



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

Statement by An Taoiseach . . . . .	848
Ceisteanna ó Cheannairí - Leaders' Questions . . . . .	848
An tOrd Gnó - Order of Business . . . . .	861
Protection of Children (Online Pornographic Material) Bill 2020: First Stage . . . . .	872
Organisation of Working Time (Domestic Violence Leave) Bill 2020: First Stage . . . . .	874
Road Traffic (All-Terrain Vehicle and Scrambler Motorcycle) (Amendment) Bill 2020: First Stage . . . . .	876
Horse and Greyhound Racing Fund Regulations 2020: Motion . . . . .	877
Appointment of Chairperson of Standards in Public Office Commission: Motion . . . . .	878
Appointment of Ordinary Member of Standards in Public Office Commission: Motion . . . . .	878
Finance Bill 2020: Motion . . . . .	878
Microgeneration Support Scheme Bill 2017: Restoration to Order Paper . . . . .	879
Ceisteanna - Questions . . . . .	879
Data Protection . . . . .	879
Taoiseach's Meetings and Engagements . . . . .	883
Cabinet Committees . . . . .	887
Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions . . . . .	891
Military Honours . . . . .	891
Defence Forces Remuneration. . . . .	893
Search and Rescue Service Provision. . . . .	895
Defence Forces Representative Organisations . . . . .	897
European Defence Capabilities . . . . .	900
Ceisteanna Eile - Other Questions . . . . .	902
Defence Forces Strength . . . . .	902
Defence Forces Remuneration. . . . .	905
Departmental Funding . . . . .	907
Search and Rescue Service Provision. . . . .	909
Defence Forces . . . . .	911
Naval Service. . . . .	914
Estimates for Public Services 2020: Message from Select Committee . . . . .	915
Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters . . . . .	915
Scrambler Motorbikes and Quad Bikes: Motion [Private Members] . . . . .	916
Saincheisteanna Tráthúla - Topical Issue Debate . . . . .	944
Housing Provision . . . . .	944
Wastewater Treatment . . . . .	947
Heritage Sites. . . . .	950
Greenways Provision. . . . .	954
Ceisteanna (Atógáil) - Questions (Resumed). . . . .	957
Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions . . . . .	957

Public Sector Pay . . . . .	957
Lobbying Regulation . . . . .	959
Departmental Offices . . . . .	963
National Development Plan . . . . .	965
Ceisteanna Eile - Other Questions . . . . .	967
Flood Relief Schemes . . . . .	967
Covid-19 Pandemic . . . . .	970
National Monuments . . . . .	972
Flood Relief Schemes . . . . .	973
Budget Process . . . . .	975
Flood Prevention Measures . . . . .	977
Legislative Programme . . . . .	980
Public Sector Pay . . . . .	982

# DÁIL ÉIREANN

*Dé Máirt, 17 Samhain 2020*

*Tuesday, 17 November 2020*

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

*Paidir.*  
*Prayer.*

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## Statement by An Taoiseach

**An Ceann Comhairle:** Before Leaders' Questions, I understand the Taoiseach has a brief announcement for the information of the House.

**The Taoiseach:** On behalf of the Government, I want to issue the following statement. The independence and the integrity of the Judiciary is of paramount importance. The Judiciary has played a vital role in supporting the democratic and constitutional traditions of the State since its foundation and has ensured respect for the rule of law which underpins those traditions. The Government notes the informal process, which was both transparent and comprehensive, conducted by the Judiciary to address the legitimate concerns arising from Mr. Justice Woulfe's attendance at the Oireachtas golf dinner in Clifden. The Government fully supports the Supreme Court and recognises the importance of protecting its collegiate nature and its concern to maintain the highest standards. The Government notes the important distinction between a resignation and the deliberately high constitutional standard of removal for stated misbehaviour. After very careful consideration, and having listened to the Opposition leaders on this matter, the Government believes the constitutional protection of the Judiciary is best achieved in this particular case by taking no further steps in this matter.

## Ceisteanna ó Cheannairí - Leaders' Questions

**An Ceann Comhairle:** Leaders' Questions will now be taken. Deputy Mary Lou McDonald, please.

**Deputy Mary Lou McDonald:** Can I respond to the statement?

**An Ceann Comhairle:** You can, of course.

**Deputy Mary Lou McDonald:** Thank you, a Cheann Comhairle. All of us value the independence of the Judiciary and every measure must be taken to protect that. I appreciate the

events as set out by the Taoiseach. The Judiciary chose an informal process of its own and it reported on the matter of Mr. Justice Woulfe's attendance at a golfing event in Clifden. I hear also the Taoiseach's determination that the Oireachtas would take no further steps. However, the Chief Justice expressing no confidence in a member of the Bench remains problematic. I believe there ought to be some mediated solution to this particular issue.

On a wider matter, it is essential for the Oireachtas that the Government is fully accountable and that the Minister for Justice, Deputy McEntee, would attend and answer all of the relevant and pertinent questions around the appointment process of Mr. Justice Woulfe to the Bench.

**An Ceann Comhairle:** I do not want to stop the Deputy in her flow but-----

**Deputy Mary Lou McDonald:** This is not my Leaders' question, by the way. I am responding to the Taoiseach's statement.

**An Ceann Comhairle:** This is not the Deputy's Leaders' question.

**Deputy Mary Lou McDonald:** No. The Taoiseach has made a statement. I asked to respond to the statement and I thought that was clear.

**An Ceann Comhairle:** It is in order as far as I am concerned to discuss here the process of selection within the House provided we do not stray into the area of personal suitability that would reflect on any individual that has been selected.

**Deputy Mary Lou McDonald:** I accept that.

**An Ceann Comhairle:** Please do not go there.

**Deputy Mary Lou McDonald:** The Taoiseach commenced proceedings this afternoon by making a statement of considerable importance. I am taking the opportunity to respond to that.

**An Ceann Comhairle:** I understood the Deputy was doing so by way of her Leaders' question.

**Deputy Mary Lou McDonald:** No. The Sinn Féin Whip spoke to the Ceann Comhairle in advance of the sitting to indicate that if the Taoiseach makes a significant statement, the Opposition should get an opportunity to respond to it. I think that is only fair.

**An Ceann Comhairle:** Yes but I am afraid the Deputy does not make up the rules as she goes along.

**Deputy Mary Lou McDonald:** I am not asking to make up rules.

**An Ceann Comhairle:** With respect, I called the Deputy under Leaders' Questions. I accept that the Taoiseach has made a brief statement and that the Deputy may want to make a brief statement. I am quite happy with that but we need to move on to her Leaders' question.

**Deputy Mary Lou McDonald:** I have made my brief statement and I believe other leaders would in addition wish to make a statement on the matter.

**An Ceann Comhairle:** Go ahead, Deputy.

**Deputy Mary Lou McDonald:** I have made my case to the Taoiseach. I wish to make it clear that it is essential that the Minister for Justice, Deputy McEntee, makes herself available

to the House to make a full statement and to take questions.

