, eight or nine months. Those lotto games take place over months. Does that €5,000 apply per week to that lotto? The Minister of State is nodding his head to indicate that it does, so then there is no problem.

Deputy David Stanton: It does at the moment. That is the law.

Acting Chairman (Deputy Frank O'Rourke): For what it is worth, Deputies, these are not points of order. These are statements and we cannot have this happening. If Deputy Michael Collins wants to make a point of order, I will let him do that. If he does not, then I am going to move on to Deputy Sherlock.

Deputy Eamon Scanlon: It is clarification that we need.

Acting Chairman (Deputy Frank O'Rourke): This is not the stage where we do that. I call Deputy Collins for a brief contribution, as he indicated first. I ask him to be brief or I will cut him off.

Deputy Michael Collins: On a point of order, and I will be as brief as possible, there is serious concern regarding this issue. My previous history with the Minister of State has demonstrated that he is a fair and honest person who will clarify something if it needs to be clarified. There is a serious concern among people who play bingo. Most of the voluntary groups I am familiar with in west Cork organise and play bingo to try to raise funds for the local hall or local charitable event. Those funds help to keep festivals going in places such as Goleen, Kilbrittain, Bandon, Clonakilty or wherever bingo games are held weekly. The worry now is that people had an expectation that if they had paid about €10 towards playing bingo, then they might get €7.50 or €8.50 back in prize money. That is all part of the fun and enjoyment people have with those games. These are difficult times and people look forward to their weekly outing to play bingo. The worry that they will only end up getting €5 back now and that will not make these events viable.

Acting Chairman (Deputy Frank O'Rourke): I thank Deputy Collins and call Deputy Sherlock.

Deputy Denis Naughten: For the information of the House, may I suggest that we recommit section 12 of this Bill to Committee Stage and we have a discussion on it?

Acting Chairman (Deputy Frank O'Rourke): I call Deputy Sherlock, for a brief comment.

Deputy Sean Sherlock: I was just going to say that the idea of a recommittal, if the Minister of State is amenable, would not be a bad idea. We will, however, be directed by him on this issue. The Acting Chairman has been very helpful in allowing us to come back in and make contributions. Technically, we should not.

Acting Chairman (Deputy Frank O'Rourke): The Deputies should only be contributing on a point of order, and these are not points of order.

Deputy Sean Sherlock: These issues are not the subject of amendments either, and that is why we are seeking this clarification.

Acting Chairman (Deputy Frank O'Rourke): I am allowing flexibility, providing the Deputies co-operate with me.

Deputy Sean Sherlock: I am grateful to the Acting Chairman. Regarding section 9, the Minister of State has already provided clarity to us, outside of this House, regarding those clubs we all represent, including GAA clubs, community organisations etc. that run bingo games on a Friday night. I refer to a local volunteer calling the balls in the game where perhaps €1,000 is brought in and €800 is paid out in prizes, with a small surplus going back into the community organisation or the GAA club. The Minister of State would be doing us a great service if he were to give us some comfort by confirming that such activities will not fall foul of this legislation. I also refer to the rollover of GAA lotteries run on a community basis, as Deputy Scanlon mentioned. There is much worry abroad regarding whether local GAA lotteries, in particular, will be allowed to roll over under this legislation. I thank the Acting Chairman.

Acting Chairman (Deputy Frank O'Rourke): Did Deputy Martin Kenny indicate that he wanted to speak?

Deputy Martin Kenny: Most of this will come up as we go through the amendments. It would be useful, however, to look at recommittal to Committee Stage for section 12, in particular, if it might be possible to do that. We could probably make some small tweaks that would improve everyone's lot.

Deputy Denis Naughten: I ask the Minister of State to recommit section 12 to Committee Stage so that we can deal with the substantive issue. A resolution can be found to this problem. I spoke to the Minister of State last night and gave him the example of the case across the Border in Northern Ireland. A tiered system is in place there where commercial bingo operations come under a different regulatory regime than community events. In our discussions yesterday, the Minister of State confirmed that there would not be a prohibition on communities topping up prizes over and above the 50% payment and bringing that up to 110%, as referred to in the previous example.

That requires people to carry substantial additional cash floats in parish halls around the country. We should not be encouraging people in communities that have been left vulnerable to robbery because of Garda station closures, etc., to carry significant amounts of money. The

6 o'clock

easiest way to deal with this is to recommit the Bill in respect of section 12 to enable a simple amendment to be made which would clarify our intention to provide for a tiered process that covers the commercial operators, which the Minister of State is trying to address in this legislation, and the community bingo events across the country, which we want to allow to continue to function as they have functioned up to now.

Deputy Mattie McGrath: I apologise for being late. I did not expect this debate to start so soon. I support Deputy Sherlock's proposal. I agree with Deputy Naughten that section 12 could be an option for recommitment. People have become aware of this now. We often pass legislation that has unintended consequences. I know the Taoiseach gave his answers today. Either he was mistaken, he did not understand it, or he misled the Dáil. I hope he was mistaken or did not understand it. The Bill could be recommitted in respect of the aspect I have mentioned. We regularly pass legislation to control certain things. The unintended consequence in this instance could be the closure of these events. It will not be viable for local clubs, societies and voluntary groups to continue their bingo events, some of which have been running for decades. I remind the House that thousands of people throughout the country get social interaction and social solace from bingo.

Deputy David Stanton: We have to deal with a number of amendments before we get to section 12. I will be quite happy to recommit the Bill in respect of section 12. There will be no problem whatsoever with having a Committee Stage debate. I will be delighted to do so. A great deal of clarification is needed on this subject. There is a lot of confusion out there. Some information has not been clarified. I would like to get an opportunity to clarify the information for colleagues when the time comes. It might be in order to recommit when we get to section 12. Would that be okay?

Acting Chairman (Deputy Frank O'Rourke): Perfect. Is it agreed that Report Stage be taken now?

Deputy Michael Healy-Rae: No.

Deputy Mattie McGrath: It is not agreed.

Deputy Michael Healy-Rae: This is ridiculous. It is a very serious matter.

Question put:

<i>The Dáil divided: Tá, 69; Níl, 27; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Aylward, Bobby.</i>	<i>Barry, Mick.</i>	
<i>Bailey, Maria.</i>	<i>Buckley, Pat.</i>	
<i>Brassil, John.</i>	<i>Collins, Michael.</i>	
<i>Breen, Pat.</i>	<i>Cullinane, David.</i>	
<i>Brophy, Colm.</i>	<i>Ellis, Dessie.</i>	
<i>Broughan, Thomas P.</i>	<i>Ferris, Martin.</i>	
<i>Browne, James.</i>	<i>Funchion, Kathleen.</i>	
<i>Burke, Peter.</i>	<i>Grealish, Noel.</i>	
<i>Byrne, Malcolm.</i>	<i>Harty, Michael.</i>	
<i>Calleary, Dara.</i>	<i>Healy-Rae, Michael.</i>	

<i>Canney, Seán.</i>	<i>Healy, Seamus.</i>	
<i>Casey, Pat.</i>	<i>Kenny, Martin.</i>	
<i>Collins, Joan.</i>	<i>McGrath, Mattie.</i>	
<i>Connolly, Catherine.</i>	<i>Mitchell, Denise.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>Munster, Imelda.</i>	
<i>Cowen, Barry.</i>	<i>Murphy, Catherine.</i>	
<i>Curran, John.</i>	<i>Murphy, Paul.</i>	
<i>D'Arcy, Michael.</i>	<i>Naughten, Denis.</i>	
<i>Daly, Jim.</i>	<i>O'Brien, Jonathan.</i>	
<i>Deasy, John.</i>	<i>Ó Broin, Eoin.</i>	
<i>Deering, Pat.</i>	<i>Ó Caoláin, Caoimhghín.</i>	
<i>Doherty, Regina.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>Dooley, Timmy.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Durkan, Bernard J.</i>	<i>Quinlivan, Maurice.</i>	
<i>English, Damien.</i>	<i>Shortall, Róisín.</i>	
<i>Farrell, Alan.</i>	<i>Tóibín, Peadar.</i>	
<i>Fleming, Sean.</i>	<i>Ward, Mark.</i>	
<i>Griffin, Brendan.</i>		
<i>Harris, Simon.</i>		
<i>Haughey, Seán.</i>		
<i>Heydon, Martin.</i>		
<i>Humphreys, Heather.</i>		
<i>Kehoe, Paul.</i>		
<i>Kelly, Alan.</i>		
<i>Kyne, Seán.</i>		
<i>Lawless, James.</i>		
<i>MacSharry, Marc.</i>		
<i>Madigan, Josepha.</i>		
<i>McGrath, Finian.</i>		
<i>McGrath, Michael.</i>		
<i>McHugh, Joe.</i>		
<i>McLoughlin, Tony.</i>		
<i>Mitchell O'Connor, Mary.</i>		
<i>Moynihan, Aindrias.</i>		
<i>Moynihan, Michael.</i>		
<i>Murphy O'Mahony, Margaret.</i>		
<i>Murphy, Eoghan.</i>		
<i>Naughton, Hildegard.</i>		
<i>Neville, Tom.</i>		
<i>Noonan, Michael.</i>		
<i>O'Callaghan, Jim.</i>		

<i>O'Connell, Kate.</i>		
<i>O'Dea, Willie.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Loughlin, Fiona.</i>		
<i>O'Rourke, Frank.</i>		
<i>O'Sullivan, Jan.</i>		
<i>O'Sullivan, Pádraig.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Phelan, John Paul.</i>		
<i>Rabbitte, Anne.</i>		
<i>Ring, Michael.</i>		
<i>Rock, Noel.</i>		
<i>Ryan, Brendan.</i>		
<i>Scanlon, Eamon.</i>		
<i>Smyth, Niamh.</i>		
<i>Stanton, David.</i>		
<i>Zappone, Katherine.</i>		

Tellers: Tá, Deputies Seán Kyne and Tony McLoughlin; Níl, Deputies Mattie McGrath and Michael Healy-Rae.

Question declared carried.

Gaming and Lotteries (Amendment) Bill 2019 [Seanad]: Report and Final Stages

An Leas-Cheann Comhairle: Amendments Nos 1 to 3, inclusive, are related. No. 3 is consequential on 2. Nos 1 to 3, inclusive, will be discussed together.

Deputy Martin Kenny: I move amendment No. 1:

In page 5, to delete line 20 and substitute the following:

“1931;

‘Private Members’ Club’ means a voluntary and unincorporated association of persons over the age of eighteen years, not being a public body, formed for the purpose of gaming in premises to which the public does not access as of right, the affairs and management of which is governed by a committee in accordance with rules established by the membership body;”.”.

The amendment relates to private members’ clubs. The first thing is to set out a definition of such clubs. There is an issue whereby many private members’ clubs are very fearful that this legislation will reach into what they do. Certain clubs, mainly in Dublin city but also elsewhere, have roulette tables and card games such as poker. The legislation would not be appro-

appropriate to deal with the particular aspects of regulation of these games. If the Minister of State can assure me that it does not, we will look at that. However, the amendment is specifically to make it explicit in this legislation that they are not going to be dealt with in any way that would harm the businesses that they run.

An Leas-Cheann Comhairle: I will call Deputy Grealish in a moment. It is Deputy Martin Kenny's amendment. He took one minute to explain what was in the amendment. The Deputy can have as long as he likes as long as he is referring to the amendment. We are not straying into Second Stage speeches.

Deputy Noel Grealish: I will also only take one minute. I support Deputy Martin Kenny's amendment. I have also been contacted by many people who are involved in private members' clubs. They are very concerned that this Bill will have an effect on their businesses. Over 400 people work in these clubs. I seek assurances from the Minister of State that this will have no impact whatever on the private members' clubs and that they will remain open. They are fearful that if the Bill passes, all the clubs will be forced to close down leading to the loss of over 400 jobs. Will the Minister of State make a commitment to the House and to me that this will not impact on the private members' clubs?

An Leas-Cheann Comhairle: That was very focused. I hope Deputy Mattie McGrath will be equally focused.

Deputy Mattie McGrath: I also support Deputy Martin Kenny's amendment and its definition of private members' clubs as being "a voluntary and unincorporated association of persons over the age of eighteen years". People are very concerned about these clubs. They have met with the Minister of State and others. The Taoiseach was asked about this earlier. They could be closed down as of today even before the Bill is passed. Let us not take an approach whereby it is a case of "Live horse and you'll get grass". If that is the situation, it is unfortunate. However, the clubs have not been closed down. Those involved are very concerned about their clubs, many of which are voluntary, and they are worried about jobs. Above all, they are worried about their traditions and way of life. Clubs may have many other activities but this plays a big part. I hope that the Minister of State can clarify whether they can already be closed as of now.

We are in the process of passing legislation. We often pass legislation and are ridiculed for it. We must think of the unintended consequences. This legislation may have many and it would be our fault if we let it go through without proper scrutiny and debate.

An Leas-Cheann Comhairle: I call Deputy Michael Healy-Rae and ask him to focus on the private members' clubs.

Deputy Michael Healy-Rae: I also thank Deputy Martin Kenny for tabling this amendment. That he had to do so shows the uncertainty and lack of clarity in the context of what is being proposed. I also have concerns for people who are operating businesses of this sort and who are fearful regarding the jobs they create and the service they provide. Those to whom I refer are concerned that this section will have a detrimental effect on their businesses. I see the role of Government as encouraging people who create employment and provide jobs for themselves and others and who provide a service. As Deputy Mattie McGrath outlined, legislation has often been passed here and there have been unforeseen casualties. People can be hit by the crossfire on this where there is a detrimental effect on these clubs that is unintended. In common with other aspects which the Government has proposed and which we have already

raised and will come to again - including those of us who raised concerns and who wanted to have a vote at the outset - to highlight that there is such a lack of clarity in the proposal before us. There is an awful lot of uncertainty regarding the matter mentioned in the amendment and we need the Minister of State to clarify the position. I thank Deputy Martin Kenny for tabling the amendment.

An Leas-Cheann Comhairle: I call Deputy Fleming. He should be focused like his colleagues.

Deputy Sean Fleming: The reference to private members' clubs and who is covered by the legislation is causing much confusion. Sometimes people think that the term "private members' clubs" refers to local GAA, soccer or rugby clubs. The issue is causing considerable confusion so hopefully during the debate we will get clarity on definitions of precisely who is included, who is included under a permit or licence and who requires neither if the prize fund is sufficiently small.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I thank Deputy Martin Kenny for tabling these amendments. My response will be similar to that which I gave on Committee Stage. I have responded to the various numerous representations I received from those involved in private members' clubs. I have made the point repeatedly that the operation of such clubs enjoys a constitutional protection, that of free association. Those clubs are not governed in the context of gaming activities by the Gaming and Lotteries Act 1956, by this Bill or any other enactment or law. This position is supported by the advice I have received from the Office of the Attorney General. I went there to be sure and to get that advice.

I expressed my concern on proposals similar to amendments Nos. 1 and 2 to representatives of private members' clubs when I met them that they would risk confusion and even invite legal challenge. To the best of my knowledge, many of these establishments are not member-based clubs in the same way as we might understand sports clubs, for example. The membership is frequently not a stable feature and it may vary considerably from night to night. Many of these establishments seem to hold themselves to be casinos and I am not in favour of any measure that would facilitate commercial casino operations by the back door at this time. I am sure colleagues agree with me on that. If we went down that road now, these establishments would not be subject to any form of licensing terms and conditions in respect of gaming.

In future, we will have to address, honestly and openly, the issue of how we might license and regulate casinos in the context of the work under way to reform and modernise our gambling laws comprehensively. It is the appropriate place to deal with the matter and I have been advised that these amendments could open the way to all kinds of unintended consequences. I ask the Deputy to consider withdrawing them on that basis. My advice is that this Bill has no impact whatever on the matters in question and they are not mentioned in any other legislation either.

Deputy Martin Kenny: Reading the Bill before us, many people feel it is open to interpretation. I am trying to close this so there no interpretation required. Amendment No. 2 indicates the legislation would not apply to the promotion of gaming in premises used for the purposes of private members' clubs. It is clear. However, the Minister of State has given an assurance. Until now, the 1956 Act has not done anything to in any way inhibit the operations of these clubs. If the Minister of State can give me that assurance from the Attorney General, I suppose we must take it at face value.

It is valid for people to have concerns and it is understandable. Perhaps, as colleagues have said, this is a reflection of the reality in that many people find in cases like this Bill that there is much ambiguity and people may not be absolutely certain what it covers. I will take the Minister of State's word for it and withdraw the amendment.

Amendment, by leave, withdrawn.

Amendments Nos. 2 and 3 not moved.

Deputy David Stanton: I move amendment No. 4:

In page 6, line 34, to delete "to be carried on." and substitute "to be carried on, including whether the gaming is for a charitable or philanthropic purpose."

A new section 9A of the principal Act as inserted by section 4 of this Bill provides for a modern but limited approach for gaming under permit from a Garda superintendent. It allows for gaming for a charitable or philanthropic cause and for profit. The maximum allowed prize for a game is €3,000. Amendment No. 4 is a textual amendment to make it a requirement on the applicant for a gaming permit to indicate the proposed beneficiary of the gaming. Such information would better assist the superintendent to consider the nature and character of the applicant to guard against any potential attempt at fraudulent or criminal usage of gaming permits.

Deputy Michael Healy-Rae: Does this not speak to the core issue, which is the dividing of money? I specifically refer to the amount taken in, the portion that an organiser can take to run the event, and the amount of prize money. Does this not speak to the cause of the trouble because there is uncertainty over what right the legislation provides to control the amount of money to be given for charitable use? We all want to see money made available for charitable use and many events have the purpose of raising much-needed funds. At the same time, we must be careful that there is a balance with the amount of money given out and we do not stop people playing whatever game or activity has been organised.

An Leas-Cheann Comhairle: We are speaking specifically to the amendment and it is all Deputies can refer to.

Deputy Mattie McGrath: I know that, but a Derry girl had a song called "All Kinds of Everything" that had national prominence.

An Leas-Cheann Comhairle: This is not all kinds everything.

Deputy Mattie McGrath: It is the worry I have, as an Teachta Michael Healy-Rae has said. We must be very careful. We want to allow clubs to have clarity of purpose. People are concerned and we have met people who have organised many bingo events, and I am sure Deputies from other parties have met them as well. There is concern about this, although I know previous amendments have been withdrawn or not moved. There is concern that there might be a different superintendent with a different interpretation of this legislation. I have serious concerns about the amendment.

Deputy Jim O'Callaghan: We must be conscious of what we are debating. The purpose is to add an extra provision into subsection (5) of the new section 9A. It states, "In considering an application under this section, the superintendent of the Garda Síochána shall have regard to the following". The Minister of State is proposing to insert a provision that the superintendent of the Garda Síochána should be required to take into account the kind of gaming proposed to be

carried on, including whether the gaming is for a charitable or philanthropic purpose. I would have thought it would be to the advantage of community groups throughout this country that are running games for the purpose of a charitable or philanthropic purpose if they could tell a Garda superintendent about that and the statute required him or her to take it into account. Why would we not want that taken into account by a Garda superintendent? There are many clubs throughout the country and in constituencies all over the place that are trying to raise money and they need to be able to tell the people who are playing the game that this is being done for “a charitable or philanthropic purpose”. I do not see any reason we would not want this inserted.

Deputy David Stanton: This is a very simple amendment. It is to better assist a superintendent of the Garda Síochána in considering the nature and character of an applicant and guard against any potential attempt at fraudulent or criminal usage of gaming permits. It is strengthening the legislation, and as Deputy O’Callaghan has stated, we should all agree on it. It helps the superintendent in making a decision on whether to grant a permit.

Deputy Sean Sherlock: I signal my party’s intention to support the amendment.

Amendment agreed to.

An Leas-Cheann Comhairle: Recommittal is necessary in respect of amendment No. 5 and the related amendments Nos. 9, 10, 12 and 13. The amendments will be discussed together.

Bill recommitted in respect of amendment No. 5.

Deputy David Stanton: I move amendment No. 5:

In page 7, to delete lines 35 to 37 and substitute the following:

“(e) the conditions referred to in paragraphs (a) and (b) and the name of the intended beneficiary shall be prominently displayed at the normal means of access to the premises proposed to be used;”.

Amendment No. 5 replaces a previous section 4(11)(e), which required that not more than 5% of the total proceeds of ticket sales could be retained by the holder of a gaming permit. On further consideration of this point and in the context of this type of gaming, I am now of the view that this provision does not serve a useful purpose and I propose its deletion. I am proposing a different paragraph (e) that will require information on stake and prize limits and the name of the intended beneficiary to be prominently displayed at the normal means of access to the premises proposed to be used for gaming. This change is intended to facilitate the operators of gaming where tickets are not used and thus such information cannot be printed on them.

Amendments Nos. 9 and 10 are technical amendments on the public display of information. There is a requirement in the new sections 27B, 28(10)(a) and (b) of the principal Act, as inserted by sections 11 and 12 of the Bill, to display the value of each prize and the name of the intended beneficiary on every lottery ticket or coupon. However, it has been brought to my attention that such may not be technically feasible where the lottery, for example, is conducted by way of bingo. In that regard, tickets may be bought in books and played using a mechanical or a digital device to mark off the numbers. Bingo is different in this regard from other lotteries, which primarily involve the purchase of a ticket. Thus, amendments Nos. 9 and 10 allow for the public display of the required information.

Amendment No. 12 concerns section 12 inserting the new section 28 into the principal Act.

It is a textual amendment to introduce a reference to a new subsection (2) in amendment No. 13.

Amendment No. 13 provides a new subsection (2) to section 33 of the principal Act concerning the public display of the necessary information that might otherwise be contained on a ticket. There is a requirement in the new section 28(10)(b) of the principal Act, as inserted by section 12 of the Bill, to display the value of each prize and the intended beneficiary on every lottery ticket or coupon. However, where the lottery has been conducted by way of bingo, for example, such display may not be technically feasible, so we are doing it in a far easier way for people who are running these bingos.

An Leas-Cheann Comhairle: The first Member who indicated is Deputy Michael Healy-Rae.

Deputy Michael Healy-Rae: This is terribly important. Anybody who understands the game of bingo knows that on the night bingo is called, the amount of prize money available for a line or a full box cannot be predetermined until people pay for their admittance on the door and those organising the bingo know the number of people are playing the game, which will determine the prize money available, be it for a line, a second line or a full house. That is the reason we must be 100% sure about what the Minister of State is proposing. People who run bingo events have been very uncertain about what is being proposed. They may be small community-based groups that organise bingo events regularly that may be attended by only 20, 30, 40 or 50 people, or they may be monster bingo events that are great and are more of a commercial enterprise and to which there is also a charitable element. Many people travel long journeys to attend these bingos. We must be sure that what the Minister of State is proposing does not in any way affect that. If it was to do so and there was uncertainty about it, we could not agree with what is being proposed tonight. We must make sure common sense prevails and that the game of bingo in the way it has been run in the past can be allowed to continue in the future, regardless of what the Minister of State is proposing tonight. It is as simple as that.

Deputy Michael Collins: I want clarity on what is being proposed. It relates to the lottery permit. Anyone who is involved in community or voluntary organisations knows about the permits and the laws that must be abided by and there is no problem with that. I presume what is being proposed does not include the local lottos. Prize money is being looked at. GAA clubs and the local community and voluntary clubs have local lottos. I am involved in one myself on a community and voluntary basis. I would be out once every month on a Saturday until 1 o'clock the following morning. A great deal of time and effort is put into going to the community council. Many other community councils, GAA clubs and sporting organisations throughout the country put a great deal of effort into ensuring this is carried out correctly. They go through the tickets, stamp the back of them, make sure there is enough to make the whole process viable and then the money is put back into the community because many community and voluntary organisations would not have the funding required to carry out all the works needed if they did not have such funding made available to them. The legislation states the prize money will not exceed €1,000. It states "the total value of the prizes is not more than €1,000" and "the price of each ticket is not more than €5". It is understandable that each ticket would not be more than €5.

An Leas-Cheann Comhairle: That Deputy is referring to the next amendment, amendment No. 6.

Deputy Michael Collins: And to amendment No. 9. The legislation also states "the maxi-

mum number of tickets sold is not more than 1,500". If that is referring to bingo, we would appreciate clarity on that. There is quite a degree of bingo activity in south-west Cork and there is considerable confusion about this Bill. The Minister of State might clarify that. People are genuinely going out to play the game with the intention of winning a few bob if they can, and that is what we need to support.

I ask the Minister of State to provide clarity on that, especially on the local lottery. Local voluntary groups throughout west Cork depend on that and they cannot be bogged down with any more rules and guidelines, because if they are, they will not go out at night to do this work. We are depending totally on people who volunteer to carry out this work. Only for them, we would be back with our hands out looking to the Government to cough up more money that may not be available. I would appreciate some clarity on that from the Minister of State.

An Leas-Cheann Comhairle: I call Deputy Mattie McGrath. He has been remarkably focused today, and I am sure he will continue to focus on the issue.

Deputy Mattie McGrath: I am almost always remarkably focused. I refer to the people I represent here, the plain people of Ireland. All they want to do is go out and play bingo. They were playing it when the Leas-Cheann Comhairle was a buachaill óg. They were playing it when I was a buachaill óg, and even before I was even a bad thought in anyone's head. We hope they will continue to play it. I accept the Minister of State's bona fides in respect of most legislative measures, and he has dealt with complex legislation, but this issue is causing fear among the plain people of Ireland, many of whom do not have their dinner in the middle of the day, as both Deputies Healy-Rae would say, because they cannot afford a dinner and hope they will be able to make a dinner the next day with their winnings from bingo.

There are many clubs and organisations involved in this. We are not dealing with amendment No. 6 but we will come to it and the limits involved. I could name every club in my county that runs a lotto, split the bucket, spin the wheel, jackpots, spin the drum or whatever. A huge amount of effort goes into that. Ní neart go chur le chéile. It is of the people, by the people, for the people for their own benefit. Many of them got lottery grants recently but many of them did not. Many of them do not have the capability to apply for lottery grants. They do not have that facility but they run organisations and clubs and events in church halls, parish halls, community centres and so on and they are supported and augmented by the game of bingo.

I appeal to the Minister of State, and we made an appeal in respect of the programme for Government, to allow for rural proofing of legislation. I fully accept that bingo is played in Baile Átha Cliath freisin, but in the country we have little else left as a result of the actions of the Minister, Deputy Ross, and his cabals. We have nothing else left. I ask the Minister of State please to leave us the game of bingo.

Deputy David Stanton: I am not stopping it at all.

Deputy Mattie McGrath: Yes, but the Minister of State will make it so bureaucratic and cumbersome-----

Deputy Michael Healy-Rae: He has the people terrified.

Deputy Mattie McGrath: They met the Minister of State today. We met him. I do not like to quote him but Ivan Yates said he had 20 minutes with the Minister of State on his programme and that he made no sense whatsoever and that he did not understand it. I do not know if Ivan

plays bingo. What he would play is probably more serious in regard to sport. We know he is a former bookmaker. Does the Minister of State and the parliamentary draftsman understand the far-reaching tentacles of this legislation? There are five or six amendments being discussed together. I wrote them down. They include amendments Nos. 9, 10 and 13, and I miswrote the other one.

Deputy Anne Rabbitte: Amendment No. 12.

Deputy Mattie McGrath: Amendment No. 12 is not in this grouping.

Deputy Anne Rabbitte: It is.

Deputy Mattie McGrath: Is it? I did not write down amendment No. 12.

An Leas-Cheann Comhairle: We are discussing amendments Nos. 5, 9, 10, 12 and 13.

Deputy Mattie McGrath: I did not know amendment No. 12 was in this grouping. I thank an Teachta Rabbitte. Amendment No. 12 is the most important one. I thank the Deputy for the prompt. We are concerned about the legislation. There was an occasion previously where the Minister, Deputy Ross, recommitted a measure and he allowed an amendment through, at a glance, to a road traffic Bill. I want an amendment called the bingo amendment that will allow the plain people of Ireland to have their little bit of sport. The Minister of State should not kill them off, so to speak, altogether. They pay their taxes, work very hard, rear their families and support the clubs, and part of their social life and interaction with their communities is through bingo.

I have been a member of a voluntary housing association for more than 20 years. We were discussing last night that we have made it very difficult, through all the legislation and so on, for ordinary volunteers to get the seven or nine members of a board. People no longer want to be involved. They are smothered with paperwork, bureaucracy and regulations. I am concerned about amendment No. 12 because it can have unintended consequences and put the fear of God into people. Does the Minister of State want them in the hills and the caves, as they were hundreds of years ago? Let them go out to support themselves. They are not getting anything from the Government. They are asking to be allowed to run their bingo, day clubs, lotteries or whatever to keep their clubs and to get the jerseys for the children. We talk about childhood obesity. This is all about what makes people tick.

An Leas-Cheann Comhairle: Where in the amendment does it say they can no longer do that?

Deputy Mattie McGrath: I am worried about the thrust of amendment No. 12.

An Leas-Cheann Comhairle: Where does it state they can no longer do that?

Deputy Mattie McGrath: People are concerned.

An Leas-Cheann Comhairle: Yes, but we will get an explanation from the Minister of State.

Deputy Michael Healy-Rae: He is making a bad job of it.

Deputy Mattie McGrath: The presenter, Ivan Yates, said he did not understand the Bill. The bingo people-----

An Leas-Cheann Comhairle: We do not need the presenters of any show to dictate to us.

Deputy Mattie McGrath: He was a Member of this House for a long time. In fairness, he was a good Minister and I accept that.

An Leas-Cheann Comhairle: That does not matter. Once one is gone, one is gone.

Deputy Mattie McGrath: I ask the Leas-Cheann Comhairle to please let me continue. I am not doing this for fun. We in the Rural Independent Group and Members from other parties met the bingo people today. They are very concerned and unhappy.

An Leas-Cheann Comhairle: We should let the Minister of State clarify.

Deputy Mattie McGrath: They feel that the Minister of State may mean well - they are not saying anything bad about him - but that he does not get it. The Taoiseach's comments this morning show that he certainly does not get it. He either did not understand the brief he was given or he misled the Dáil. It was one or the other. I am not being uncharitable in that.

An Leas-Cheann Comhairle: The Deputy will refrain from using words like that.

Deputy Mattie McGrath: No, I mean-----

An Leas-Cheann Comhairle: No Minister comes in here to mislead the House. Let us get an explanation from the Minister of State.

Deputy Mattie McGrath: I said that he either misunderstood the brief or misled the Dáil unintentionally.

An Leas-Cheann Comhairle: The Deputy is away on a Second Stage speech.

Deputy Mattie McGrath: One can mislead the Dáil unintentionally and then correct one's ways if one finds that one is wrong. If any Member here cannot do that, he is not man enough to be here. People are concerned. They feel great concern, worry and angst. They are persecuted by the Road Safety Authority, road traffic legislation, health and safety measures, and hazard analysis and critical control points, HACCP, rules. Legions of officials are going around with briefcases in their hands telling us what we cannot do. We are going to play bingo. We are going to keep playing it and supporting our clubs. I would like to be able to do so within the law.

An Leas-Cheann Comhairle: I call on Deputy Martin Kenny. I have to withdraw my remark that Deputy Mattie McGrath is very focused today.

Deputy Michael Healy-Rae: He is still focused.

Deputy Mattie McGrath: The Leas-Cheann Comhairle should not taunt me.

Deputy Denis Naughten: The Leas-Cheann Comhairle encouraged him too early.

Deputy Martin Kenny: The amendments the Minister of State has mentioned state that the holder of the gaming permit has to display the prize money or prize on the ticket. It is my understanding that it is not possible to do so for bingo games. I take the advice of Deputy Michael Healy-Rae and others who say that the prizes given in a bingo hall are determined by the number of people who attend. It is a long time since I was at bingo but my understanding was that there was a given prize per line, box and page. That was set before people attended and

they knew what it was every night. The crowd attending determined how much profit was made on the night. If there was a big crowd, the organisers did well and, if there was a small crowd, they did poorly. That brings us to the issue, to which we will come later, of the amount that can be given out in prizes. That is the core of the matter. It probably would be possible to print what the prizes are on the front of each bingo book. Apart from that, the amendments provide that a large sign setting out the prize money would be displayed at the door or as one enters the premises. Perhaps things have changed but it is not my experience that the prizes change every night. The prizes set for a bingo hall are standard every time one goes. I hope that remains the case. It would be very useful if the Minister of State could provide clarity on that issue.