**An Ceann Comhairle:** I invite the Deputy to ask her Leaders' question.

**Deputy Mary Lou McDonald:** Are other party leaders not going to be given an opportunity to respond?

**An Ceann Comhairle:** I will come to other party leaders when I so choose. Deputy McDonald has the floor.

**Deputy Alan Kelly:** It seems to me that-----

**An Ceann Comhairle:** I will come to Deputy Kelly in good time. We are moving to Leaders' Questions.

**Deputy Mary Lou McDonald:** Last night, an overwhelming majority of Dublin city councillors, including some colleagues of the Taoiseach, voted against transferring public land to a private developer. The councillors took a stand for public housing on public land to meet social and affordable need. They know this is the only way to tackle this city's overwhelming housing crisis. The proposal for Oscar Traynor Road in Coolock was a bad deal. It would have seen a very valuable site gifted to a private developer for free. Half of the proposed homes would have been sold at unaffordable open market prices and the 20% that were meant to be affordable were not affordable. The full cost of these homes would have been €325,000 for a one-bedroom home and up to €380,000 for a three-bedroom house. That is off the wall and it is certainly not affordable for the vast majority of working people. Under this deal, the council would have been paying over the odds for the social homes and, worst of all, the developer would have pocketed full market value of the land, land that it got for free, meaning significant profits for the developer.

This crazy deal represents the very worst of Fine Gael housing policy. It is proof positive that as long as housing policy is directed by wealthy developers, we will never fix this housing crisis. The refusal of the previous Government to fund large-scale public housing developments left councils with few options, but it does not have to be that way. We can move on from a generation having to settle for the box room of their parents' home as a home for their own families, from couples scrimping and saving every spare euro but still not being able to get a deposit together, and from young people being ripped off by sky-high rents. We can get a good deal for people who need affordable housing and social housing. The Government can fund councils to deliver public housing on public land to meet social and affordable housing need.

The Oscar Traynor Road development can proceed in the same timeframe as originally envisaged, but it will need Government support. It needs the Minister for Housing, Local Government and Heritage to work with Dublin City Council to secure a long-term, low-interest European Investment Bank loan and a serviced sites fund grant from his Department. In other words, it needs exactly the same deal as the one being used for St. Michael's Estate in Inchicore, Dublin 8. That deal would ensure affordable rents, at approximately €800 per month, and affordable purchases, at €230,000 or less.

Will the Taoiseach support public housing on public land? Will he work with Dublin City Council to ensure all of the homes on the Oscar Traynor Road site are genuinely affordable? Finally, will he instruct the Minister for Housing, Local Government and Heritage to assist Dublin City Council to secure the funding that is required to develop the Oscar Traynor Road

site as a matter of urgency?

**The Taoiseach:** First, by way of clarification, my earlier statement was on behalf of the Government. That is very important. It is a matter for the Oireachtas in its own time to decide how it wishes to proceed. That is an important point. My earlier statement in terms of the judicial issue was on behalf of the Government because the Government has a constitutional duty and responsibility relating to the judicial arm of government in terms of confidence in it. I think I might have inadvertently said I had spoken on behalf of the Oireachtas. I did not. I spoke on behalf of the Government in my contribution earlier. It is a matter for the Oireachtas independently to take its own initiative if it so wishes.

On the question of Oscar Traynor Road, we hear a great deal of rhetoric and there are many fixed ideological positions from different political parties on housing. As a general plea, sometimes we will have to leave ideology outside the room and start building houses in some shape or form. I attended a Cabinet committee on housing yesterday. This talk about developers is nonsense. We do not have a superfluity of developers any more. We will not build 20,000 houses this year because of Covid-19. The ESRI says we should build 33,000 housing units per annum to try to keep up with population growth. We will not meet that target this year because of Covid, and we will not meet it next year. We will try to get to 25,000. Of that 25,000, 12,500 will be State builds or approved housing body builds. It will be social housing. That leaves 10,000 to 12,000 private sector houses being built. We all need to concentrate on the reality. It is grand to say we just want it all one way. Some people want cost rental, which is valid. I have great respect for the cost rental model, but there will have to be a mix in different sites.

This Government has no responsibility for the evolution of the Oscar Traynor Road site, and it is not appropriate that an attempt is being made by the Deputy, and indeed in Dublin City Council in its motion, to enjoin the Minister for Housing, Local Government and Heritage, as if it is now his problem and he must resolve it. This has been ongoing in its most recent phase since 2016. Dublin City Council's executive had progressed the plan to develop 853 homes on the site, on the basis of 30% social housing, 20% affordable housing and 50% private housing. The approach was agreed by the council's housing strategic policy committee in 2016 and there was agreement by the full council in January 2017, by 58 votes to four. The council executive has contended that the council members' voting down of its own proposal may set this site back five to eight years. The executive said, regarding the council's contention that it would develop the site itself, that Dublin City Council is not a developer or a construction contractor, and the expertise for large-scale construction work of this nature is specific and complex. The council executive is saying that it would take on substantial legal planning and, above all, funding and financial risks associated with undertaking a development of this scale. In any event, that was not the model that the councillors had agreed in January 2017.

Apparently, the site has been vacant since the 1970s. It was prioritised for development via the housing land initiative and the approach was put to the council chamber. The council's executive advice, that is, the city management, is that an exhaustive process has been undertaken over recent years. It considered the most effective way to develop the site in terms of mixed tenure and from the financial perspective. There was a motion to defer the vote on the issue to have further engagement with the Department of Housing, Local Government and Heritage, the developers selected by the council and Dublin City Council's consultative group. However, the council members rejected that and agreed with the proposal that the council would develop the site itself, and that the executive should write to the Minister for Housing, Local Government and Heritage for an urgent meeting with regard to developing the site for public housing,

17 November 2020

referred to as the St. Michael's model. The Dublin City Council St. Michael's site includes 30% social housing and is 70% the cost-rental model, the cost rental element of which is anticipated to be funded via Dublin City Council's borrowing from the European Investment Bank, EIB.

The Minister has asked the chief executive of Dublin City Council for a report on the issues, with a view to engaging with Dublin City Council on what the next steps forward are. That is the current position. The Minister will meet with Dublin City Council, but I do not suggest that this is all going to be simple or that it will all happen next month. The decision is significant.

**Deputy Mary Lou McDonald:** This is not a matter of ideology, but of pure common sense. That is why I assume the Taoiseach's colleagues on Dublin City Council, or a good number of them, voted down this proposal. It is a matter of proper standards, the right approach to housing policy and a matter of logic that one does not hand over massively valuable sites to private developers so that they can profit and ordinary working people are still left outside the housing market. The sum of €380,000 for a three-bedroom home is not affordable to the vast majority of working people. That is the reality. The Taoiseach is quite correct: the site is vacant since the 1970s. Let it be recorded that the previous Government the Taoiseach supported by way of confidence and supply refused the fund the proper development of public housing on this hugely valuable site. I am asking the Taoiseach if he will change that policy.

**An Ceann Comhairle:** I thank Deputy McDonald. Her time is up.

**Deputy Mary Lou McDonald:** Will this Government on his watch now assist Dublin City Council in the way I have set out-----

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

**Deputy Mary Lou McDonald:** -----to ensure that the site is developed efficiently and that it results in affordable housing for people who desperately need it?

**An Ceann Comhairle:** I thank the Deputy very much. We are over time.

**The Taoiseach:** In relation to ideology, it was a general point, not specific to this site, but it is an important point. Our party believes in social housing. That is why this year's budget is historic. Very substantial funding is going to public housing. A record sum of €3.3 billion has been allocated for housing, but we need to get projects going. We need to get houses built as well. I ask people to reflect on the fact that we are still rejecting proposals in 2020 for something that started in 2016, with the potential for 850 houses, no matter who is at fault. We are in a housing crisis and people need houses. That is all I am saying.