Deputy Michael Healy-Rae: On a point of clarification, I played bingo only five weeks ago.

Deputy Eamon Scanlon: We should not forget the social aspect of bingo and the difference it makes to many people's lives. It is an outlet for people one, two or three nights a week. Like Deputy Kenny, I will speak to my own understanding. At my local bingo event, and in the local bingo events around us, a set amount of money is paid out every night. In our case, it is approximately €1,300. We sometimes pay out 70% or 80% of the money collected. Sometimes we pay out 110% because, if we have a bad night or the roads are bad, the organisers are still committed to paying out that set amount. People expect that and it is paid out. I understand that organisers are given a permit to run a bingo game and that any game which pays out less than €5,000 will not be affected by the Bill. Am I right in that? It will not affect bingo games which pay out less than €5,000. Once a permit has been granted, things are fine.

The other issue is that of the jackpot but this would seldom exceed €5,000 in any event. Sometimes it is capped at a given figure. In our case, it is capped at €3,000. The Bill will not really affect this either.

Many clubs run lotteries. My understanding is that there is no issue with a normal lotto with a prize of up to €30,000. Am I right in that? A lotto prize could run on for 12 months and keep increasing. In some cases, the prize is capped at €20,000, but it can exceed that. Nothing will change for such lotteries if the prize stays under €30,000. Am I right in what I am saying?

Deputy Sean Sherlock: I will speak in the same vein as Deputy Scanlon and refer to parish and community organisations, an example of which is to be found in Kildorrery in my own native Cork. A bingo game is run there which takes in approximately €1,100 and approximately €900 is paid out. I will refer to the point made by Deputy Michael Healy-Rae, although he may be on the phone and indisposed.

Deputy Michael Healy-Rae: I am not indisposed at all.

An Leas-Cheann Comhairle: If the Deputy is on the phone, he should not be.

Deputy Michael Healy-Rae: I am here.

Deputy Sean Sherlock: With regard to the Deputy's point, the prize fund in this particular instance is predetermined. I seek clarification from the Minister of State. Will the proposed section 26A apply to this particular operation? This section states:

Section 26 shall not apply to a lottery where—

(a) the total value of the prizes is not more than €1,000,

- (b) the price of each ticket is not more than €5,
- (c) the maximum number of tickets sold is not more than 1,500,
- (d) the lottery is conducted for the benefit of a charitable or philanthropic purpose, and
- (e) the promoter of the lottery derives no personal profit from the lottery and has not conducted a lottery in accordance with this section during the preceding 3 months.

To be fair to the Minister of State, he is my constituency colleague and I do not believe he would seek to shut down operations such as this. I welcome the opportunity for the Minister of State to give these voluntary organisations some clarity and comfort tonight. To return to the bingo game in Kildorrery, and in every community across the land, it makes a few bob for the GAA, the local development association and community endeavours. It is not for profit. If the Minister of State will clarify that point, I am sure many of us will be very satisfied. I am sure he will do so.

The second issue is about how roll-over jackpots will be dealt with under this legislation. I am confident the Minister of State will provide some clarity on this issue as well.

My final point relates to circumstances in which a GAA club, for example, gives away a house as a prize. This has been known to happen. A number of GAA clubs across the country are now selling tickets for raffles or lotteries in which the prize is a house. What will be the threshold for such lotteries? There is reference to a figure of €360,000 in the legislation. Given the value of particular houses in particular parts of the country, that threshold of €360,000 could easily be surpassed. I am coming from a place of ignorance in this regard. I seek to be educated by the Minister of State on that point.

Those are the key points. I recognise that they do not strictly relate to the set of amendments now being discussed but they are the issues exercising many of us at this point.

An Leas-Cheann Comhairle: Perhaps the response we get will help us as we move on.

Deputy Jim O'Callaghan: Viewers watching this debate may think that bingo players live exclusively in rural Ireland. That is not the case. There are very many bingo players in my constituency of Dublin Bay South. Women from Pearse Street play bingo in St. Andrew's Resource Centre at least once a week and they derive great enjoyment from it. If I can level some degree of criticism at the Minister of State, the legislation has not been explained well to people. The word has gone abroad that the Bill will, in some way, shut down bingo halls throughout the country. From my reading of the legislation, that is not correct. The Minister needs to announce the effect of this legislation in the Chamber tonight. We see from the legislation that it attempts to regulate lotteries. Of course, bingo is a form of lottery but it is not the only type. As Deputy Sherlock just mentioned, under the new section 26A of the Gaming and Lotteries Act 1956 proposed in the legislation, if prizes total less than €1,000, there is no need to worry about the Act.

7 o'clock

Organisers will not need to go to a superintendent or the District Court. They will not need to worry about divvying up the pot into shares of 50% for prizes and 25% for charity. It will not matter what they do. The Minister of State should clarify that there is no issue if prizes are €1,000 or less with no more than 1,500 tickets. Many of the bingo games in this country fall

within that range.

If the prize is between €1,000 and €5,000, organisers will need to get a lottery permit. They will have to approach a Garda superintendent, who will issue a permit if the requirements are fulfilled. It is important to point out that lottery permits for games with prizes of between €1,000 and €5,000 contain no requirement for the pot to be divvied up into shares of 50% for prizes, 25% for the organiser and 25% for charity. That requirement only applies to higher-level bingo games with prizes of between €5,000 and €30,000 per week. Organisers of those games have to go to the District Court and apply for a licence. These games are subject to a requirement that no more than 50% of the take goes towards prizes. Up to 25% can go to organising costs and at least 25% must be for charity. This has not been explained well. It is complicated legislation and we need to provide confidence to the people who play bingo. Nobody is trying to stop bingo. Why would we want to stop it? There may be other people who want to stop this legislation, but I do not think bingo players are trying to stop it. We need to communicate the provisions of this legislation properly. I hope the Minister of State will provide clarification.

Deputy Denis Naughten: I will pick up where my colleagues finished. There is a lack of clarity around this issue. Earlier in the week I was contacted on this issue by Councillor Valerie Byrne, who is involved in organising bingo in Elphin in County Roscommon. Hers is very typical of the situation throughout the country. I spoke directly to the Minister of State on a few occasions in the past 48 hours about my concerns regarding community organisations throughout the country that run bingo games as a social outlet. I ask the Minister of State to clarify that the distribution cap limiting prize money to a maximum of 50% of the pot does not apply to any bingo game awarding less than €5,000 in prize money on any one particular night. The Minister of State might also clarify the situation regarding jackpots. If a jackpot reached the €3,000 mark referred to by Deputy Eamon Scanlon earlier and there was a big crowd in the hall, could a game end up going over this threshold? This would be an isolated incident. Could a mechanism be introduced to annualise these figures? That cap would not be a problem for those games if prize money was averaged out over 52 weeks, as the average would be much less than €5,000. As Deputy Scanlon has noted, the people I have spoken to are concerned that because a guaranteed sum of money is awarded each week, a figure of 110% could be allocated in some weeks. People are not going to go to a bingo game if they do not know how much prize money they can win.

Last night I gave the Minister of State the example of Northern Ireland, where there is a tiered system regulating bingo. Professional commercial outfits are regulated differently from the community bingo games in Northern Ireland. From reading section 11, which deals with lottery licences, it seems that a similar approach is being taken here. We are not prohibiting the practices of the bingo halls found in Elphin or throughout Roscommon, east Galway and the rest of the country. A lack of clarity about this is part of the problem. I received a briefing note from the Minister of State's Department that did not provide the clarity we seem to be getting from going through the legislation tonight. That is disappointing.

Personally, I was surprised to receive an email from a public relations consultant who was quite concerned about parish bingo games throughout the country.

Deputy Thomas Byrne: Hear, hear.

Deputy Denis Naughten: I doubt very much that any PR consultant based here in the city of Dublin is very worried about the bingo games that go on in Elphin, Castlereagh, Ballinasloe,

Roscommon or anywhere else for that matter.

Deputy Mattie McGrath: What about here in Dublin?

Deputy Denis Naughten: That raises the concern there may be another agenda at play here.

Deputy Jim O'Callaghan: Hear, hear.

Deputy Denis Naughten: I am not pursuing that. I am focused solely on the community groups throughout this country that run bingo games as a social outlet. I want to see that continue. Deputy O'Callaghan is correct. Some bingo games are operated on a more professionally organised basis here in Dublin. I was talking to Deputy Martin Kenny during the vote earlier. He suggested amending section 12 to bring the 50% threshold for prize money up to 75% for those bigger operators while protecting the 25% for charity. If an operator runs a bingo game for a charity, then I have no difficulty with the charity getting that money, particularly where a big operator is involved. My focus is on protecting the small communities throughout this country. It is important that the Minister of State clarifies that nothing will change for those groups where the total prize money is less than €5,000. I ask him to consider introducing some flexibility to that definition so that where those groups have a roll-over jackpot, they do not come a cropper because of the legislation.

I wish to raise two other very brief points. One is the point made by Deputy Sherlock about houses. As the Minister of State knows, Club Rossie in Roscommon recently ran a very successful raffle in which a house here in Dublin was awarded. I believe the club is now running another raffle for a house in London. It would be nice for any of us to win a house in London. I will make the tickets available to any colleagues who want them.

Deputy Jim O'Callaghan: How much? Does Deputy Naughten have a licence?

Deputy Denis Naughten: County boards throughout the country are finding it far more difficult to raise funding to match what the Dubs are raising. We need a bit of support in that regard. I do not want those county boards to find themselves in difficulty. The Minister needs to provide some clarity there. Finally, will the Minister of State clarify that the position will remain the same for those club lotteries throughout the country?

Deputy Anne Rabbitte: I welcome the opportunity to speak on Report Stage. I will lump all my remarks into one contribution because I do not wish to hold matters up. I did my own research before coming into the House tonight. Unlike Deputy Healy-Rae, my research indicated that people who organise community bingo games have to have the money laid out in advance. They have to know what it will cost them to run a community bingo game. In my research I found that the cost of a double book, which would fall under the lottery permit and the maximum price of a ticket, would be €10. The cost of a single book is €7 and a baby book is €4. A person pays €3 for the gamble and €3 for the jackpot. If the organiser happens to have 100 people sitting in the parish hall, he or she is running the bingo at a loss. Technically, the payout for the night would be €1,590 but the organiser's income on the night is only €1,510. This does not take into consideration the heat, insurance and rent. Straight away the organiser is down €320. If, however, the organiser manages to bring in 150 people, the income is now at €2,175 and he or she can break even and have a profit of €160. Portumna Rugby Club runs bingo nights and we would be delighted to see 150 to 200 people at them. Loughrea Rugby Club also runs its own bingo nights and it too would be delighted to see 200 people. When 200 people sit in the room, the income is €2,900 and the organiser can make a little profit and have

something to buy the jerseys with.

Out of every week's income €100 must always be left aside for the jackpot. This is where I want some clarification from the Minister of State. Perhaps it is different from Deputy Scanlon's point, but some community groups do not put a limit on it. As the jackpot gets larger, the crowd gets bigger. When the jackpot hits €5,000, for example, the bingo night could attract more than 250 people. Any parish hall or community would be delighted to see 250 people coming into the community once a week. When they come in, they are also stopping, shopping and using the Local Link and so on. Will the Minister of State clarify what would happen if the prize funds start to go over or accumulate? Has this been thought out and can we have clarification?

Deputy David Stanton: Yes.

Deputy Anne Rabbitte: That is the one piece that has incited many community bingos in this regard. There has been a lot of information, but it is such detailed and complex legislation that perhaps some people got only one side of the story. I would welcome hearing that clarification tonight. The jackpot and the rollover are a huge part of the issue, and this would also feed into the GAA clubs.

On the issue of signage, it is important to have it at the front door of the venue. It is one point of contact and it is just a bit of common sense. This is up for the day. May we also have clarification that this is acceptable? The community GAA clubs are branding those evenings already. Portumna or Sarsfields for example will have the sign on their club letting people know it is €2 or €5 for the box. This is covered off.

One aspect has been missing from the debate tonight. The Minister of State, Deputy Stanton, is aware that I feel passionately about gambling. I am very dismissive of gambling on a particular level, and I always have been. Fianna Fáil would have brought through its own Gambling Control Bill 2018 and I would love to have seen that coming through. We must deal with what we have, however, and addiction is the one part missing from the debate tonight. Consider how the industry lobby kicked off in the past 72 hours. In all of my three and a half years in Leinster House I have never seen a machine to crank up in the way it did.

Deputy Jim O'Callaghan: Correct.

Deputy Anne Rabbitte: I will tell you for nothing that my phone was hot all day yesterday. Apparently, I was responsible for, and I was aiding and abetting in, preventing the women of Ireland from playing bingo. I certainly would never want that to happen. This is why clarification is important. Whatever the agenda was behind the miscommunication, it was absolutely appalling that it wanted to convince the people that we in Leinster House wanted to kill bingo.

Deputy Thomas Byrne: Is dócha gur fada an lá go dtí go mbeimid in ann labhairt faoi bhiongó arís sa Dáil. Ceapaim go bhfuil sé oiriúnach labhairt faoi inniu. It might be a long day again before we speak about bingo in the Dáil. It is important to contribute a few words because it is a unique activity throughout the country and especially in the charitable and community sector. I am thinking of clubs such as Duleek Bellewstown GAA with its drive-in bingo and the Gibbstown drive-in bingo. Ashbourne-Stamullen will hold its annual bingo night tonight. It happens all over our constituencies, and I believe a lot of fears have been raised about this.

I want to record my objections to the highly professional and organised lobbying campaign

around the Bill. The mental health of the elderly was used to pursue an agenda, but we really do not know what the agenda was. Deputies who took part in the lobbying campaign should think very carefully about that. When Members lobby on particular issues, we need to look at the issue ourselves before jumping the gun and examine it carefully. When I was contacted by some people about it, I spoke to my colleagues, Deputies O'Callaghan and Rabbitte, who are well versed on the issues. A good explanation was given by Deputy O'Callaghan and Deputy Rabbitte has put good questions to the Minister of State for clarification. It is important that the Minister of State clarifies the position.

It is not right that lobbying campaigns would jump on the bandwagon and undertake an extremely professional operation, with the quality of the posters outside Leinster House, alleging that bingo was under threat. It is not. It is important that we pay tribute here to all the volunteers who undertake bingo nights throughout the country and the enjoyment that people get from it through socialisation.

We must put the fears to rest and let it be a lesson to Deputies who might be persuaded by sharp-suited lobbyists that they should relax a little before jumping on a bandwagon. I look forward to the Minister of State's clarifications. It is important that this happens and that he explains exactly what the rules are so people can know they are playing by the rules and can organise their games by the rules.

Bingo has various forms. The latest form is disco bingo, which one of my party colleagues uses as a good fundraiser for his election campaign. I will not name him but it was a very successful and enjoyable event-----

Deputy Paul Murphy: Go on, name and shame.

Deputy Thomas Byrne: -----with prizes way below anything near the threshold.

As Deputy Rabbitte and others have said, it is also important to think about the addiction element of gambling. It is an unspoken addiction. Each of us would know recovering alcoholics or people in the media who have other addictions. Those are high profile. Gambling addicts, however, do not have a high profile. They do not have lobbyists speaking on their behalf and running to Deputies when there is a problem. Gambling addicts are sitting at home and may be watching this debate. I am sure they would not have a problem with people enjoying community bingo or minor gambling. Their interest, however, must be recognised in this debate, and it is important that we think of people who have had problems with gambling. When we bring through gambling legislation, the needs of problem gamblers must be part of the equation, along with the experiences of recovered gambling addicts.

There is much to stew over in this debate. The clarity given by the Minister of State will be very important. Many people will be listening to it. It is good that this Dáil can recognise a lobbying campaign for what it is and still proceed in a careful and considered manner in the processing of legislation in the national and public interest with an independent mind.

Deputy Sean Fleming: I will use this opportunity to give a full contribution rather than coming in with bits and pieces and extending the debate unnecessarily. The debate on Report Stage of this legislation has such interest for two reasons. First, there is a very effective lobby group out there. Second, the Minister of State did not get clarity out to the public quickly enough in response. I was confused up to yesterday but I got clarification having spoken to Deputy O'Callaghan and other Deputies. I was fully happy going home last night and I put

a tweet out this morning supporting the legislation. I also met a group of the lobby people in the coffee dock here today. I do not know if they will list meeting with me as part of their lobbying activities - I have no idea on that one. When I left that meeting only a few hours ago, I was further confused again. I went back to Deputy O'Callaghan and his staff who clarified the whole issue.

There has been mass confusion over several days. I was in my local town of Mountrath, in Laois, at the weekend where I was asked what was I doing "up there stopping the bingo". There is a lesson here for the Minister of State's Department. Some of the correspondence that went out confused permits, licences and lottery operators. The Bill, however, does not apply to any of the people who believed they were affected. The local community group, be it a hall committee, the Irish Countrywomen's Association, a parish council or a soccer or GAA club, is not affected, but it believed it was.

This Bill has a benefit. Under the old legislation, some of these groups were technically only allowed to run two lotteries per year. That restriction will be gone under the Bill and groups will be able to run bingo weekly or monthly if they ask a chief superintendent and place limits on their prize funds. That is an improvement.

I call the bingo in my community centre on the second Sunday of every month. If anyone wants to come to Castletown in County Laois on Sunday, he or she might win €3,000. That is my plug. We are Members of the House because we know, understand and are part of our communities. That is why we can speak on matters.

I see great value in one of the Bill's sections. An operator could sell 1,500 tickets for less than €5 each and pay out less than €1,000. Someone could raise €7,500 and clear €6,500. I think of the small raffles that parents councils are running in primary and secondary schools. They are selling one ticket for €2 or three tickets for €5. They will be able to pay out up to €1,000 and happily operate without having to ask the Garda for a permit because they will be below the limit requiring one. It is good that this has been clarified.

One grouping might need a bit of clarification, though. I know all of the bingo games in the Laois area. They advertise set prizes. They pay out €1,000, €2,000 or €3,000 and people know how much single lines, double lines and full houses are worth as the games go on. Even under the current arrangements, that information can be stuck up on a door. However, there is another arrangement whereby some games split the pot or bucket. Depending on what they collect in a raffle during the course of a week, they might agree to pay out 50% of it. Sometimes, the amounts cannot be determined, but once the prize money is under €1,000, the small games will have nothing to worry about. I wanted to make that point, as I am familiar with games that run €2 tickets every week and there are 20 promoters in a parish. It is small money. They will not have to ring their local gardaí once the prize fund is under €1,000 and the game is being run for charitable or philanthropic purposes. That means "for the good of the community" in simple English. People worry about big words, so we have to tell them what they mean in simple English.

The provision relating to the maximum prize of €5,000 covers most of the lotteries that I know. I am not expressing any interest in major commercial lotteries. The Revenue Commissioners and the lotteries' accountants should be ensuring that every penny they collect is properly recorded in their books and audited and that they pay their proper corporation taxes like everyone else. Making sure that a commercial operator is paying its tax is not the Minister

of State's function, but other State authorities should be dealing with them and we should not allow their issues to be conflated with those of others. They are being conflated, however. The people whom I met today conflated some of the issues, for example, licence holders with permit holders.

It is important that the Minister of State understand one of the queries raised with me today concerning something that is in the legislation. People told me that the holder of the permit could only retain 5% of the proceeds. I went away a few hours ago wondering what it was about. I will explain what it means. If I am a trustee of the local hall and I get a permit in my name on behalf of the community hall, I might need to incur some legal expenses. I would be allowed a maximum of 5% of the proceeds. Although no trustee of any hall keeps a penny, there is provision allowing for a trustee's legal costs to be covered. We were told only a few hours ago that the permit holder could only hold 5% of the gross proceeds. I am not sure whether they did not know what they were talking about or were deliberately trying to mislead the Oireachtas. It could have been one or the other.

If the Leas-Cheann Comhairle indulges me, I am almost finished. Once a lottery exceeds €5,000, it must go to the District Court. That should not be an issue. This is where the percentages clock in with regard to prizes, operating costs and the amount that goes to charitable or philanthropic purposes. There is a cap of €30,000. Some of the large lotteries roll over. Some parishes have hit big lotteries, though. In practice, they might have had voluntary ceilings. That will now be in legislation. A ceiling stops a roll-over. If a lottery keeps rolling over from €28,000 to €29,000 to €30,000, it will stop at €30,000. A lottery cannot exceed that amount. Some lotteries might start building up a second jackpot to be won in a later week. When the big jackpot is won, the second one coming behind it will already be halfway up to the cap. I see the Minister of State's officials looking at him wondering whether an amendment is necessary to cover a second jackpot that is creeping up at the same time, but we will move on and take the legislation as it is before us.

A great deal of confusion was caused during the week by a certain sector that came to lobby, but the Department could have helped to assuage much of that. We are there now.

An Leas-Cheann Comhairle: We are where we are. Before the Minister of State replies, I have allowed some latitude on the basis that we would not have repetition as we went through the other amendments. However, I cannot but think of how the lottery for the Order of Business ran in this House. Everyone wanted a-----

Deputy Mattie McGrath: It was good, except one man cheated.

An Leas-Cheann Comhairle: Everyone wanted to get Kelly's eye or one little duck. If they did not get No. 1 or 2, we had to abandon it. I hope that the lotteries across the country run more smoothly.

Deputy Mattie McGrath: It should not have been abandoned.

An Leas-Cheann Comhairle: We could not run it ourselves. I call Deputy Burton if she wishes to contribute.

Deputy Joan Burton: How much time do I have?

Deputy Sean Sherlock: Two minutes.

An Leas-Cheann Comhairle: The Deputy has as long as she wishes, but I ask her to be focused.

Deputy Joan Burton: Do not worry.

An Leas-Cheann Comhairle: I have been very focused tonight.

Deputy Joan Burton: Will I take a bet on it?

Deputy Jim O'Callaghan: Oh God.

Deputy Joan Burton: I am astonished that the Minister of State would raise the level of genuine fear-----

Deputy David Stanton: Jesus.

Deputy Joan Burton: ----in people with his suggestion about bingo, which has to be one of the more harmless occupations in the country.

Deputy Michael Healy-Rae: The Deputy raised some fears herself.

Deputy Joan Burton: The Department of Justice and Equality has plenty of stuff to chase after.

Deputy David Stanton: We do.

Deputy Joan Burton: There are all sorts of things for the Garda to do in terms of serious crime, but the Department decides to go after women who play bingo.

Deputy David Stanton: No.

Deputy Joan Burton: What is the reasoning behind this?

Deputy David Stanton: No, Deputy.

Deputy Joan Burton: I am sorry, but there was a full deputation of women outside Leinster House yesterday. They were very sensible women. As many of them said, they do not drink or smoke. They came to Leinster House at their own inconvenience to say that they did not want the bingo games that are held in halls all over Ireland interfered with destructively. The Government's proposals, for which the Minister of State has responsibility, are that there will be a revised structure for how the financial elements of bingo are divvied out - costs, prizes and charitable donations. At the very least, the Minister of State should have sent every Member a detailed letter outlining what he proposed to do and how it would work. If 100 Deputies held a game of bingo in the Members' Bar tonight, the Minister of State was the bingo caller and I was arranging how the money was divvied out, we would have some idea of the road being taken.

Remember the people who go to bingo in community halls all over Dublin, Cork city and right across the country. To my knowledge, even the churches have never objected to bingo. That is because it is not seen as gambling. Rather, it is seen as playing a game in the same way that people play other games. It is not gambling. The Bill's Title is the Gaming and Lotteries (Amendment) Bill 2019. This is not James Bond in a dicky bow and black suit out for a night in one of the novels or films. We are talking about people's mothers and grannies-----

Deputy Michael Healy-Rae: The Deputy went after the grannies for a long time.

Deputy Joan Burton: -----going down to a hall to play a game, albeit one that certainly has an element of prizes in it. One pays for the lines and cards and, at the end of the night, there might be a jackpot or roll-over. People who win go home happy and people who do not win go home determined to come the next week when perhaps their luck will change and they will win a line, a card or one of the super prizes. Why decide to insert this absolutely harmless pastime into the gaming and lotteries Bill? It was an unwise decision. The Minister of State's motives may have been well meant but he seriously needs to explain to people, and particularly to women, up and down the country what exactly it is that he proposes to do, why he proposes to do it and what impact it will have on a fairly harmless fun pastime that is at the heart of a lot of communities.

Earlier today, I understood the Minister of State was going to send us out a letter or a card with the details of what he was proposing so we in turn could pass it on to people and tell them they do not need to worry because this is what will happen and how it will happen. Perhaps the Minister of State has it in his back pocket because he looks like he is looking at a card. I ask him to share it with us.

I told the Taoiseach earlier that one of the women at the protest yesterday lives in my area. She suffers from multiple disabilities and is a table tennis champion. Yesterday, she said that if she loses her game of bingo, and she often travels quite far to play, she will lose some of the pleasures in her life. The Minister of State has to know that throughout the country people collect for their local GAA club through weekly draws and accumulators in practically every bar, community-based restaurant and clubhouse in Ireland. Tonight, those people are all asking what will happen. The Minister of State is saying that if something is under a €5,000 limit it will not be affected.

Deputy David Stanton: Yes.

Deputy Joan Burton: Can we see that in writing?

Deputy David Stanton: It is in the Bill.

Deputy Joan Burton: This is the kind of stuff we want to show to our constituents and the people in the local GAA club and elsewhere who want to know about the draws they have been running. At the moment, I am sure like many Members of the House, I am going to many functions full of tickets. They are all for very good community events and needs. The Minister of State has raised a question, particularly in the minds of the organisers, as to whether they will now have to meet more stringent conditions and new regulations. I am not clear as to whether the Minister of State will bring in new regulations. I know the legislation is fairly simple but are there regulations to give effect to what the Minister of State is proposing on bingo? I would say from my ministerial experience that there probably will be a need for regulations. Why is the Minister of State visiting all of this on people? It is a total waste of the Department's time and resources. Really, the Department of Justice and Equality should be doing better things with its time and money than threatening a pastime that is so important, particularly to women.

Those who regularly visit people in nursing homes will know that in many nursing homes bingo is offered one or two days a week. The staff often donate the prize and the patients' families donate. Please let us not have a situation where somebody who is a busybody starts to say this is some kind of gaming and that somehow or other it is subject to some kind of regulation. The Minister of State has opened a field of uncertainty. I want him to make it clear tonight that

it does not affect people. I still do not know why the Minister of State has it in the legislation. Perhaps he should introduce a side Bill that deals with bingo only but I would not advise that either. The Minister of State really needs to give us an explanation. If he has that written explanation which everybody deserves to have I ask him to pass it around.

Deputy Donnchadh Ó Laoghaire: I can see the Minister of State is getting frustrated and I can see he is frustrated because perhaps this is something that has bubbled up. I know his intention and the intention of the Department is to provide clarity on licensing and regulation and that is fair enough but there are legitimate concerns. The Minister of State is aware that I raised these concerns in April on Committee Stage. At that point, I stated that for a bingo game to be attractive the prize fund is generally 60% to 70% of the income. The Minister of State recalls this conversation.

Deputy David Stanton: Yes.

Deputy Donnchadh Ó Laoghaire: Several people on the community and voluntary side, and people in the profit-making bingo organisations and the halls that are run for profit, have said this to me. It may well be the case that some of the smaller bingo operations will not be affected adversely by the legislation but it is the case that there are bingo operations that fall into the larger category and have pots over the threshold. It is the case potentially that some of them are community based. It is also the case that some of them are profit-based. We are all more inclined to support charitable community-based bingo and with good reason. Many bingo operations started in this way. As far as I am aware, it is not the intention of the Department to make it difficult for the profit-making venues to operate. There are many such venues and they employ a lot of people. I appreciate it is not the intention but it appears to be the case that under the legislation it will be difficult to run these premises and to run a community or voluntary operation with a very large pot as it would require the prize money to be under 50%.

I was not in the Chamber at the time but I understand the Minister has accepted recommittal of the Bill and that is welcome. A very constructive and sensible proposition was raised previously by Deputy Martin Kenny. This is that the 25% charitable portion would be preserved but the maximum prize limit would be 75%. It would then be on the organisation to make the call on its own profits and running costs and the prize pot, which could vary from week to week. An organisation could calculate how it might work for it. It would preserve the purpose of what the Minister of State is trying to achieve, which is to ensure a portion is safeguarded and ring-fenced for a charitable purpose but it would also allow bingo operators the flexibility to ensure they can offer an attractive pot and run a viable business. They would have discretion within that as to their own running costs and profits and the prize fund. Leave it up to them. That is a very sensible and constructive proposition and I ask the Minister of State to consider it.

On Committee Stage we discussed a number of issues and I asked the Minister of State to consider them over the summer. At that time, we anticipated that Report Stage might be taken immediately after the summer. We discussed stakes when debating Deputy O'Callaghan's amendment, which he withdrew, to reduce the stake from €10 to €5. The Minister of State has tabled amendments to this effect. I still have a little concern about this because the point I raised with the Minister of State has never been clarified. My understanding is that the legislation would be interpreted whereby every line in a machine would be treated as a game. I gave the analogy of betting a lucky 15 or a lucky 31 on horses where each line is a separate bet. Someone might put down one note for a lucky 31 but there are 31 lines in the bet. In a similar way, if the lever is pulled there may be several lines in a game for the stake. What one might imagine

to be a maximum of a €5 stake could have 25 lines. That is 25 by €5. There is an issue and I have never had it clarified. I am still concerned about this. I am not sure the legislation captures it. If it is the case it is a big issue and people could spend an awful lot of money. It needs to be fixed. There is a constructive solution on the table that I believe could be to the satisfaction of many Deputies across the board. I ask the Minister of State to consider that because it could get us out of the difficulty this legislation faces.

Acting Chairman (Deputy Catherine Connolly): I will let Deputy Mattie McGrath in briefly before I go back to the Minister of State.

Deputy Mattie McGrath: I am just seeking clarification on one point. Will we have this recommitted to Committee Stage or is this the jackpot and the final discussion we will have? We need clarification on that.

Acting Chairman (Deputy Catherine Connolly): Subject to being corrected, I understand this amendment only will be recommitted to Committee Stage. That was agreed before I took the Chair.

Deputy Denis Naughten: No, it is this section.

Acting Chairman (Deputy Catherine Connolly): This section is being recommitted to Committee Stage.

Deputy Martin Kenny: My understanding is section 12, which is the section dealing with lottery licences, will be recommitted to Committee Stage. We are probably already dealing with it to some extent in the conversation we are having but that would be a wise way forward. While Deputy Ó Laoghaire mentioned I had proposed a solution, I had not formally proposed it here but I want us to look at the 50% the Government is talking about as being the cap on the prize money. If that was moved to 75% it would be up to the operators to decide what portion of that they would be able to put back out in prize money. The 25% going to charitable causes is at the root of this and that is what we need to see happen. Many of the big operators that currently get a licence to run bingo, get that licence on the premise they will give a portion of the takings to charity. The current legislation does not say how much must go to charity so they run the bingo, they have a large profit and they give 1% or nothing to charity. This legislation will force them to give 25% to charity. That is what it does, that part of the legislation is appropriate and we need to do that.

However, there is an issue that needs to be addressed, namely, that in order for bingo to be viable the pot has to be above 50%. That is where we run into the problem and unless we can deal with that we will have an issue but we can find a solution to that. The smaller bingo operators I deal with in rural Ireland give out less than €5,000 in prize money per week so they come under the permit section and that does not apply to them at all. That would be the case with most of the bingo operators I know such as those that operate in small GAA clubs and community centres around the country. They would be giving out less than €5,000 per week and many of them would be giving out less than €5,000 per month in prize money. They do not come into this, therefore. A lot of tension has been raised with ordinary decent people who go out to play bingo and enjoy their night out. Maybe some of it is inappropriate and should not have happened but we are where we are, there is an issue and the Minister of State can deal with that issue. I hope that when we get to the recommittal we will deal with it in an appropriate manner and move forward.

Deputy Róisín Shortall: I know a lot of my constituents enjoy bingo and play it quite a bit. As a social outlet, bingo has a lot to recommend it and Deputy Burton went through a number of the attractions of it. It is an innocent pastime and it is a way for a lot of people to socialise that does not cost a lot of money, does not involve alcohol and is harmless fun. Rightly or wrongly, people's concerns have been raised about this. I know we can talk about the lobbying and I was targeted myself by that. I did not participate in it, although I did go out and meet my constituents yesterday outside the Dáil. I want to raise some of the concerns I have about the lack of flexibility involved in this legislation for commercial operators.