**Deputy Mary Lou McDonald:** That they can afford.

**The Taoiseach:** It is a general point.

**Deputy Mary Lou McDonald:** That they can afford.

**The Taoiseach:** Yes, by the way, we believe in home ownership as well.

**An Ceann Comhairle:** The Taoiseach should be allowed to respond without interruption.

**The Taoiseach:** Others do not, but we believe in the concept of home ownership in anchoring communities. In any event, there will be a mix of housing. We developed the concept of mixed developments well over two decades ago on particular sites. People need to engage with

a view to getting this issue resolved as reasonably and quickly as they possibly can because an awful lot of people need housing at different levels.

**An Ceann Comhairle:** I thank the Taoiseach very much.

**The Taoiseach:** We are going to do the social housing side of it very strongly in 2021. Much funding has been put aside for that.

**An Ceann Comhairle:** The time is up. Before I call Deputy Barry, at the end of Leaders' Questions those leaders who wish to respond very briefly to what the Taoiseach said at the outset will be given an opportunity.

**Deputy Mick Barry:** Last Wednesday afternoon at three minutes to two, baby Grace O'Leary, 6 lb 6 oz, was delivered at Cork University Maternity Hospital. Baby Grace is known in Cork as the picket line baby. Her mother, Claire, has been picketing for seven and a half months now at Debenhams. Many people, myself included, feel that it is a real sign of foot dragging on the part of the Government that the dispute is still not settled after nearly the duration of a full pregnancy. Claire's colleagues are forced to picket again today in cold weather and in a lockdown because liquidators, KPMG, refused to give any guarantee that they would not attempt to move stock during level 5. The picket continues, despite a High Court injunction, and the threat of court summonses and even jailing. These workers, overwhelmingly women, want to know if the Government intends to intervene to resolve this dispute in time for them and their long-suffering families to have a decent Christmas.

The Taoiseach told Deputy Gino Kenny last week that he has a difficulty letting some moneys owed to the State from this liquidation go to the workers, as it would "create a precedent that would allow other employers to get off the hook from their obligations". Frankly, this is nonsense. It is a matter of indifference to an employer as to how moneys are divided up from the liquidation of a business. Not a single extra company will go into liquidation should the State intervene to ensure that Debenhams workers get their two plus two.

The fact that the Debenhams workers have been offered €1 million above the statutory redundancy has already set a precedent. The Government has pledged to bring in new legislation to strengthen workers' rights in a liquidation situation and to make sure that there is never again a case like Debenhams. If the Government is serious about that, it need not worry about precedent because surely the Debenhams' case will be the last of its kind. I believe the Government has options here. It can ask the liquidator to put moneys owed to the State towards the workers. It can instruct the liquidator to prioritise payment to the workers from sale of the stock. The stock is valued at a greater sum than the claim being made by the workers. It can take the road being suggested by the ICTU by increasing employers' social insurance contributions, creating a new pot, and making an advance payment to these workers. Talented civil servants are working for the Government. The Taoiseach can ask them to find an alternative creative solution to this deadlock. Where there is a will there is a way. When will the Taoiseach meet these workers and their trade union representatives? Will the Government put something on the table to resolve this dispute and give these workers the Christmas they deserve?

**The Taoiseach:** I congratulate Claire on the birth of Grace O'Leary. I was aware of the pregnancy from my conversations with organisers of the picket over recent months and their concerns for Claire during her pregnancy in what has been a very difficult situation arising from the liquidation of Debenhams and the failure, in my view, to honour the collective agreement

Debenhams had entered into with the workers. The workers are not being treated fairly.

I will meet representatives of Mandate to discuss the issue further and see if we can find a way to deal with this. It is not easy, and it is not simple. I have consistently warned that those who claim it is simple and easy are misrepresenting the situation. The idea that in every liquidation in the future the State would offer up whatever it was owed would be a real incentive to rogue employers of the future. Let us not pretend that in the future people could not exploit company law or exploit situations. The Deputy is suggesting setting a completely new precedent which would have significant implications that would need to be examined. We have committed to giving greater parity to collective agreements in future liquidation situations or equal parity to others. That should happen and the Government is prepared to introduce legislation to facilitate that.

In trying to resolve this current row it is about seeing what we can do to try to support the workers over and above what they will be receiving from the State. The State is honouring its role here and meeting its commitments on statutory redundancy. In this case the private sector has not met its commitments. That is the core of the issue. Historically the *raison d'être* of statutory redundancy has been that the State is there to give a very basic level of redundancy to those made redundant in the event of the failure of their primary employers to do so. That is always the context around situations like this.

Notwithstanding the real hardship and difficulties people are going through, it is not that simple to just change what has been established precedent in this matter and also to do so without a range of unintended consequences.

**Deputy Mick Barry:** The demand is not for the statutory redundancy but for two plus two as the Taoiseach knows. Once again, he has told the House that it is difficult. No one ever said it would be otherwise, but it is a damn sight easier than standing 222 days on a picket line with winter kicking in and the threat of the law hanging over their heads. Previous taoisigh sat in that seat and grappled with far more complex issues, including armed conflict in Northern Ireland; I could give ten examples. The Debenhams liquidation should not be that hard to sort out. It is not mission impossible here.

I welcome that the Taoiseach is meeting representatives of Mandate. It is important that that meeting includes the shop stewards. Two and a half weeks ago KPMG met the workers at the Workplace Relations Commission, WRC. KPMG offered less than it did in September. Inevitably and not surprisingly talks collapsed. It is now the Taoiseach's turn. He is meeting the union and he should meet the shop stewards. He must put something on the table if this discussion is to have a chance of success and if these workers are to get what they deserve, a decent Christmas with their families.

**The Taoiseach:** I accept the Deputy has consistently raised this. He said that no one ever said it would not be difficult. I beg to differ; the Deputy has always suggested it would be very easy. From the get-go he suggested to the workers and everybody that this is easy and can be solved by Government doing X, Y and Z. Deputy Barry has been suggesting that it is an easy thing to fix. It is not as easy as that. I have never said that. I have always said it is going to be challenging and very difficult. I respect the workers for the stance they have taken. I also respect the Deputy for the fact that he has consistently raised their case. We are going to see, with other colleagues in government, whether we can engineer some response here. It is extremely challenging and difficult. It is not a question of simply saying that whatever the State is owed

in the liquidation can be taken out and given to the redundancy pot. That has wide-ranging implications and, deep down, the Deputy must know that.

**Deputy Seán Canney:** I wish to raise, in the context of Covid-19, the issue of publicans throughout the country. In recent days we have heard talk of new legislation being brought in to stop people from selling drink from pubs for consumption off site. This has been looked at and is creating a frenzy within the family of the publicans who do not know what is happening from day to day. They see the reaction to the scenes from last weekend as a knee-jerk one.