Deputy David Stanton: There is no such thing.

Deputy Róisín Shortall: A lot of the talk is about fundraising events, GAA clubs and different community organisations. However, a huge number of people participate in bingo that is run on a commercial basis. Is that a legitimate commercial activity?

Deputy David Stanton: No.

Deputy Róisín Shortall: The Minister of State is shaking his head. Is it the case that bingo is a form of entertainment? Is it valid to say that with this form of entertainment in which a lot of people participate, enjoy and get a lot of satisfaction from, there should be an imposition of a requirement to donate 25% of the proceeds to charity? How fair is that as an approach? If the Government is saying that about fundraising, that is one thing. I am not setting these down as being my firm beliefs but I am asking if there is an issue with requiring a commercial operation to make a 25% contribution to charity. The other aspect is the limit of 50% of the takings going into the prize fund. Again, I have to say I do not know a huge amount about the economics or mechanics of bingo but my understanding is there is flexibility in that. Sometimes 80% of the pot might be given back in prize money and sometimes it might be less. Much of the flexibility that currently exists is used to create excitement, to encourage more business and to encourage people to come back or on a quiet night, more than 50% of the takings might go out on prize money. Those are the arguments that are made. There is an extent to which the priorities are skewed in this.

I admit straight off I was not involved on Committee Stage at all but it strikes me that some of the big problems associated with gambling in this country are not being addressed in this legislation. For example, we are not getting the regulator and we are increasing the stake in a way that is likely to cause more social problems for people who have addiction problems. At the same time, the Government is including bingo in gaming and gambling when that is not what it actually is because there is no legal definition of bingo.

Deputy David Stanton: There is.

Deputy Róisín Shortall: The Government is therefore lumping bingo in with all lotteries and gambling and because of that it is not regarded as a separate activity in its own right. It seems that what the Government is proposing to do is unnecessarily rigid and potentially unfair. That is how it strikes me. I wish we had a proper briefing from the Minister of State to address the concerns that have been expressed but I welcome the fact section 12 is being recommitted. That is a wise thing to do. I hope in the context of that we might look at this in a way that ensures we all come to agreement on a fair outcome.

Deputy Michael Healy-Rae: I am not going to pick a row with Deputy Thomas Byrne because I do not want to do so but he made comments about people meeting people-----

Deputy Thomas Byrne: I never mentioned Deputy Michael Healy-Rae.

Deputy Michael Healy-Rae: -----and being lobbied by sharp-suited lobbyists.

Deputy Joan Burton: I did-----

Deputy Thomas Byrne: We were all contacted today.

Deputy Joan Burton: I did not make any reference to that.

Deputy Michael Healy-Rae: I am not talking to the Deputies at all, nor have I any intention in the world of talking to them.

Deputy Thomas Byrne: I was not talking to Deputy Michael Healy-Rae either.

Deputy Michael Healy-Rae: The people I met were people who play bingo. I met people from Deputy Shortall's constituency yesterday and they were the nicest people in the world that one could wish to meet. They were nice and respectable people. They were not what I would call lobbyists. They were people who came here because they had concerns. They heard what the Minister of State was proposing, they read about it in the newspapers, they heard about it on their radios and they came to the Dáil yesterday to make their protest in a nice, ordinary and dignified way. They were not lobbyists.

Deputy Thomas Byrne: I was referring to an email we all received today.

Deputy Michael Healy-Rae: All I am saying is the people I met were the salt of the earth. They want to continue playing bingo and they have grave concerns about that. This has still not been put right tonight because there is still worry and concern out there and there are messages coming through that there is no clarity about the funds that will be made available and if they will be under threat. Another thing has transpired here tonight. Every one of us, as elected Members, gives 100% support to the small bingo operators that are raising funds for this club or that club or perhaps a person with a medical problem, for example, might have a bingo event organised for them or a bingo event might be organised to keep a local club going, be it a sports club or a community centre. We should also remember there is nothing wrong with monster bingos. In the Irish National Event Centre, INEC, in the Gleneagle Hotel complex in County Kerry, for instance, a monster bingo event was held four or five weeks ago. I played bingo there that day and was delighted to be there. Perhaps 2,500 to 3,000 people were playing bingo and the place was at capacity. It was a lovely Sunday afternoon and the people thronged. They came from everywhere to Kerry to play bingo that day. On the other side of the border, in County Cork, there are monster bingo events. Does the Minister of State know about the bingo week held in Limerick? Points made during the debate have given the impression we should be against monster bingo events. There is nothing wrong with people who organise a monster bingo event. People attend such events and play bingo just for one day or for a week, where they play bingo during the day and into the night. They have a good, sociable time and if they want to take a break from a few games, they go outside and have a bit of time to themselves. They stay in hotels and have a great time. There is nothing in the world wrong with that.

Deputy Thomas Byrne: No one said there was.

Deputy David Stanton: I never said there was.

Deputy Michael Healy-Rae: Let us not give the impression we are against monster bingo

events, because there is nothing wrong with them. The Minister of State has to clarify to the people, whether they are the small clubs that benefit from bingo events or the weekly bingo events going on since 1958, what in the name of God is wrong with allowing them continue. We should leave it to them to determine what prize funds they are able to give on the nights they hold their events, and not let the legislation meddle with, interfere with, or detrimentally affect them in any way. As Deputy Mattie McGrath stated, over the years legislation passed in the House has had a negative effect on activities that get hit in the crossfire but were not intended to be affected. We do not want that to happen to the game of bingo.

Acting Chairman (Deputy Catherine Connolly): I will take a gamble at this point, before I let other Deputies respond. There is some latitude to allow the Minister of State to clarify matters, which might pre-empt some of the further comments.

Deputy Paul Murphy: All right, but other Deputies spoke twice in the debate before the Minister of State. I will be brief.

Acting Chairman (Deputy Catherine Connolly): I have no problem with that and I will let the Deputy respond, but it might help if the Minister of State clarifies his position beforehand.

Deputy Paul Murphy: Go on.

Deputy David Stanton: I thank Deputies for their contributions and apologise for any confusion that has arisen. I was out of the country dealing with the International Convention on the Elimination of All Forms of Racial Discrimination for the past couple of days. I was away from Sunday until last night and the issue blew up while I was gone. I tried to deal with it on a connecting flight from Paris and determine what was going on.

The Bill was published two years ago. It passed all Stages in the Seanad, and Second Stage and Committee Stage in this House. Now, at the 11th hour, it has all blown up. Some colleagues, including Deputies Thomas Byrne and O'Callaghan, noted that a major, professional lobbying campaign was taking place. Deputy Martin Kenny also referred to it. Let us not be fooled about it: that is what happened at the last minute and it was an attempt to derail the Bill. I ask colleagues not to fall for that and to be wise to what is happening. People have called for a long time for regulation of gambling, gaming and lotteries, and this is the start of it. While it is modest, the issue has been overblown. Let us imagine what will happen when we introduce a regulator and get to grips with the heavy aspects.

Legislation is in place, including the 1956 Act. The Bill will update that. It is quite modest and no more. Under the legislation, which was amended in 2013, running a lottery with a prize fund of up to €5,000 requires a permit from An Garda Síochána, and that can be done every week. With the permit, away you go, and the lottery can be run. In 1965, the courts defined bingo as a lottery. It was decided in the Doherty judgment and I can convey the details to Deputy Shortall. For bingo events, there can be a payout of up to €5,000 every week, and in the case of the vast majority of local bingos in rural areas, that is what happens and the payouts are well under that. I have checked what is done in my area, where the payout is sometimes as high as €3,000 but that is it. Organisers are well covered with the permit and no change will be made at that level.

Deputy O'Callaghan pointed out that we will introduce an alleviation to lotteries held for charitable or philanthropic purposes not requiring a permit or licence. Section 9 states that sec-

tion 26A of the principal Act will not apply to a lottery where the total value of the prize is not more than €1,000, where the price of each ticket is not more than €5, where the maximum number of tickets sold is 1,500, where the lottery is conducted for the benefit of a charity and where the promoter of the charity derives no personal benefit, as long as he or she has not conducted a lottery in the preceding three months. If there is a fashion show, therefore, and the organiser wishes to hold a lottery to raise a few more euro, this is how it will be done. Until now, by law, the organiser should have had a permit for that, although many organisers would not have had one. Now, there can be a lottery at a fashion show, table quiz or whatever it is, and the organiser will not need a permit, which will alleviate the issue and make it easier for clubs and organisations to hold fundraising events. For payouts up to €5,000, there will be no change and no matrix will be involved. The vast majority of clubs and organisations that run bingo events are in that space, and we will not do anything to them.

For larger prizes of between €5,000 and €30,000, that is serious money and the organiser must go to the District Court to seek a licence to operate at that level. For the permit and the courts, the judge and the Garda superintendent have to ensure that the person applying for the permit or licence is of good repute, according to the legislation. A licence to run a lottery will be given by the court and the payout can be up to €30,000 per week. The law states - we will not change it - that if such a permit is sought, it has to be for a charitable or philanthropic purpose. No commercial bingo is currently allowed under law and we do not propose to entertain it.

Currently, the 1956 Act does not specify how much money, if anything, should go to charity. If somebody goes to the court and applies for a licence to run a bingo or a lottery, he or she has to name the charity that will receive the money but does not have to say how much it will receive. The Bill will provide that the charity must receive at least 25% of the proceeds, which many Deputies support. The vast majority of bingo events in towns, cities and rural areas will not be impacted by the provision because they are small potatoes compared with the larger events. At present, operators at that level can put up to 40% of the proceeds into their back pocket, which leaves 60% for prizes. We argue that 25% should be for the charity. The figure allowed to be taken for running costs will be reduced from 40% to 25%, which will leave 50% for prizes. In effect, we will reduce the prize fund from 60% to 50% of the take on the night, assuming the charity will receive little. Nothing will prevent an organisation at any level from topping up the jackpot if it wishes, as some colleagues noted. They indicated that, sometimes, organisers pay out 120% or 130% of the takings, perhaps because they have had a slow night. Nothing will prevent that from happening and many clubs and organisations do it already. I take Deputy Kenny's point but there is no reason to amend the legislation because organisers can top up the prize to make it more attractive.

I understand it. There is no need to change the Bill as it stands because of that.

Deputy Paul Murphy: They can pay more than 50% if they want to.

Deputy David Stanton: No, not 50%. They can top it up, and a lot of them are doing that already from their own funds. Deputy Rabbitte alluded to that, and she knows a lot about this. Deputy Scanlon said that people running bingo events top up the jackpots themselves. There is no limit to that, and we do not propose to introduce one. They must still give 25% to charity. Most clubs with prizes of more than €5,000 will be more like businesses. They are supposed to be charities; that is the difference. That is what the law states and we are not changing it. I can give Deputies the references.

Deputy Joan Burton: Major draws take place all the time.

Acting Chairman (Deputy Catherine Connolly): We will let the Minister of State finish. We are very flexible. Deputies will be allowed to speak.

Deputy David Stanton: That is where we are coming from. We are discussing amendments Nos. 5, 9, 10, 12 and 13. We are making it easier for small bingo operators to operate because instead of having to print the name of the charity and prize on every book they will be able to put the information beside the door. That makes everything much easier for them. We are trying to make it easier across the board for small local operators. Large so-called commercial operators have applied for licences and have told courts they are holding events on behalf of charities. We are now telling them that they have to give 25% of the take to charity. Most colleagues here have agreed on that. That is the crux of the Bill.

A question was asked about rollovers. Some clubs get a permit from Garda superintendents, which allows them to have a prize of €5,000. If the rollover goes beyond that, they should get a licence because they are going beyond the limit of the permit. Deputy Thomas Byrne said many clubs have a cap of €5,000. They can then apply for a new permit for a new event. I am delighted that most colleagues here have read about this, taken in the information and realised what is happening. The main regulator is to be established.

I am also concerned about addiction, which has been mentioned. People who have an addiction of any sort need help, treatment, counselling and so forth. It is a health issue, as I have said time and again. We can do so much with regulation, but even where there is intense regulation in other jurisdictions, people still have addiction problems, there is problem gambling and so forth. People with addiction problems of any kind, whether it is alcohol, drugs or anything else, need to be treated by the HSE and medical professionals. This is something similar.

We have to be careful to recognise that regulation will not solve addiction. It can help, but it will not solve the problem. Deputy Ó Laoghaire made a good point. I recall the debate on Committee Stage with respect to lines and stakes, which we will discuss later. I listened carefully and reduced the numbers involved. People who have an addiction problem will spend and spend anyway.

This Bill has been kicking around for two years. It is only at one minute to midnight that this issue has been raised. Unfortunately, I was out of the country when it arose and I want to apologise for any confusion that was caused. There is no confusion intended. As Deputy O'Callaghan and others said, the matters being raised now are a result of the concern of various lobbyists that we are now asking them to give money to charity, something they should have been giving under the law as it stands - a law which is not going to be changed.

Deputy Michael Healy-Rae: Somebody should have explained that to the Taoiseach before he stood up-----

Acting Chairman (Deputy Catherine Connolly): Deputy, please.

Deputy Michael Healy-Rae: I am only stating a fact.

Acting Chairman (Deputy Catherine Connolly): The Deputy will get his turn.

Deputy Paul Murphy: I am here to speak about amendment No. 6 but I have listened to the debate and I am aware of the public commentary, discussion and so on about the bingo issue.

I am in favour of increasing the amount that goes to charity to 25%, a change that makes all the sense in the world. I still do not quite understand why a maximum of 50% of the proceeds is to go to those who play bingo. A maximum is proposed, but if the running costs can be met with 5% of the money involved why can 70% of the proceeds not go back to the players? This would mean 25% would still go to charity and running costs can be taken out of the remaining 5%. If the amount can be topped up, why is the maximum not higher? Perhaps the Minister of State can clarify that.

When we are tackling this issue, it is important to distinguish between two different interest groups. One is the interests of those who play bingo and use it as an important community outlet. I am on their side and against anything that will impact on their ability to play bingo. The second issue involves a separate group of interests, namely, the large bingo companies. I accept that most of the bingo operators outside of the major cities do not exceed the €5,000 limit. Major corporations in Dublin have the money to hire PR companies and so on and have a separate interest to that of the players, namely, to minimise the amount that goes to charity and, therefore, to maximise their profits. We clearly have to take a stand against that.

On the broader issue, the Minister of State said that if someone has a gambling problem, he or she will spend and spend, and I take that point. The Government has reduced the figure which can be spent from €10 to €5, but that facilitates gambling. If there is a maximum bet per game of €5, which is 800 times the previous limit, multiple games can be played at one point in time, as a previous speaker said. A person could play five games a minute and play for an hour. In the course of an hour, he or she could spend €1,500. People with addiction problems can spend a large amount very quickly and go broke.

What the Minister of State proposes is wrong. I agree that €5 is better than €10, but I do not think the €5 limit is the answer. That is particularly true given that we have the highest gross gambling revenue *per capita* in Europe. We have up to 40,000 problem gamblers, yet we have no dedicated gambling addiction treatment service or gambling prevalence study, and there is no State agency dedicated to reducing gambling-related harm. This issue is being significantly underestimated and is not being tackled by the Government.

We have spoken about an element of the interests that exist within gambling, and there are much more significant interests at play than the average bingo company. They are making substantial profits in this country. We should not facilitate the exploitation of people who have addiction problems in the context of increased alienation, community fragmentation, poor mental health and the lack of Government investment in supports for people, which are, in some cases, being filled with addiction problems, including gambling.

Deputy Michael Collins: I thank the Minister of State for allowing the Bill to be re-committed. I respect that he was out of the country and it was difficult to catch up with what was going on when he got back. Clarity on the issue was definitely required because a lot of people were concerned.

Deputy Thomas Byrne's comments were not helpful. He talked about lobby groups. We can make up our own minds and do not need any lobby groups to tell us what to do. I will talk on behalf of the constituents of Cork South-West and if he wants to talk on behalf of lobbyists, that is his own business. If he had spoken to his constituents, he would have known how concerned they were about the Bill. Many issues required clarity and, in fairness, the Minister of State has clarified a number of them. I respect that. People are talking about prize money being

printed on every ticket or for every bingo. Perhaps I stand to be corrected, but I am pretty sure that when there is a pop-up bingo in a local social centre, a game that does not occur on a regular basis and that is based on the local hospital or whatever, it would depend on the number of people there. Many of these groups make no money on the bingo, they basically make money on selling raffle tickets during bingo. That is what keeps the doors open in community halls. In fairness, the Minister of State has clarified quite a lot and I am not taking that away from him. He has always been very fair in clarifying issues.

Perhaps further clarity will be given. I still think, however, that if a large bingo game is being run, perhaps to aid a community voluntary organisation, that the prize money going from 60% to 50% is going to upset many good bingo players. There has also been much talk about addiction. That is a serious problem, regardless of whether it is addiction to alcohol or gambling. However, we are going strongly down the route of bringing people playing a bit of bingo into that. I am referring to people who play bingo once or twice a week. That is getting mixed up in this conversation.

Concerns have been expressed over the past number of days. The Minister of State has allayed much of that concern. If more clarification is needed, perhaps that can be given. I appreciate that this Bill is being recommitted and that will give us a further opportunity to have a discussion. Our job here is to try to help community and voluntary organisations. I said earlier that many individuals out there cannot take any more paperwork or anything that will cause them to stay at home and not enjoy what they want to enjoy. Bingo has been a great outlet for many people, men and women, down through the years. I thank the Minister of State again for the clarification he has given, but we need further clarity.

Deputy Mattie McGrath: I too accept the bona fides of the Minister of State and that he was out of the country when some of this confusion erupted. This legislation has been almost two years making its passage through the House. Clarity is certainly needed. We are killing our communities with over-regulation.

Deputy David Stanton: What did Deputy Mattie McGrath say? I cannot hear him.

Deputy Mattie McGrath: That is fine. Over-regulation is killing many of our communities in many areas.

Deputy Jim O'Callaghan: The Minister of State cannot hear Deputy Mattie McGrath, who is saying the Government is killing communities.

Deputy Thomas Byrne: Deputy Mattie McGrath said that communities are being killed.

Deputy Mattie McGrath: Go mo leithscéal.

Acting Chairman (Deputy Catherine Connolly): I am not going to stop Deputy Mattie McGrath, but he has spoken a few times.

Deputy Mattie McGrath: I have spoken once.

Acting Chairman (Deputy Catherine Connolly): The Deputy is entitled to speak, but I ask that he speak to the amendment.

Deputy Mattie McGrath: We are speaking to about five amendments and section 12. I understood it was being recommitted to Committee Stage. This is a Committee Stage debate

and I welcome that. Over-regulation is killing communities. I said that earlier about voluntary housing and the Bill passed last night in respect of approved housing bodies, AHBs. We are driving volunteers away with paperwork.

Deputy David Stanton: I-----

Deputy Mattie McGrath: I did not interrupt the Minister of State, so I ask him to let me finish. The limits on profits have to be looked at too. We cannot allow big companies not to pay to charities what they are supposed to pay them. It was mentioned that they are not doing that. If that is the case, then it is for the Minister of State's Department and An Garda Síochána to enforce that legislation. Just because we did not enforce that legislation does not mean that we should introduce new legislation to deal with it. Regarding an Teachta Tomás Ó Broin, Deputy Thomas Byrne, mo iar-chara and mo chara fós I hope, I resent his language. I do not know who he was talking about. We were all lobbied, but the people we met were ordinary decent voluntary bingo people.

Deputy Thomas Byrne: I never said anything about that.

Deputy Mattie McGrath: The Deputy mentioned people who were jumping on a bandwagon and that we were being lobbied by-----

Deputy Thomas Byrne: I was talking about Teachtaí Dála in general.

Deputy Mattie McGrath: -----"sharp-suited lobbyists" and we were jumping on the bandwagon. Deputy Thomas Byrne might clarify who he was talking about, because I do not know who he was talking about. I resent that because, as a former member of the Deputy's party, I was never in the Galway tent but there were many sharp-suited and shady individuals in that tent and we know where that got us. I will not take that lecture from anyone in this House that we were eejits here and were lobbied by people and that we could not see who they were. There is none so blind as those who cannot see at all. We are well able to represent rural people and we are not going to be lobbied.

We met professional lobbyists today and we were very quick to discern those from the ordinary people. I have no truck with or interest in lining the pockets of public relations companies and allowing them to get paid. They should not, and there is plenty of them around. Plenty of them work for the political parties as well and plenty of mercenaries travel from party to party too. As the whip of our group, I organised the meetings today through my office. I want the allegation withdrawn that we were jumping on the bandwagon because of information we got from "sharp-suited" lobbyists. Nothing could be further from the truth. We have our reasons here and we all know we are here to represent the daoine beaga, the ordinary people, who like and play bingo. Goodness knows enough things have been taken off them.

I am referring to rural and urban Ireland. I accept that bingo takes place in towns and cities. The only difference is that people there can get the DART, bus or Luas. We cannot do that. Often a husband would come to bingo and have a social drink while his wife or partner was playing bingo. That day is gone now. The wife might not be able to drive. With the national car test, NCT, the poor roads, the bóithre bochta, and everything else they cannot afford a car to drive. Let those people have their pastime playing bingo and let the small voluntary clubs and groups be supported through the profits. The spirit of it, ní neart go cur le chéile, and the meitheal, is nearly quenched. The late great Canon Hayes said that it is better to light one candle than to curse the dark. We are here trying to keep that wavering, flickering candle in rural Ire-

land. The Acting Chairman knows that as well in her constituency in Galway, both urban and rural. We need to keep that spirit kindled and not kill it with the unintended consequences of legislation that we might pass.

Deputy Denis Naughten: I want clarity on some of the things on which the Minister of State came back to us. Deputy Rabbitte laid it out very clearly and she has obviously done much research in preparation for this discussion. The Minister of State is correct that this is coming, as he termed it, “at a minute to midnight”. That is why legislation has ten Stages before it is enacted. That is the reason for it, so that we do have the minute to midnight to deal with this. Why else would we have Report and Final Stages, were it not for that?

In his response, I would like the Minister of State to clarify if this specific issue was flagged with him by anyone prior to this becoming an issue this weekend. Was it brought to the attention of his officials prior to this? I accept it might not have been brought to the attention of the Minister of State, but were his officials aware of it? Have they considered changes that would provide the type of clarity that we need? The Minister of State can correct me if I am wrong, but from his original response I take it that he is stating that for the majority of communities across the country the permit will address the issue for them because of the €5,000 cap. If it goes over €5,000, it will then be necessary for those groups to get a licence-----

Deputy Martin Kenny: It is per week.

Deputy Denis Naughten: -----and that licence continues until the jackpot is reached and paid out and then the permit will apply again. Can those groups run their daily or weekly bingo on their permit and then, if the jackpot exceeds the €5,000 combined with the amount given out in prize money, get a licence to cover that? Will they be forced to continue to operate that licence when the prize money goes back again to less than €5,000? Deputy Martin Kenny’s suggestion that we increase the threshold from 50% to 75% meets the Minister of State’s objective of giving 25% to charity. None of us has an issue with that aspect of the Bill. When we return to Committee Stage, Deputy Martin Kenny will propose that the maximum which can be paid out is 75%. That will ensure the maximum amount of prize money is paid out. If the operator wants to take a bigger share for itself, so be it. In such circumstances, people will vote with their feet by going to another operator where the prize money is bigger. The 25% that goes to the charity is secured in either event.

My understanding, based on what the Minister of State has said, is that in circumstances in which the jackpot rolls over, the 75% cap we are proposing will not kick in. As I understand it, the 75% cap will apply to the money taken at the door of the bingo hall on that particular day. As Deputy Scanlon said earlier, the €100 that is put into the jackpot every week rolls over if the jackpot is not won. Such roll-over moneys cannot be seen as takings on the door or considered as part of the prize pool or pot. The Minister of State referred earlier to an operator taking money that it already has on account.

I would like clarity on the licence. It appears that if a community group falls back under the €5,000 threshold, it will revert to operating under its permit. If the Minister of State accepts Deputy Martin Kenny’s proposal to increase the prize money cap from 50% to 75%, that will address the issue which has been raised with me by community groups across my local area. I hope that when we return to Committee Stage, the Minister of State will accept the amendment that will be proposed by Deputy Martin Kenny. It is a fair amendment because it deals with the two aspects of the matter that have been raised this evening.

Deputy Joan Burton: I have done a great deal of fundraising in my time. I am still connected with a lot of fundraising for various organisations. As I have listened to the Minister of State, I have become really confused by what he has been saying. I would like an explanation to be written out in a series of case studies involving small, medium and bigger halls. It is inevitable that those who will be responsible for administering this legislation will end up worried. They are volunteers rather than professional accountants. They do not own these businesses. They are setting out to do something for the good of their communities.

I would like to mention something the Minister of State should consider. I do not disagree with him when he says a certain amount of money should go to charity and that we should make it clear it is going to charity. Why is he not expanding the role of the Charities Regulator to provide for some regulatory oversight? I remind him that all of these community organisations have to fund their work. I will give a small example of something the Government is doing at the moment which is giving rise to a great deal of fundraising. I do not know whether the Minister of State is aware that the Minister, Deputy Zappone, is requiring significant fire surveys to be carried out in community buildings where there are crèches. That is fine. If one were to commission a fire survey tomorrow, it is likely it would cost thousands of euro. The only way that many communities can raise such moneys is by organising a series of fundraising events, possibly including the kinds of events covered by this legislation. Why is there no regulator to which people can go to get clarity? I invite the Minister of State to go to his local Garda station to work out the finer points of the law in this area, including the stage at which roll-over and accumulator jackpots fall into certain categories. I remind him that many gardaí in many stations are under pressure. It is difficult to work out these things. The Minister of State is asking many people who are essentially volunteers to add another element to their existing burden, which involves seeking to do a good job for their local communities in a variety of community organisations.

I would like to put a second point to the Minister of State. It relates to something I do not understand about the Government. I do not know whether the Minister of State has met representatives of the national lottery.

Deputy David Stanton: No.

Deputy Joan Burton: Okay. They have met many Deputies because they are facing withering competition from offshore companies that allow people to bet on lotteries. Those companies are competing with our national lottery, which is a major contributor to good causes. If one goes online, one can see how the stakes from the national lottery are distributed to good causes around the country under the good causes fund. The national lottery is a lottery, as we understand it, on a large national scale. At the moment, it is facing withering competition from offshore companies that allow people to bet on lotteries. They advertise on daytime television and elsewhere. As a result of their activities, good causes around the country are losing significant amounts of money. I am sure the national lottery will happily send the Minister of State a communication on this phenomenon. However, we have not heard a word about it.

It struck me as I listened to some of the Minister of State's descriptions that he might not be aware that institutions like hospices typically have a major raffle each year with a car as the prize. I have had a significant involvement with my local hospice in Blanchardstown over a long period of time. This kind of prize easily reaches the kind of value that has been mentioned by the Minister of State. Everybody in the community buys an expensive ticket as a way of contributing to the hospice. It is a big draw. The hospice sells lots of tickets. The prize-win-

ning tickets are drawn in public. As I listen to the Minister of State, I have no idea what he is intending with regard to such raffles.

Deputy David Stanton: There is no change in this area.

Deputy Joan Burton: The Minister of State was giving examples of big sums. He chose to mention the sum of €30,000 in his contribution. I did not pick it - he did. The Minister of State and his officials need to sit down and think this out. The Minister of State has referred to charities on many occasions. Do events that are being carried on by charities meet the definition the Minister of State is providing for in this Bill? Our Lady's Children's Hospital in Crumlin engages in a great deal of fundraising to pay for treatments given to babies with various conditions and to keep pace with medical developments. There is a huge amount of charitable activity in this country. The Minister of State is throwing much of it into some doubt. There are raffles at most fundraisers. In the case of a very high-level fundraiser, it might cost €100 for a raffle ticket. Is the Fine Gael fundraiser €100 a ticket as well? It seems from the Minister of State's reaction that this might not be the case. I thought it was. I understand there are people who buy €1,000 worth of tickets at Fine Gael fundraisers.

Deputy David Stanton: I ask the Deputy to show them to me because I would love to meet them.

Deputy Joan Burton: I ask the Minister of State to give more consideration to what he is talking about. He has managed to confuse everybody. He is going to say party lotteries do not fall into this. That is probably what his officials are saying to him at the moment. Why not? Are we not entitled to have information about that kind of lottery? For some reason, the people in the bingo hall seem to deserve a deeper and higher level of regulation. I read in a newspaper that a Fine Gael draw raised hundreds of thousands of euro. Such sums of money are very significant. The Fianna Fáil draw could raise similar amounts of money. We need a fair and level playing pitch. There are people in working class communities in Dublin, Cork and throughout the country who, as we have heard, play an occasional game of bingo. This provision would be similar to using a sledge-hammer to crack a nut. We need to hear chapter and verse on how it will affect the people who run bingo events and are happy to donate to charity. If, as hinted by the Minister of State, there are firms about which the Government has concerns he should tell us of the suspected wrongdoing or misappropriation of funding by these organisations. I would like him to elaborate on his commentary in that regard. I do not know how many bingo halls the Minister of State has visited but I am sure he has been in at least one with his mother or granny at some stage. Why is he so worried about some of the operators? Is it that they are not reliable, trustworthy or honest? The people we are talking about who are operating in community centres around the country are doing their best for the local communities and they are happy to organise events and to have the funding raised contribute back to the communities.

As I said earlier, currently all around Ireland community centres are desperately fundraising for the necessary fire inspections that they have to undergo under the new regulations being introduced by the Minister of State's colleague, the Minister for Children and Youth Affairs, Deputy Zappone, and rightly so. However, the money for those inspections has to be raised by voluntary organisations. We are not getting reasonable, detailed answers that we can pass on to explain the Minister of State's vision in terms of the new rules. The Minister of State might clarify in his response if he intends to bring in detailed regulations in regard to what is contained in this legislation and, if so, will he commit to putting those regulations before the House so that they can be debated as well?

Deputy Sean Sherlock: I am, again, seeking clarification on the rollover jackpots. For example, Béal Átha an Ghaorthaidh, Ballingeary, which is not in my constituency, currently has a lottery jackpot of €15,000. It was €14,800 last week and, as it was not won, it is increasing by €200 this week. I may have misheard the Minister of State when he spoke about rollover jackpots previously. I am seeking clarification on whether the GAA club that runs that lottery is now required to apply for a licence.

Deputy David Stanton: That was always the case.

Deputy Sean Sherlock: I am not sure of the history of this particular lottery but my understanding is that under section 26(a) if the total prize is under €1,000 it would not have to apply for a permit or a licence but by dint of a rollover mechanism it now has to apply for a licence. I am seeking clarification on whether it has to make a weekly application or if it is a once off process once it goes over the terms of section 26(a) if that is what its intention was in the first instance. I hope that makes sense.

Deputy Dessie Ellis: May I come in on the same issue?

Acting Chairman (Deputy Catherine Connolly): No, I will let the Deputy in later. I have a list, to which I must adhere. This debate started before I took the Chair. I ask Deputies to be a little focused in their questions because we have not made progress. Many Members have already contributed. I will relatively soon stop allowing in those who have already been in many times. I call Deputy Michael Healy-Rae, who will be followed by Deputy Shortall and then Deputy Ellis.

Deputy Michael Healy-Rae: The words most used this evening by Members from different parties are “clarification”, “misunderstanding” and “confusion”. That is what is out in the public domain. I have listened attentively to what the Minister of State had to say. There are aspects of this legislation that are fine. What is being proposed is well-intentioned and acceptable. It is difficult to speak to the Minister of State when he is a conversation with somebody else so I will wait until he has finished.

There are aspects of this legislation that are acceptable and well-intentioned but when it comes to bingo there is too much that can be interpreted in the wrong way. It has been rightly stated here already that the purpose of this legislation is to target particular organisers. Would it not be easier to exempt bingo from the legislation? Why can the Minister of State not do that?

Deputy David Stanton: I cannot.

Deputy Michael Healy-Rae: I do not see why it cannot be done. The Minister of State need only go back to the drawing board and amend the Bill to exempt bingo from it. I have not been asked to lobby for monster bingo events. I was aware of them before today because friends of mine have attended monster bingo events in the South Court Hotel in Limerick and the Breaffy House Resort in County Mayo, in the spring and in the autumn. The Minister of State will recall that earlier I referenced what is known as “bingo week”. It is held in County Mayo in the spring and in the autumn. Can anybody here tell me what is wrong with attending a monster bingo event, which people often do on a week’s holiday? It is akin to another person going to Cheltenham or the Galway races. If people are not going to Knock to pray they might be going to the Breaffy House Resort in Mayo to play bingo. What is wrong with that?