If we want a safe environment for people to have a social drink in, the best way to do it is through the licensed premises that operate a safe and controlled environment. I am not asking the Taoiseach to state today whether the pubs will open for Christmas but I am asking him to engage with the vintners' federations to make sure that they know in advance what they need to do if they are to open. Pubs have been open, shut, open and shut again. Publicans have a lot of money tied up in stock and in credit notes with drinks suppliers. They do not have cash to live on. They are saying to me and to a lot of other Deputies that they need to be treated with a bit of respect. They are licensed, compliant and will not open their premises unless they can do so under the strict rules that will be in place. I see that myself right across my constituency of Galway East.

In the interests of having a safe environment for people to have a social drink, will the Taoiseach consider my suggestion? The alternative, as we know, is to have the shebeens, which are in existence, and the house parties, which are uncontrolled with no social distancing. Even this morning I heard on my local radio station of a taxi driver who brought people home to a house from a party in another place at about 7 o'clock this morning in Galway city and they were reeking of drink. This is what is going on and we need to get drinking back to a social, controlled and safe environment.

I had a call 20 minutes ago from a publican in Monivea and he said it is a simple ask. Please engage with the industry to make sure that we can open the pubs, if they are to be opened, and to give them notice to do that. They have difficulties with finding staff and organising things to get themselves up and running again. They are at the end of the line. I ask the Taoiseach to show respect to them. I know it is difficult but they need to be engaged with now rather than being left waiting for an announcement that they will be allowed to open or not and being given very short notice.

**The Taoiseach:** I thank the Deputy for raising this issue. The Government took the decision to move to level 3, which had significant implications for hospitality in general and for pubs, then decided to restrict household visits, moved to level 4 in some counties, and then to level 5 across the entire country. What was the motivation behind all of that? The motivation was simply to reduce community transmission of the virus. Why? We wanted to reduce the number of people who will die from the virus, to reduce the number of people who will have illness and prolonged illness because of the virus, and to reduce the spread of the virus. That is the only motivation for these restrictions. There is no other motivation. Believe me, the Government would like nothing better than to reopen society tomorrow morning or next week if that was possible.

Level 5 has worked. Level 3 had an impact and level 5 has had an impact to such an extent that we are the third best performing country in Europe in reducing the number of cases and the 14-day incidence. In recent days that has gone back up again. Some of the numbers have

gone up but we are still third best in Europe. We should acknowledge that. It is important to acknowledge that due to the hard work and sacrifices of people across the country, we have made significant progress. That is very significant for our hospitals. It is also very significant in terms of keeping our schools open, which has been a significant achievement since September on behalf of all those involved in our school communities. We have kept construction open. We have kept quite a lot of non-Covid health services open as well. That has all been enabled by the restrictions we brought in. It has been enabled by the sacrifices of the people. They have sacrificed a lot, including, for example, not being able to go the funeral of a loved one. That is very tough on people. Restricting people from visiting another household is a very tough sacrifice for them to make. Not being able to go out and socialise is a sacrifice that people are making. Not being able to go beyond 5 km is a very big restriction on personal liberty and freedom.

Juxtaposed against that are the scenes of last weekend and the previous weekend, where large crowds have gathered outside takeaway facilities. It is problematic in terms of the overall messaging and maintaining and underpinning confidence in the sacrifices people have made. We need to acknowledge that. It is why enforcement of existing laws is important, and we will have further engagement with the Garda in that regard. The key point is that this issue needs to be highlighted and it needs to be responded to.

In terms of engagement with different sectors, we will engage with publicans. However, I have to say that Covid thrives where crowds gather. This has implications, and has had implications, for the hospitality sector. When we went into level 5, we said we would try to exit on 1 December into level 3. I will talk to Deputies on this issue later and we will engage with sectors in advance of any decision the Government takes.

**Deputy Seán Canney:** I thank the Taoiseach for his reply. To be clear, I am not advocating that we change anything. I, too, acknowledge that the people of this country have made a huge sacrifice, and continue to do so, and that all the restrictions that are there are necessary. I would also say that what we saw at the weekend, with crowds gathering, is unacceptable and is flying in the face of what the majority of people are trying to do. My concern, and the concern of publicans, is not so much that they want to be open for business but that they want to know, if they are going to open, how they will manage it safely. The engagement with them is very important.

As the Taoiseach says, Covid transmission will thrive where we have people congregating. The fear I have is that if we do not have some sort of social outlet, in a licensed and safe way, over the Christmas period, we will have unofficial, unsafe and uncontrolled gatherings like we saw last weekend. That is a difficulty and I know it is not easy to make any decision. I repeat that I am not asking the Taoiseach to reopen the pubs but just to engage with publicans.

**The Taoiseach:** I fully appreciate the Deputy's question and his motivations. As I have said, we will engage with different sectors. We are very conscious of the enormous fiscal intervention that the Government, on behalf of the State, has had to make to underpin as many businesses and jobs as we possibly can during levels 3, 4 and 5, because the impact is very severe. It is estimated, for example, that the wage subsidy scheme, from its introduction last March to next March, will cost some €5.5 billion. There are 350,000 people on the pandemic unemployment payment at the moment and it is costing €102 million a week. The new Covid restrictions support scheme, which assists businesses that have been closed for some length of time or the turnover of which has gone way down, will cost a very significant amount as well. The issue of supporting and underpinning industries, particularly the hospitality, travel and tourism sector, is

one that is constantly within the Government's sights. Unprecedented interventions have been made across the board to try to keep the edifice of jobs and business intact during this pandemic.

**Deputy Michael Collins:** Today, I am going to concentrate on my constituency of Cork South-West. It is a constituency that has seen little real Government funding for decades. Such funding can, and has been, a game changer in other constituencies. Our roads, such as the N71 and the R586, have seen only pothole and storm damage repair funding down through the years. The only improvement to the N71 that gave thought to the future was the Skibbereen bypass opened in 2003. Some 17 years later, the promised bypass in Innishannon and the southern and northern relief roads in Bandon have been abandoned by the State as budget after budget has omitted these projects from any plans, just as they have omitted passing bays on the N71 from Bandon to Skibbereen and the R586 from Bandon to Dunmanway and Bantry. These omissions mean that the job-starved west Cork cannot encourage the creation of good jobs as a result of bad roads infrastructure that has been neglected for decades.

Speaking to those who want to develop Clonakilty, I have heard that plans to develop 600 badly needed houses are in real jeopardy due to a lack of funding being spent by Irish Water, which will result in the town facing water shortages in the not-so-distant future. The rural regeneration fund has given out millions over recent years but the only shovel-ready project the council has put forward in years, the Schull harbour development project, which would have guaranteed dozens of jobs in a rural community, has been scandalously overlooked for funding while other projects across the country which were only aspirational received millions. Businesses are being flooded in Bantry town on a nearly weekly basis. They have been pleading for funding from the Office of Public Works for decades to carry out works but have been left to fend for themselves.

The Taoiseach may tell me that these issues arose under previous governments and that change is coming, but his Government had its chance last week with the announcement of €63.5 million in greenway funding, not one brown cent of which came to west Cork to fund great greenway projects such as those proposed to run from Cork to Kinsale, from Innishannon to Bandon and along many other parts of west Cork's old railway line. Greenway cycling and walking routes could have easily been rolled out in these areas and would have been a huge boost to those areas if developed but again the Taoiseach's Government overlooked this opportunity.

The Taoiseach will say that it is easy for me to point out what is wrong in west Cork without seeking a solution. One solution I will put to the Taoiseach today is the establishment of a special task force for west Cork. If set up, such a task force would have to have a clear focus on jobs and funding for our roads and important projects in west Cork, which are overlooked year after year.