Deputy Thomas Byrne: Nothing.

Deputy Michael Healy-Rae: The impression one gets from this debate is that we all support the small bingo operations in community halls, which we do. I do not see why we should give the impression that, as legislators, we are out to get at the monster bingo events. There are thousands of people who adore monster events such as bingo week and the type of event I attended in the INEC in The Gleneagle Hotel in Killarney four or five weeks ago, which was great. There is nothing wrong with that. While there are many aspects of this legislation that are fine, the Minister of State needs to amend it to exempt bingo operations. When I put that proposal to the Minister of State earlier he shook his head as if to indicate he could not do it. Perhaps when he has an opportunity he will explain why he cannot exempt bingo from the legislation, be that small or big bingo operations. I do not understand why the Minister of State cannot do that.

Deputy Róisín Shortall: The Minister of State said in his response that there is so much push-back on this issue he can only imagine what might happen when it comes to dealing with the heavy stuff. It might have been better if he had started off with the heavy stuff such as the element of gambling that is problematic and causing huge social problems, particularly within families. It would have been better if he had done that. That would entail having a proper regulator and the introduction of other limits. The really problematic side of gambling is online, in the main, and in the privacy of people's homes where they can get rid of thousands of euro in a very short space of time with no checks and balances. There is no positive side to that whatever. It is a pity the Minister of State has not taken on that aspect of gaming and gambling. Had he set about doing that, he would have had the support of the House.

There is a lack of understanding in this regard - I do not know where it is coming from, perhaps from the Department - on the distinction between the different kinds of bingo. Some of it is charitable and some commercial but the fact that it has been operating on a non-charitable basis does not make it bad. It is a commercial operation that provides a social outlet for people who are happy to buy their few books and go along a few nights a week. It is a good social outlet for lots of people. There is an element of taking one's chance and so on but it is predominantly social. There has been a complete failure to appreciate the distinction between commercial bingo and charitable bingo for fundraising purposes, which operates on a smaller scale and what the Minister of State is doing to control the latter sounds quite reasonable. What he is not legislating for and what he does not seem to have taken into consideration is commercial bingo, which is a very big activity in the Dublin area. It operates throughout my constituency and many others, and I am sure that is also the case in other large population centres. That he has not made that distinction is the problem and he needs to do that. The Minister of State has stated that no commercial bingo is allowed in this country but why is that the case? There is commercial bingo in Northern Ireland and throughout the UK. I am not saying these operations are in any way philanthropic; they are not. It is a commercial activity and it is legitimate.

Deputy David Stanton: It is big business.

Deputy Róisín Shortall: Yes, it is a business but it is an entertainment business without too many downsides to it. Why not regulate it properly and deal with it in a different way? I am not aware that the Minister of State was seeking to take a contribution for charity from any other commercial entertainment activity or business but if he wants to do that, he should do so in a reasonable way. Can he tell me another commercial activity where the Government came along and said it was taking 25% of its proceeds to go to charity? I do not think that he would do that in any other area. The problem is that there is not adequate legislation to define what bingo is, other than in respect of charitable and fundraising activities. There is a separate

commercial activity but the law does not recognise the reality of that. The Minister of State would have been better off had he made that distinction between the two very different kinds of bingo, which is where the problem arises. What effort was made to look at how the issue is dealt with elsewhere, particularly across the Border and across the water? We would not be in this difficulty had he done so. It is reasonable, because it works in the UK and Northern Ireland. Consequently, why not recognise the reality that this is a commercial operation and regulate it accordingly?

Deputy Dessie Ellis: Dublin North-West stretches across and includes Cabra and Whitehall. Most of those who go to these bingo halls, most of whom are elderly, do so to go out. I do not consider it a form of gambling; I just see it as a form of entertainment for most of them. My mother is not well but she used to do it.

I seek clarity on the figure of €5,000 per week. My local soccer club holds a draw, which goes up to €8,000 and €10,000. Is the €5,000 weekly, that is, it would not affect the draw if the €8,000 was carrying over?

Deputy Martin Kenny suggested a possible change to the effect that the 50% would be taken up to 75%. That might solve some of the problems people have raised in respect of prizes. I agree with others on the amount going to charity. From what I can gather, very little was going to charity and while I accept some should, I am not sure that it should be 25%. I seek an answer to this issue because this has been an ongoing practice.

Will some of the bigger companies argue that they have been employing many people and if the legislation reduces their margins, they will cut back on staff? That will put an end to some bingo halls. I am worried about these issues, which have been raised with me.

Some bingo halls have one-armed bandits. I assume the plan is to ban them completely. I have not heard of what will happen on this. Some of these halls do not make a lot of money and while it is gambling, many of the people who use them do not go out very much. They might just throw in a coin but are not what I would call real gamblers. Is it intended to ban the machines in the halls?

Deputy David Stanton: I note that many Deputies get what we are trying to do and that the vast majority of small operations, those under €5,000, will not be impacted at all. Incidentally, the Bill allows the Minister of the day to amend those figures. It will not need primary legislation, which was one of the issues with the 1956 Act. They got stuck in time and there was no way of changing but we have included a section in this Bill that will enable the Minister of the day to change some of these figures by regulation if necessary. It would have to come before the House to be approved but if there is a problem that has not been foreseen that can be done, although that is not possible in respect of the percentages. The figures of €5,000, €30,000 and the stake in prizes for the machine can be amended by statutory instrument with the approval of the House, if necessary.

I reiterate that under current law, commercial bingo is not allowed. If someone goes to the courts because he or she wants to run bingo or a lottery - and bingo has been identified in the courts as a lottery - he or she must do it for a charity. That is the law as it stands and most colleagues here agree with that. The big issue causing a problem here is the percentage the charity should get. I have suggested 25% and that 25% of the takings would go to run the thing, which is quite a large amount of money. While getting 25% of the takings is a lot of money, at pres-

ent those concerned are taking up to 40%, which is huge, and then there would be 50% for the prizes. At the moment, prizes comprise approximately 60% although I know we have spoken about 75% and so on. There is a facility to top up.

There were a few questions about roll-overs. At the moment, and this will not change, if a prize goes over €5,000, one needs to get a licence from the court because one is running an event for which a licence from the court is clearly demanded and that is it. That is clear. The lottery licence lasts for 12 months, as per the legislation. Deputy Naughten asked about that.

The national lottery was mentioned by Deputy Burton and that comes under the Department of Public Expenditure and Reform. There is the National Lottery Act 2013 and we specifically did not bring that under this legislation as we wanted to keep it tight to these matters.

Deputy Joan Burton: There is a regulator for that sector. Why not here?

Deputy David Stanton: Yes. The Government's intention is to bring in a regulator for the rest of the industry but it is a mammoth task. We have much work done on it but it is a very large and complex area. This is minor legislation and look at all the confusion it has caused. I will not get into discussing the major legislation now as there has been enough said on it.

Deputy Naughten asked about issues being flagged and they were. I know officials got letters, etc., about these matters, particularly the provision implementing a 25% share for charity. We made the decision early that this was the way to go. Until now the issue has not been raised, although I take the point that this is the reason for debate on the various Stages. No amendments were tabled by anybody to make changes. I note Deputy Ellis's comments on the 75% provision. It will not make a massive difference at the end of the day.

Deputy Dessie Ellis: It might.

Deputy David Stanton: There is a possibility it could be topped up anyway. I am slow to go down this road and I am not sure we can in any event. We have not examined this carefully or concisely so I would be concerned about unforeseen consequences. I put it to Deputy Martin Kenny that there is not much difference between that and the 50% provision, which can be topped up to make it attractive. I know that is what he is getting at. There is no issue. This only applies to those operations with a fund of over €5,000, so the vast majority of small operators, clubs and related organisations will not see an impact. We are demanding that the large agents that run bingo on a semi-commercial basis, according to Deputy Shortall, pay towards charity and we are not bringing in commercial bingo at this time. I take the point that it exists in other places.

I am concerned that operators like that could muscle in and shut down the small operators. There is a risk and we must be very careful if we allow large corporations and wealthy businesses to start moving into the area. They could have an impact on local charities, bingo or lotteries that we are all concerned about tonight. We want to proceed.

Deputy Róisín Shortall: Those are commercial.

Deputy David Stanton: In one city there was an attempt to bring this about and there was much concern from small organisations and clubs. Deputy Burton spoke about charities and trying to raise money for hospitals and hospices. They would be affected by the large, shiny and glitzy professional operation moving in to suck up all the business. I am concerned about

that so I would be very slow to go down that route.

Deputy Róisín Shortall: That is different.

Deputy David Stanton: I know it is different but they would operate in the same space. One can imagine a large, perhaps multinational, corporation that Deputy Shortall seems to want to allow to move into an area and it could shut down the small, local charities working very hard on a voluntary basis.

Deputy Thomas Byrne: Hear, hear.

Deputy Róisín Shortall: It would be regulated. It is a different activity.

Deputy David Stanton: We would not want to do that and I certainly would not be in favour of it without very careful analysis, research and consideration.

Acting Chairman (Deputy Catherine Connolly): I have given an hour and a half to this so I will not open this to debate again. I will show a little discretion with Deputy Naughten if he is asking a specific question.

Deputy Denis Naughten: I do not want to open the debate again. Currently these organisations can take up to 40% of the total in running costs. The Bill will give them 25%.

Deputy David Stanton: It is up to 25%.

Deputy Denis Naughten: No. The Bill is giving them 25%. It is the difference.

Deputy Thomas Byrne: The Deputy is wrong.

Deputy Denis Naughten: Up to now a group might have been running bingo on 5% of the total but it must now take-----

Deputy David Stanton: No.

Deputy Denis Naughten: Yes. The permit specifically mentions 5%. The groups are running these operations with 5% as the cost of the organisation. They are now being forced to take 25% for that.

Deputy Jim O'Callaghan: No.

Deputy Denis Naughten: There is 25% going to the charity, which might be the same group. The organisation can only give back a maximum of 50%. That is the issue and it is why Deputy Martin Kenny's amendment is so important. With all due respect, the Minister of State has said he could not consider the amendment on the 75% provision because we have not examined it carefully. We would not be here this evening if the matter had been examined carefully and had not been a problem up to now.

I have a specific question related to what I asked earlier. If a group gets a licence, can it go back to a permit once the pot goes below €5,000? If a group gets a permit for the year and the jackpot goes over €5,000, it must go to court and get a licence. When the prize goes below the €5,000 threshold again, is the group allowed to revert back to the permit or is it stuck with the licence for 12 months? Will the Minister of State clarify that?

I have a final point.

Acting Chairman (Deputy Catherine Connolly): I thought there was only one point.

Deputy Denis Naughten: Will the Minister of State clarify that the rollover is not part of the cap? It would be generated from previous weeks of competition.

Acting Chairman (Deputy Catherine Connolly): This will be the final clarification on this.

Deputy David Stanton: It is clear the rollover would not be part of the cap because the money would not be taken in on the night. The permit exists for 12 months. Regardless of whether a group gets a second or third licence, the permit is there for 12 months once granted. The permit can be used to run the lottery under €5,000 and if it is over €5,000, a licence is required. That is fairly clear. I am satisfied the 50% provision is enough and it is the proposal I have included. There were no amendments put forward on Committee or Report Stages to change this, including from me. I am happy to stay with it.

Amendment agreed to.

Bill reported with amendment.

Deputy David Stanton: I move amendment No. 6:

In page 8, line 25, to delete “€10” and substitute “€5”.

Deputy Jim O’Callaghan: The Minister is aware I submitted an amendment on this matter on Committee Stage. It relates to the maximum stake that can be put in for gaming operations. The law is currently archaic as the maximum stake is 6p and the maximum prize is 10 shillings.

9 o'clock On Committee Stage the Bill provided for increasing the maximum stake to €10 and the maximum prize to €750. Fianna Fáil suggested in an amendment a maximum stake of €2 and a maximum prize of €250. This was discussed on Committee Stage and I am glad the Minister took on board some of the arguments that were being made at the time. The proposal now being put forward by the Minister of State is that the maximum stake would be €5, with a maximum prize of €500.

I agree that although this is far from perfect, it is a reasonable compromise. We have problems with serious gambling addiction in the country. The question was asked on Committee Stage as to whether there is much of a difference between somebody putting €10 or €5 into a machine but there probably is. That is why we proposed an amendment seeking the amount of €2. We will support the amendment before us as a reasonable compromise, with a maximum stake of €5 and a maximum prize of €500.

When one considers the type of gambling being done online, people are gambling vast amounts above that. There needs to be some equality of treatment between gambling online and gambling in amusement arcades. It is appropriate that we regularise what is happening in arcades and amend the archaic law that is currently in place.

Acting Chairman (Deputy Catherine Connolly): I should have clarified amendments Nos. 6 and 7 are related and are being taken together. In my haste to move forward, I forgot to say that.

Deputy Jim O’Callaghan: I do not need to add anything else in respect of that. My points apply in respect of amendments Nos. 6 to 8, inclusive.

Deputy Martin Kenny: I accept the lower the stake the better in some cases where people have a problem with gambling. However, whatever we bring forward in legislation should at least be logical and in line with what is happening in the real world. In that context, having the stake at a maximum of €500 brings us back into line with what is happening. If the amount is too low, it will be breached all the time, and there is no point in doing that. Having it at this level is logical. I support amendments Nos. 6 and 7.

Deputy Joan Burton: I believe the figures are ill-advised. Depending on how the machines are structured, we will have people doing what happens on these types of machines in other jurisdictions. They will not play for one €5 stake and one €500 prize. They could be playing for ten €5 stakes and ten €500 prizes. This is an incredible incentive to engage in mad gambling with a view of winning for a problem gambler. Gamblers do not necessarily have the outlook the Minister of State has on gambling. A person might well envisage if he or she were to spend an hour or two on one of these machines not only would he or she win a €500 prize but he or she could win ten €500 prizes. When people are caught up in mad gambling, that is the way they think. That is what is happening with online gambling. I presume these figures are probably influenced by the fact that people can gamble away vast sums online.

The Minister of State may have done this but if he has not, he should talk to some of the young people on GAA teams and other sports people who find themselves heavily addicted to gambling and to the notion of large prizes, which he is inserting here. What he has put forward here is utterly and completely wrong and destructive.

When I was a Minister, I instituted the first study on gambling. I have also had an opportunity to meet people in a number of organisations throughout the country who deal with gambling addictions and, for families, problem gambling is probably the worst addiction of all. People will gamble away the house, farm, business and family savings. We have no mechanisms to deal with problem gambling other than a small number of specialist facilities that will take people usually on the basis of them having private health insurance.

I urge the Minister of State to reconsider this proposal. The Labour Party does not accept it. The proposal could cause great harm to people with problem gambling issues and their families who often find their family home, everything they possess, their farm or business has gone because of the gambler. Many young people in different sporting organisations have come out and explained what has happened regarding their problem gambling. If the Minister of State were to speak to any of them, they would give him a different take on this proposal.

An Leas-Cheann Comhairle: Amendment No. 6 is being discussed with amendment No. 7.

Deputy David Stanton: I want to point out there are very few areas where stakes and prizes are controlled by legislation but this is one of them. The stakes and prizes, for instance, are far in excess of what is proposed or possible for the national lottery. One can go down to the national lottery and gamble away to one's heart's content. Deputy Burton was defending the national lottery earlier.

Deputy Joan Burton: I was not. I was explaining-----

Deputy David Stanton: I listened carefully to what the Deputy said.

An Leas-Cheann Comhairle: I ask Deputy Burton to give the Minister of State an oppor-

tunity to clarify that.

Deputy David Stanton: One can go into a bookie's office and place a wager. This particular area is the one area where we are legislating to control the amount that can be put on. This has not been changed since 1956. The current position is ludicrous in that the amount is so small, it is being ignored all over the place, as Deputy O'Callaghan said. There is no scientific method for us to know which is the best thing to do. We have also inserted in the legislation a provision whereby a Minister in the future can reduce or increase these amounts by way of a statutory instrument in consultation with the Houses. If the €5 stake is too much and is seen to be a problem, the Minister of the day can bring in a statutory instrument and change it swiftly without having to resort to primary legislation. The same applies to stakes or prizes. I believe that is a good provision.