With regard to Bandon, in a recent Zoom meeting I had with the Bandon Business Association I saw that its members are full of energy and have many ideas about how to pick up their town after Covid-19, but they need state aid. They need the State to focus on the town's needs. They spoke of the need for the northern relief road and the urgent need to finish the southern relief road if the town is to make any headway. They spoke of a new focus from IDA Ireland on jobs for Bandon. There are serious questions over IDA Ireland. When did it last announce jobs for Bandon? These are all matters on which the task force should concentrate if set up. Bandon has also seen a major lack of investment in its educational needs as children are refused entry to the secondary school. I ask the Taoiseach to set up such a task force for west Cork immediately to put us on a level playing pitch with the rest of the country.

**The Taoiseach:** I thank the Deputy for raising a range of issues pertaining to west Cork. He may, at any stage, raise issues with me if he wishes. Deputies Christopher O’Sullivan and Cairns have come to me with individual projects. When the flooding happened, for example, we were able to respond quickly to some of the issues that arose. The Minister, Deputy Michael McGrath, in particular was alert and quick in responding to the needs of the various towns that were flooded.

The Deputy talked about high-quality jobs. I was in Clonakilty in September and the enterprise park in that town has been a particular success, as the Deputy will know, as a result of historic investment. I was there for the announcement of 150 additional jobs by Global Shares, which brings the total number it employs to approximately 500. That company will grow again. It is a very exciting and interesting company. I was at its foundation when I was Minister for Enterprise, Trade and Employment. It is high-tech and based in Clonakilty. It demonstrates the capacity of Clonakilty and other towns to attract quality companies of that kind because of the good quality of life. As the Deputy will know, there is a very enterprising culture and spirit across west Cork, particularly in the agrifood industry which has grown out of the various co-ops from Carberry to Barryroe. These are high-quality, effective co-operatives that create employment in their localities. Before Covid, the area had thriving food, culture, entertainment and tourism sectors. The tourism sector has obviously taken a very big hit because of Covid and we must do everything we possibly can to help. I will take on board the road projects the Deputy has identified and I will discuss that with the county council, Transport Infrastructure Ireland, TII, and the Minister who is involved.

I assure the Deputy that I will leave no stone unturned in doing everything I possibly can to encourage investment into west Cork. In particular, I will see if we can fast-track any State projects that are in the pipeline because much capital has been allocated in this year’s budget with €10 billion to be spent next year. The real issue will be the capacity of the State to deliver those capital projects across the length and breadth of the country, including in west Cork. If greenways were shovel ready, there would have been money made available for them. I have no doubt about that. I am alive to the potential for the old west Cork railway line becoming an exciting and interesting greenway project. I would be keen to advance that and Deputy Christopher O’Sullivan has been in touch with me about the Innishannon to Bandon route but again my sense is that it needs a bit more advancement to a stage whereby if funding was allocated, it would be spent on it fairly quickly. I thank the Deputy for raising these issues with me.

**Deputy Michael Collins:** The Taoiseach mentioned jobs in Clonakilty and I agree that every job announced is to be welcomed but he should remember that houses are needed in Clonakilty and that funding is needed for Irish Water. Developers are willing to build 600 houses there but they cannot do so because they are running short of water. Funding for west Cork is not getting through.

The Taoiseach talks about projects being shovel ready. The Schull project could have created 30 to 40 jobs in a rural community with rural regeneration funding. It was a county council project that was shovel ready. It was ahead of its time in comparison to any other project in Ireland but it was refused rural regeneration funding. Those funds were spent all over the country but nothing came down into west Cork. In terms of road funding, we are getting zero. I am talking about proper road funding for bypasses that are promised year after year. There is greenway funding of €63.5 million. That is the Taoiseach’s opportunity as he is in government but he is saying we should wait and that everything has to be shovel ready. Somebody has to make these projects shovel ready and encourage them along the line.

**The Taoiseach:** Are they shovel ready?

**Deputy Michael Collins:** Funding provided for the promised endoscopy unit in Bantry General Hospital has been left there as has funding for schools in Bandon. The purpose of my question is to ask the Taoiseach to set up a task force to concentrate on communities from In-nishannon to Mizen Head and from Kinsale to the Beara Peninsula. Will the Taoiseach consider setting up that task force so that we can focus on west Cork going forward?

**The Taoiseach:** There was an interesting short film in the Cork Film Festival last week on the Dursey Sound cable car. Did the Deputy see it?

**Deputy Michael Collins:** I did not.

**The Taoiseach:** It put west Cork on the map. It is a fabulous film and it was eight to ten minutes long.

**Deputy Michael Collins:** Great.

**The Taoiseach:** It illustrates the potential of that iconic and landmark cable car, which has far more tourist potential than that for which it was originally intended. It was an extraordinary piece of filming and I recommend it to the Deputy. It also illustrated the artistic creativity that to me is the hallmark of west Cork and that will help to drive the area forward.

I asked the Deputy to get those greenways shovel ready and then we will get funding for them.

**Deputy Michael Collins:** They are there. What about the task force?

**The Taoiseach:** The Deputy knows the story with task forces. They have been appointed since time began. It is more important to get the projects through. We have county councils and all sorts of bodies that have been created over time so let us work through the existing bodies and get LEADER funding and so on in place.

**Deputy Michael Collins:** No task force so.

**The Taoiseach:** Every secondary school in west Cork got the grant that everybody else got-----

**Deputy Michael Collins:** No task force.

**The Taoiseach:** -----and that is the first time ever they would have gotten minor work scheme grants twice in the one year. That happened in the context of Covid-19 but that will be significant and there will be school projects, like in every other area around the country.

**An Ceann Comhairle:** That concludes Leaders' Questions. As Deputy McDonald responded to the Taoiseach's earlier remarks, it is only fair that I give a minute to Deputies Kelly, Catherine Murphy, Pringle and Micheal Healy-Rae to contribute.

**Deputy Alan Kelly:** I note the Taoiseach's statement earlier and I was surprised by it. The reason I was surprised was that the Taoiseach asked all leaders to come together last Friday. We all came together as an Oireachtas because this was not meant to be a Government versus Opposition issue but the Government has now issued a statement. However, the Government members are also Members of the Oireachtas. The Oireachtas is going to have to take decisions

on this issue. Rather than acting as he has done, it would have been polite and appropriate for the Taoiseach to have had his discussion, but then for him to have asked all the leaders of parties and groups to come together to discuss this issue again and to have formally stated what the view of the three leaders in the Government was. I state that because this approach undermines what we did. I would be reluctant to get involved in another group, if the Taoiseach were to do the same thing on another issue, because it seems as if last Friday was a fishing exercise. Why did the Taoiseach not call all the leaders to come together after today's Cabinet meeting, state what the Government believed and then ask us what we thought? We may have varying views.

I asked the Taoiseach a simple question last Friday, which I do not mind repeating now because I have said it in public so often. I asked for the other correspondence. I see no reason the Chief Justice cannot release the other correspondence, which would then give us a fuller picture of what has happened in this case. The Taoiseach did not even come back to me regarding that issue. I asked him to do so. I ask him to show me where he did.

**An Ceann Comhairle:** The time is up, please, Deputy Kelly.

**The Taoiseach:** The Deputy knows my position.

**Deputy Alan Kelly:** I do not know the Taoiseach's position, because all I did was read it in the media.

**The Taoiseach:** Deputy Kelly knows my position on the separation of powers, because I made it clear to him.

**Deputy Alan Kelly:** That is nothing to do with the separation of powers.

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

**Deputy Alan Kelly:** The separation of powers is being misused by the Taoiseach's Government across a whole range of things, and he damn well knows it.

**An Ceann Comhairle:** No, Deputy Kelly, please.

**Deputy Alan Kelly:** The separation of powers works both ways.

**An Ceann Comhairle:** I ask Deputy Kelly to please resume his seat.

**Deputy Alan Kelly:** We must hold the Government to account for its decision-making as well. We will have another discussion on that issue later. Why did the Taoiseach not meet with the other leaders before he did this?

**An Ceann Comhairle:** To ask that Deputy Kelly please resume his seat.

**The Taoiseach:** Exactly the way the Deputy is behaving, that is why. I know what he is at.

**An Ceann Comhairle:** I call Deputy Catherine Murphy, please.

**Deputy Catherine Murphy:** The central point here relates to misconduct and where the responsibility should fall in dealing with it. The problem is that for so long we have lacked the ability, in the right locations, to deal with things. The judicial conduct committee is not yet in place, or it has not put a framework in place yet. That must be accelerated, as must the judicial appointments process. The issue of that process requires a debate here as a matter of urgency.

It is a separate issue, but it is one that is part of our responsibility to hold the Government to account. I believe the responsibility lies with the Judiciary in respect of ethical matters, but it lacks a process to deal with it. That is why we have found ourselves in this situation. However, there must be an urgency about the delivery of those two things - the Bill and the process within the Judiciary.

**Deputy Michael Healy-Rae:** On behalf of the Rural Independent Group, our leader, Deputy Mattie McGrath, stated at the time that he believed a clear separation between this House and the Judiciary was very important. Therefore, I welcome the statement the Taoiseach has made today. It is important to reiterate here on the record of the House that the standard set down regarding the removal of a judge, or anything like that, is a deliberately high constitutional standard. That is so important, and it is important for us to uphold that separation. I take on board what Deputy Kelly has said about ensuring the separation of powers is never misused. I agree that it works both ways. That is why I believe it is important and imperative that the Minister for Justice should come before the House at some stage that would be deemed to be appropriate to answer questions in a comprehensive way. At the same time, it must be taken into account that it is very important that a transparent and comprehensive process, as has already been stated, is undertaken by the Judiciary. As the leader of Sinn Féin has said, this is a problematic situation. Like every political or constitutional challenge we have ever had, it just takes a bit of common sense and work to work our way through it in a proper fashion.

**Deputy Peadar Tóibín:** It is interesting that we know more in this country about the selection process of Supreme Court justices in the United States than we do about the process here. It is interesting as well that we look down on the political manner in which it is done in the United States, and we do not see that manner in this State. My advice was not to proceed in the manner initially being put forward by the Government. For transparency, it is necessary that the Minister for Justice comes before the Dáil to give a statement on the process by which the selection of the last judge was made.

**Deputy Thomas Pringle:** I agree with comments made by Deputy Alan Kelly earlier. The Taoiseach should have had the decency to come back to the leaders after meeting with us last Friday to discuss the issue. It is interesting that the intervention today puts it back over to the House, which is probably where it should be. Will the Ceann Comhairle clarify what is actually going to be done with regard to the House discussing this issue and bringing the matter forward? It needs to be debated and we need a clear outline on how we go forward with it. We do not need the distraction of how judges are appointed. It is a distraction from the pertinent issue at this point, although that also needs to be addressed and dealt with. It is, however, a separate issue and needs to be treated as such.

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

**An Ceann Comhairle:** The House has agreed that for the duration of the Covid-19 emergency only, the rapporteur's report of the Order of Business shall not be read out but shall be taken as read. There are three proposals to be put to the House. Is proposal No. 1 for dealing with Tuesday's business agreed to? It is not agreed.

**Deputy Pearse Doherty:** Tuesday's business sees the Government trying to push through a motion to appoint Geraldine Feeney to the Standards in Public Office Commission, SIPO. Not

only is it trying to force through that motion without any debate, last week I pointed out that the Government's appointee to the commission was a professional, paid lobbyist on behalf of the National Association of General Practitioners, NAGP. We know that the Tánaiste provided confidential documents to the president of that group, who at that time was his friend. We are now looking at an unprecedented situation that while the Act requires us to appoint a former Member of the Oireachtas, the Government believes we should actually appoint not only a former Member, but a paid lobbyist and someone who was registered as a lobbyist up until a couple of weeks ago. The Taoiseach is well aware of this because Geraldine Feeney lobbied the Taoiseach a number of years ago on the NAGP-----

**An Ceann Comhairle:** We cannot have a debate now Deputy.

**Deputy Pearse Doherty:** He would have been aware of the fact that she provided that role when they decided to appoint Ms Feeney to the commission. Can the Taoiseach satisfy the House, before we deal with this issue, that Ms Feeney has actually made all the returns that are necessary to the Commission? Will the Taoiseach enlighten the House on Ms Feeney's role in relation to the lobbying activity-----

**An Ceann Comhairle:** The Deputy cannot enter into a debate on this now, please.

**Deputy Pearse Doherty:** -----that was carried out here on 21 March 2018? Was Ms Feeney required to submit a submission to the Standards in Public Office Commission in that regard? Why is the Taoiseach afraid of a debate on this in the House? One of the first issues the commission will have to deal with is the official complaint-----

**An Ceann Comhairle:** We have heard enough and the Deputy has made his point.

**Deputy Pearse Doherty:** -----that has been made against the Tánaiste, Deputy Leo Varadkar, around leaking the document for the NAGP. In his wisdom, the Taoiseach believes that this House should, without debate, just pass a motion to appoint the paid lobbyist of the NAGP to that commission.

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

**Deputy Pearse Doherty:** The arrogance of the Government is absolutely breathtaking.

**Deputy Duncan Smith:** A Cheann Comhairle, last Friday I emailed you and the Business Committee requesting that time be put aside for the Minister for Justice to come to the House to answer questions on the appointment to the Supreme Court of Mr. Justice Séamus Woulfe. I did not receive a reply over the weekend and I sent a further email yesterday lunchtime. This call was supported by Sinn Féin, the Social Democrats and the Rural Independent Group, and yet we received no reply formally or informally to the request. I do not take to my feet very often on the Order of Business and I do not make idle requests of this House. The matter has reached a threshold of importance where I believe the vast majority of Members on the Opposition feel that the Minister needs to come to the House. The only reply we got was a revised schedule sent around yesterday evening. Not only was the request denied, the manner in which the request was made was disrespected. For that alone the Labour Party cannot agree to the Order of Business as proposed for Tuesday. Again we make the request that the Minister for Justice comes to the House at some point this week to answer these questions.

**Deputy Catherine Murphy:** The Social Democrats cannot agree to the Order of Business.

We too wrote to the Business Committee looking for time to be set aside for the Minister for Justice to come in to deal with the process around the appointment of judges, and the most recent appointment. That has to happen and it must happen this week.