We had a good debate on this on Committee Stage. I listened carefully to what colleagues had to say and to what Senators had to say when we debated the Bill in the Seanad. As Deputy O'Callaghan said, this is a good compromise. However, if it proves to be unworkable or causes an issue further down the road, it will be easy for the Minister of the day to change it quickly without too much fuss and without having to go through what we are doing here.

We propose revised amounts of a maximum stake of €5 and a maximum prize of €500. It is not compulsory or even expected that somebody would do that. It may not please everybody but there is little point in putting in amounts so small that they will be ignored and, therefore, this is what we propose.

As Deputy Burton rightly said, it is not clear that physical gaming machines will be a significant feature in the future. Gaming can just as easily be done online or on a mobile device. The regulator, who will be established before too long, will have to take on board the issue of mobile online gambling, which is becoming much more of a serious issue. I recognise that, as others do.

I also recognise a small number of people, regardless of what amounts we might set for gambling machines, will be vulnerable to addictive behaviour and the temptation to play quickly but we are not in a position to impose technical requirements in respect of gaming machines at this time. Any such technical requirements will have to await consideration in our proposed comprehensive reform of gambling licensing and regulation.

An Leas-Cheann Comhairle: Is the amendment agreed?

Deputy Joan Burton: It is not agreed.

Amendment put and declared carried.

Deputy David Stanton: I move amendment No. 7:

In page 8, line 26, to delete "€750" and substitute "€500".

Amendment agreed to.

An Leas-Cheann Comhairle: Amendment No. 8 is a drafting amendment.

Deputy David Stanton: I move amendment No. 8:

In page 10, line 27, to delete "product concerned." and substitute the following:

“product concerned (if such is required) and there is no additional charge for the redemption of a prize.”.

This amendment proposes a minor addition to the wording of the new section 27A(1)(b) of the principal Act inserted by section 10 of the Bill. The new section concerns lotteries that may take place in the context of a marketing promotion. The amendment is intended to ensure a person being requested to or seeking to participate in this particular type of lottery is clear on whether there is a purchase requirement for participation. A further clarification makes it clear that no further charge is required for redemption of a prize. The intention in this regard is to prevent the situation whereby a free ticket or coupon is provided, for example, a scratch card given away by a newspaper but registration and finding out what a person may have won will incur a charge. For example, this can happen by way of ringing a prize line for a considerable number of minutes often at premium rates and it costs a lot of money, which was not envisaged initially.

Amendment agreed to.

Bill recommitted in respect of amendments Nos. 9 to 11, inclusive.

Deputy David Stanton: I move amendment No. 9:

In page 12, line 14, to delete “coupon;” and substitute the following:

“coupon or, where the lottery is conducted in a premises, such information shall be prominently displayed at the normal means of access to the premises proposed to be used;”.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendment No. 10 relates to the commencement of section 12.

Deputy David Stanton: I move amendment No. 10:

In page 14, line 14, to delete “coupon;” and substitute the following:

“coupon or, where the lottery is conducted in a premises, such information shall be prominently displayed at the normal means of access to the premises proposed to be used;”.

Deputy Denis Naughten: The Minister has agreed to this and we request the recommittal of section 12 to discuss the issue that has been debated. We have it pretty much debated. We just want to formally move the amendment we discussed earlier. We seek to recommit the Bill in respect of section 12.

An Leas-Cheann Comhairle: Is the recommittal in respect of amendments Nos. 10 and 11 to section 12 agreed?

Deputy David Stanton: We agreed to that earlier but I think we have discussed it *ad nauseum* already. Perhaps there is no need to do so again. I agree to the recommittal seeing as I already said I would.

An Leas-Cheann Comhairle: We will go through the formalities.

Deputy Denis Naughten: It is a procedural issue.

Deputy David Stanton: That is not a problem.

Deputy Denis Naughten: We are anxious to move our amendment and we can only do that on Committee Stage. I hope it will be a brief Committee Stage.

An Leas-Cheann Comhairle: We do not have an amendment.

Deputy Denis Naughten: We are moving an amendment from the floor.

An Leas-Cheann Comhairle: You cannot do that.

Deputy Martin Kenny: We have an understanding from the Minister of State that we will go to Committee Stage to discuss this. We discussed it as we went through the amendments but we seek to move a small amendment from the floor. We ask to amend line 24 on page 14 of the Bill, which relates to the proposed section 28(10)(e) of the 1956 Act. This says “not more than 50 per cent of the total proceeds shall be allocated to prizes”. We propose changing that figure to 75%. That will put everything in place.

An Leas-Cheann Comhairle: We have no amendment in writing. It is not customary to move oral amendments.

Deputy Denis Naughten: It is procedurally possible to make a very short technical oral amendment. It can be accepted by the House. We seek only to alter the numeric figure from “50” to “75”.

An Leas-Cheann Comhairle: If an oral amendment is to be moved, it will have to be very clear. The House has to know what the amendment is, its significance, and whether the Minister of State will consider accepting it.

Deputy Martin Kenny: The significance of it is-----

An Leas-Cheann Comhairle: Will Deputy Kenny give me the page number and line number again?

Deputy Martin Kenny: It is page 14 and the line number is 24.

An Leas-Cheann Comhairle: Is the Deputy referring to the Bill itself?

Deputy Martin Kenny: Yes. It is page 14, line 24. It starts with “(e) not more than 50 per cent of the total proceeds”. We simply wish to change that “50” to “75”. That is the only change.

Deputy Jim O’Callaghan: The other figures will have to be changed.

Deputy Martin Kenny: The other figures will not have to be changed because the other figure involved is “not more than 25 per cent”, which means that less than 25% can be retained. As little as 5% could be retained, which would allow the prize fund to account for up to 70%. That would alleviate many of the concerns people have. It is a very simple amendment that changes the “50” to “75”. That tiny amendment would speed up the passage of the Bill.

Deputy Denis Naughten: I will second the amendment if that is required.

An Leas-Cheann Comhairle: It does not require a seconder.

Deputy David Stanton: I am very slow to accept this. It will mean that promoters may get nothing, or 0%, if 75% were to go on prizes, as is the intention of the amendment. We have not seen this amendment before now. I am very slow to accept it at this Stage. It would be unsafe to do so without giving it due consideration. I am not prepared to accept it.

An Leas-Cheann Comhairle: The Minister of State is not accepting the amendment.

Deputy Martin Kenny: I understand what the Minister of State has said. He said that it could mean the promoter retained nothing. The amended text would, however, read “not more than 75 per cent”. It can therefore be less. It would allow the promoter to decide how to distribute that 75% of the takings. He or she could decide to retain 5%, 20% or whatever, and to give out the rest in prizes. That is the root of the problem. The Bill is too explicit as to the level at which the prizes are set. If we change that and allow a little flexibility, everything will be freed up. This will also protect the core central point which the Minister of State has made and with which we all concur, which is that 25% should go to good causes and charities. That is still protected but we would at least have agreement that it would be entirely up to the promoter as to how the remainder is divided.

Deputy Denis Naughten: I support Deputy Martin Kenny’s amendment. He has made it quite clear that this is a simple technical amendment which allows up to 75% of takings to be given out as prizes. This is the issue which groups around the country have raised. They have said that the cap of 50% is too low and that it needs to be more flexible. Moving the figure to 75% still protects the Minister of State’s desire for 25% of takings to go to charity. None of us disputes that aspect of the Bill. We want to facilitate him in that respect. We are asking that the promoter be given discretion to give out 60%, 65%, 70% or 75% of takings on the door in prize money. That is the one issue that has been articulated to each and every one of us across the country with regard to this specific issue. This small technical alteration will address the issue and allow this Bill to proceed. I hope the Minister of State can now consider it.

Deputy David Stanton: As I said, I am very slow to accept this amendment at this time because of the unforeseen consequences that might arise. We have not had a chance to examine this carefully. It is unsafe to make changes like this without notice at this Stage of the legislative process, at one minute to midnight, as it were. I am very slow to move away from what we have. As I said earlier, the main point of this measure is to make the prize more attractive. That is what is behind this. There is nothing stopping the organisation or semi-commercial business running the game from topping up the prize to make it more attractive, if that is its intention. I am quite slow, however, to move away from what we have at this time.

Deputy Denis Naughten: I will be very brief. That is the reason we objected to the taking of Report Stage today. If the Minister of State had allowed a bit more time to look at this Bill, it could have been considered further. It was the Minister of State who decided to take Report Stage tonight. As I have said before, the reason that there are ten Stages to passing legislation is to allow for consideration of Bills. This issue was only flagged with us in the last 24 to 48 hours. We are putting forward what we believe is a constructive solution to this issue which protects the integrity of the Bill, which aims to ensure that 25% of takings go to charities. Our amendment facilitates that. Rather than dividing the House on this issue, I urge the Minister of State to accept the amendment.

Deputy Joan Burton: I raised this issue with the Taoiseach earlier today and he made it clear that his interest and the interest of the Government is in the 25% for charity. The Minister of State has obtained the agreement of the House for that but he is imposing these rules without knowing how costs are structured in this business, whether games are run by voluntary organisations, semi-professional organisations, or professional organisations. He is tying a noose around his own neck because, in a commercial operation, hiring a hall, advertising a game, and employing staff might easily run to a significant percentage of takings whereas if it was an entirely voluntary local thing, those costs may be far lower because people are giving their services voluntarily. The Minister of State is not trying to ban the semi-commercial lotteries which people outside the gate were talking about yesterday but, if he wants his 25% for charity, he should stick with that. If needs be, why not commission a study of profit margins and earnings in the industry so that the Minister of State and his officials actually know what they are talking about and can tell us the sensible thing to do? The Minister of State has no basis for his figures of 25%, 25% and 50%, or 40% and 35%. The Minister of State does not know, as he has just told us.

Deputy Martin Kenny: We agree on so much here that we should not fall out on the smallest detail. This provision is irrelevant to the legislation the Minister of State is bringing forward. We are considering the takings of a lottery or a bingo in one week. We are saying that 25% of those takings should go to charity. We are saying it should be up to whatever person, organisation or company is running the bingo game to decide how much of the remaining 75% to put into the prize fund and how much to keep for themselves or spend on running the business. The operator may have a good week when it needs to use less than 50% for prize money. There may be a week when there is a small crowd at the bingo hall and the operator needs to put 75% into the prize money. This provision would give operators the flexibility to do that. By giving them that flexibility, the Minister of State would be allowing operators to top up the prize fund from their own money, just as he has described. However, this would put that choice in the legislation rather than just suggesting it as an alternative. We need to be explicit about what people can do and be explicit in giving them flexibility. That is what we are asking for. I appeal to the Minister of State because I know he is a reasonable person. We all want to do the right thing here. The reasonable approach is to accept this small amendment and then we can move forward together.

An Leas-Cheann Comhairle: It is not for me to interfere, but could I suggest that we find a compromise?

Deputy Martin Kenny: We have one. That is what we are trying to pass.

Deputy Jim O'Callaghan: There is obviously a benefit in putting forward amendments in time to consider them. We have not had a huge amount of time to consider this. The only issue I can see is that we are dealing with conditions that will apply to a lottery licence granted by the District Court. These conditions will apply in cases where the prizes are between €5,000 and €30,000 a week. These are the large-scale bingo events Deputy Michael Healy-Rae was talking about earlier.

I understand the point made by Deputy Naughten. The 25% referred to in paragraph (d) of the conditions is not incompatible with the figures of 75% and 25% in paragraph (e). I know it can be read intelligently, but it is a bit odd for two paragraphs to have a total percentage adding up to 125%. I know it can be read in a sensible way. However, if the Minister of State is happy to go with it I will go along with it. I will be interested to hear what the Minister of State

has to say. A lot of these big bingo events are run by operators. There is no doubt about that. The Minister of State has told us they get 40%. That sounds like far too much to me. He has attempted to limit it to 25% here. If it can be reduced further, that is fine. I will be guided by the Minister of State.

An Leas-Cheann Comhairle: We are discussing an oral amendment. I have not accepted it yet.

Deputy Martin Kenny: We are working on it.

An Leas-Cheann Comhairle: I will hear the Deputies out.

Deputy Kevin O’Keeffe: Deputy Kenny hit the nail on the head when he said that the key to the success of bingo operations is offering consistent prize money on a weekly basis. However, there are nights when the turnout can be very low. That is where the issue of ensuring consistency in the prize money arises. That is why I think consideration should be given to this request.

Deputy Donnchadh Ó Laoghaire: I wish to make a brief intervention. The Minister of State said this has never been raised before tonight. That is not quite true.

Deputy David Stanton: I did not say that.

Deputy Donnchadh Ó Laoghaire: I am fairly sure I heard something to that effect.

Deputy David Stanton: We made representations.

Deputy Donnchadh Ó Laoghaire: Fair enough. That is positive. In that case I will hear what the Minister of State has to say before I say anything more.

An Leas-Cheann Comhairle: We should try to bring this to a conclusion.

Deputy David Stanton: I am quite slow, but we have had discussions on this. We are interested in ensuring that charities get a fair share. We are all agreed on the 25% figure. Deputy Kenny and others are suggesting that if there are no running costs involved, the operator should be able to roll some of its own 25% into the prize money to make the bingo game more attractive. I am arguing that operators should be able to top that up themselves anyway.

The commercial operators can do the same if they want to, but the chances are that they will not. We have already reduced their share from 40% to 25%. This legislation will go to the Seanad next week anyway if we get through our business tonight, as I hope we will. There seems to be consensus across the House that this is the right thing to do. We have argued the toss here. We do not have an awful lot of time, but I do not wish to divide the House. This should help larger community organisations that surpass the €5,000 mark and meet running costs from their own bank account anyway. Rather than having to top prize money up from their funds, they can use this provision if they wish. With that in mind I am persuaded by colleagues, including Independents as well as Members from the Labour Party, Sinn Féin and Fianna Fáil. We have considered this ourselves and I am persuaded by the debate. That is what debate is about. I will accept the amendment as proposed in order to allow a share of 75% instead of 50%.

An Leas-Cheann Comhairle: We will deal with amendment No. 10 before proceeding to the oral amendment.

Amendment agreed to.

An Leas-Cheann Comhairle: I now suggest that Deputy Kenny should move his oral amendment, which we will term amendment No. 10a.

Deputy Martin Kenny: I move amendment No. 10a:

In page 14, line 24, to delete “50” and substitute “75”.

Amendment agreed to.

Deputy David Stanton: I move amendment No. 11:

In page 14, line 26, to delete “purpose.” and substitute the following:

“purpose,

(f) the allocation of the proceeds referred to in paragraphs (d) and (e) shall be made within one month from the date of the holding of the lottery.”.

This was not discussed on Committee Stage. I understand that the Leas-Cheann Comhairle can recommit it as we are now on Committee Stage. This amendment will insert a new subsection 10(f) to provide further clarity in the context of the new payment matrix for the proceeds of the lottery. It allows for a time period of up to a month for the allocation of the various amounts permitted for each category of cost and benefit in the new matrix. The amendment also serves to emphasise that the clear and greater responsibility is on the lottery licence holder. It is for the charity or philanthropic cause, rather than an agent, to decide on these payment matters. The amendment should ensure proper accountability and help to avoid situations involving licences of convenience which might be largely operated for the benefit of an agent.

Amendment agreed to.

Bill reported with amendments.

Deputy David Stanton: I move amendment No. 12:

In page 15, line 19, to delete “Every” and substitute the following:

“(1) Subject to subsection (2), every”.

Amendment agreed to.

Deputy David Stanton: I move amendment No. 13:

In page 15, line 30, to delete “issued.”. and substitute the following:

“issued.

(2) Where the lottery is conducted in a premises, the information referred to in subsection (1) shall be prominently displayed at the normal means of access to the premises proposed to be used.”.

Amendment agreed to.

Bill, as amended, received for final consideration.

Question, “That the Bill do now pass”, put and declared carried.

An Leas-Cheann Comhairle: The Bill, which is considered to be a Dáil Bill under Article 20.2.2° of the Constitution, will be sent to the Seanad.

Criminal Records (Exchange of Information) Bill 2019: Order for Report Stage

Minister for Justice and Equality (Deputy Charles Flanagan): I move: “That Report Stage be taken now.”

Question put and agreed to.

Criminal Records (Exchange of Information) Bill 2019: Report and Final Stages

Bill received for final consideration and passed.

The Dáil adjourned at 9.35 p.m. until 10.30 a.m. on Thursday, 5 December 2019.