We concur with the point that has been made about the appointment to the Standards in Public Office Commission, SIPO. That motion is on the Order Paper because we are required to give the appointment our stamp of approval. The Standards in Public Office Commission is there to hold us to account equally. We have to be certain that it is above reproach.

There is a motion on the Order Paper to refer the issue of the horse and greyhound racing fund to the Joint Committee on Agriculture and the Marine. We are not at all happy that there will not be a debate on this House in advance of that, given what we know about the Irish Greyhound Board, the animal welfare issue and the fact that there is a substantial increase in the board's budget. This requires for there to be a debate in this House on that matter.

**Deputy Mick Barry:** The Government is trying to dodge artfully a number of key debates. First, an ex-Fianna Fáil Senator is meant to be appointed to SIPO despite being a former lobbyist for the National Association of General Practitioners, NAGP, and despite the fact that SIPO has been asked to adjudicate on the Tánaiste's leaking of confidential documents to the NAGP. That is bizarre, incredible and not on.

Second, the controversy about the judge has been kicked back to the Judiciary. That is fair enough, but there are political issues surrounding this appointment. The Taoiseach knows that. Why is the Minister for Justice not being asked to come in to the House to make a statement and to answer questions about those political appointments, which everyone knows about should not be allowed?

Finally, a motion on €19 million in funding for the greyhound industry is to be passed without debate. We are not going to agree to that. The Order of Business for today needs to be seriously looked at.

**Deputy Thomas Pringle:** I concur with the statements regarding today's business. I also ask the Ceann Comhairle what the House is going to do about the issue of Mr. Justice Seamus Woulfe?

**An Ceann Comhairle:** I am not here to answer questions.

**Deputy Thomas Pringle:** When was he-----

**An Ceann Comhairle:** All I can deal with are motions I receive on that or any other matter. I apologise to Deputy Duncan Smith if he did not receive a formal reply from the Business Committee because he most certainly should have. I call the Taoiseach to respond to the issues raised.

**The Taoiseach:** The motion regarding greyhound racing is a simple referral to the committee and a debate will of course be accommodated once the matter comes back from the committee to the House. A debate will be facilitated on that issue.

As regards the nomination to SIPO, the Government is nominating Mr. Justice Garrett Sheehan and Ms Geraldine Feeney to fill two vacancies which arose in the commission in February, namely, those of chair and of an ordinary member. Notwithstanding that there has been some controversy surrounding the National Association of General Practitioners, the nomination of

former Senator Feeney is being made in line with the requirements of the legislation, as is that of Mr. Justice Sheehan. Both candidates bring experience and skills which will benefit the operation of the commission. As set out in section 2(2)(b)(v) of the Standards in Public Office Act 2001, one of the ordinary members of the commission must be a former Member of a House of the Oireachtas. Former Senator Feeney served in the Seanad between 2002 and 2011 and was seen as a competent person who acted with integrity at all times. I regret some of the comments that have been made in respect of the former Senator. They are not merited.

**Deputy Pearse Doherty:** The question-----

**The Taoiseach:** People are not debarred from serving on a commission of that kind just because of one particular issue at one particular time. She is eligible and has experience as a public representative. I think people who served with her in the Seanad would accept her fairness, integrity and her experience of regulatory affairs, which will be an asset to the commission. She registered as a lobbyist, along with other former Members of this House who have done the same.

**Deputy Pearse Doherty:** What about the activity on 21 March?

**The Taoiseach:** On the selection of Mr. Justice Woulfe, the Judicial Appointments Advisory Board, JAAB, recommended that he was suitable for appointment.

*3 o'clock*

There was a selection process held by the Judicial Appointments Advisory Board, JAAB, and chaired by the Chief Justice. It included the Presidents of the Four Courts, in addition to representatives of the Law Society, the Bar Council and lay members. It recommended that Mr. Justice Séamus Woulfe was suitable for appointment by the Government.

**Deputy Catherine Murphy:** There is a parallel process-----

**An Ceann Comhairle:** Please.

**The Taoiseach:** There is a clear process for the appointment of a judge by the Government set out in the Constitution and in law. The process has been fully complied with in this case. Only one name-----

**Deputy Alan Kelly:** Rubbish.

**The Taoiseach:** Deputy Kelly was in government and he knows it.

**Deputy Alan Kelly:** I accept that.

**The Taoiseach:** Only one name is ever brought to the Cabinet by the proposing Minister.

**Deputy Pádraig Mac Lochlainn:** That is not the issue.

**Deputy Alan Kelly:** No one is arguing about that.

**An Ceann Comhairle:** The Taoiseach, without interruption.

**The Taoiseach:** On 9 March, JAAB met and decided to recommend Séamus Woulfe as being suitable for appointment to the Supreme Court.

Question put: "That the proposal for dealing with Tuesday's business be agreed to."

<i>The Dáil divided: Tá, 24; Níl, 21; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Bruton, Richard.</i>	<i>Barry, Mick.</i>	
<i>Burke, Colm.</i>	<i>Canney, Seán.</i>	
<i>Burke, Peter.</i>	<i>Collins, Michael.</i>	
<i>Butler, Mary.</i>	<i>Donnelly, Paul.</i>	
<i>Cahill, Jackie.</i>	<i>Gannon, Gary.</i>	
<i>Cannon, Ciarán.</i>	<i>Harkin, Marian.</i>	
<i>Carroll MacNeill, Jennifer.</i>	<i>Kelly, Alan.</i>	
<i>Chambers, Jack.</i>	<i>Kerrane, Claire.</i>	
<i>Costello, Patrick.</i>	<i>Mac Lochlainn, Pádraig.</i>	
<i>Cowen, Barry.</i>	<i>McDonald, Mary Lou.</i>	
<i>Crowe, Cathal.</i>	<i>Mitchell, Denise.</i>	
<i>Devlin, Cormac.</i>	<i>Murphy, Catherine.</i>	
<i>Dillon, Alan.</i>	<i>Mythen, Johnny.</i>	
<i>Durkan, Bernard J.</i>	<i>O'Donoghue, Richard.</i>	
<i>Farrell, Alan.</i>	<i>Ó Broin, Eoin.</i>	
<i>Griffin, Brendan.</i>	<i>Pringle, Thomas.</i>	
<i>Higgins, Emer.</i>	<i>Quinlivan, Maurice.</i>	
<i>Hourigan, Neasa.</i>	<i>Ryan, Patricia.</i>	
<i>Lawless, James.</i>	<i>Smith, Duncan.</i>	
<i>Martin, Micheál.</i>	<i>Tóibín, Peadar.</i>	
<i>Murphy, Verona.</i>	<i>Ward, Mark.</i>	
<i>O'Sullivan, Christopher.</i>		
<i>O'Sullivan, Pádraig.</i>		
<i>Ó Cathasaigh, Marc.</i>		

Tellers: Tá, Deputies Brendan Griffin and Jack Chambers; Níl, Deputies Duncan Smith and Pádraig Mac Lochlainn.

Question declared carried.

**An Ceann Comhairle:** Is the proposal for dealing with Wednesday's business agreed to?

**Deputy Mary Lou McDonald:** It is not agreed.

**An Ceann Comhairle:** I call Deputy McDonald.

**Deputy Mary Lou McDonald:** The Taoiseach and the Government are denying a request by the Opposition, virtually in its entirety, for the Minister for Justice, Deputy McEntee, to pres-

ent to make a statement and to take questions relating to the process surrounding the appointment of a justice to the Supreme Court benches. The Taoiseach is being disingenuous in his approach on this matter. He has stated, correctly, that the Judicial Appointments Advisory Board, JAAB, forwarded one name to the Minister for this appointment but he equally knows that three serving judges had applied through the second channel, which is the channel to the Attorney General, and so the Minister, Deputy McEntee, had four names on her desk. The Government must be accountable for the process thereafter, when the Minister arrived from four candidates to the single name that she brought to the Cabinet. The Taoiseach has stated publicly that he was unaware of the three other applicants. The leader of the Green Party, the Minister, Deputy Eamon Ryan, has similarly said he was unaware of that. Therefore, legitimate questions arise as to what happened, how the Minister, Deputy McEntee, arrived at her decision to bring forward the single name and who was involved in that process. The Taoiseach may try to hide behind the division of powers but he should remember that one of the essentials of our system, which he and I wish to protect, is the accountability of the Executive to the Oireachtas. The Taoiseach is duty-bound and the Minister for Justice is duty-bound to present herself to make a statement and to take the questions from Members of the Oireachtas on this important matter.

**Deputy Alan Kelly:** I do not believe the Taoiseach has any choice in moral terms but to ask the Minister, Deputy McEntee, to come in here. It is not that long ago that the Taoiseach dismissed a Minister because - he said at the time - the Minister was refusing to come into the Dáil to answer questions. This is complete hypocrisy.

**The Taoiseach:** It is a different issue.

**Deputy Alan Kelly:** I accept they are different issues. This is a far more serious issue in my opinion. It seems the Taoiseach is the first Taoiseach in the history of this State not to be consulted in any way in regard to the appointment of a Supreme Court judge. Some taoisigh may only get to do this once but the current Taoiseach had no role, hand, act or part. What was said to him during the programme for Government negotiations, in which there were two parties along with an acting part of a Government negotiating to get into government, was that Mr. Woulfe had come through the JAAB process and that his appointment was likely. It is likely that Tipperary is going to win the all-Ireland this year but we also could lose next Saturday. That is not a definitive action; it means nothing. It is irrelevant when it comes to this process. The Taoiseach is the only Taoiseach who has never been consulted, according to what is out there now in regard to the appointment of a Supreme Court judge. The Government might keep voting down the more-or-less united Opposition in regard to this issue but I can guarantee the Taoiseach that this will not go away.

**Deputy Catherine Murphy:** On the same issue, there is a parallel process in place here. What weighting is given in that parallel process to judicial experience, for example, which is something the Taoiseach raised here in 2017 in regard to an appointment to the Court of Appeal? It does not appear to have been an issue in the case of an appointment to a superior court. There is a dual process here. Given what the Taoiseach has said about the process, namely, that the JAAB process was the proper route, the one person involved in that in bringing forward or considering other names is the Attorney General. Was there a conflict of interest? Was that something that was declared? There are many things arising here. As the Opposition, we have to a job to do in holding the Government to account. It is essential that the Minister for Justice comes in here and we have a debate about this issue. Equally, it is important that we have a judicial Bill in order that we stop repeating the same process over and over again.

**The Taoiseach:** I dealt with this issue in the debate on the Order of Business for today. As I pointed out, there is a clear process for the appointment of a judge by the Government as set out in the Constitution and in law. That process has been fully complied with in this case. As I also pointed out, the Judicial Appointments Advisory Board is chaired by the Chief Justice and its membership includes the President of the Court of Appeal and the Presidents of the High Court, Circuit Court and District Court. That is the position.

*(Interruptions).*

**Deputy Pearse Doherty:** Come on.

**Deputy Pádraig Mac Lochlainn:** The Taoiseach should show some respect.

**An Ceann Comhairle:** The Taoiseach, without interruption.

**The Taoiseach:** Only one name is brought to the Cabinet by the proposing Minister. There is an issue. I have never before seen a situation where a Minister for Justice was brought into the House to account for the appointment process and why one judge was picked rather than another judge.

**Deputy Alan Kelly:** That is the Taoiseach's job.

**The Taoiseach:** I have not seen that happen before. That would represent, by any objective yardstick, a breach of the separation of powers.

**Deputy Alan Kelly:** Rubbish. Absolute rubbish.

**Deputy Pearse Doherty:** That is rubbish.

**The Taoiseach:** It is not rubbish. It is the function of Government to appoint-----

**Deputy Alan Kelly:** It is the very separation in law that needed to happen.

**The Taoiseach:** I accept the point made by Deputy Catherine Murphy that a judicial appointments commission should be progressed, and it will be progressed. However, the difference from the Judicial Appointments Commission Bill brought forward in the previous Dáil is that the Government thinks the proper approach to adopt is for the Chief Justice to chair the commission in terms of the appointment of judges in the future and recommendations that will go to the Government from the new judicial appointments commission. The Judicial Appointments Commission Bill did not get through the previous Oireachtas. It was in the other House for a considerable period.

**Deputy Pádraig Mac Lochlainn:** What does that have to do with this issue?

**Deputy Mary Lou McDonald:** The Taoiseach is talking down the clock.

**The Taoiseach:** That has been the position since time began in terms of how judges are appointed.

**Deputy Pearse Doherty:** Come on.

*(Interruptions).*

Question put:

<i>The Dáil divided: Tá, 24; Níl, 21; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Bruton, Richard.</i>	<i>Barry, Mick.</i>	
<i>Burke, Colm.</i>	<i>Canney, Seán.</i>	
<i>Burke, Peter.</i>	<i>Collins, Michael.</i>	
<i>Butler, Mary.</i>	<i>Donnelly, Paul.</i>	
<i>Cahill, Jackie.</i>	<i>Gannon, Gary.</i>	
<i>Cannon, Ciarán.</i>	<i>Harkin, Marian.</i>	
<i>Carroll MacNeill, Jennifer.</i>	<i>Kelly, Alan.</i>	
<i>Chambers, Jack.</i>	<i>Kerrane, Claire.</i>	
<i>Costello, Patrick.</i>	<i>Mac Lochlainn, Pádraig.</i>	
<i>Cowen, Barry.</i>	<i>McDonald, Mary Lou.</i>	
<i>Crowe, Cathal.</i>	<i>Mitchell, Denise.</i>	
<i>Devlin, Cormac.</i>	<i>Murphy, Catherine.</i>	
<i>Dillon, Alan.</i>	<i>Mythen, Johnny.</i>	
<i>Durkan, Bernard J.</i>	<i>O'Donoghue, Richard.</i>	
<i>Farrell, Alan.</i>	<i>Ó Broin, Eoin.</i>	
<i>Griffin, Brendan.</i>	<i>Pringle, Thomas.</i>	
<i>Higgins, Emer.</i>	<i>Quinlivan, Maurice.</i>	
<i>Hourigan, Neasa.</i>	<i>Ryan, Patricia.</i>	
<i>Lawless, James.</i>	<i>Smith, Duncan.</i>	
<i>Martin, Micheál.</i>	<i>Tóibín, Peadar.</i>	
<i>Murphy, Verona.</i>	<i>Ward, Mark.</i>	
<i>O'Sullivan, Christopher.</i>		
<i>O'Sullivan, Pádraig.</i>		
<i>Ó Cathasaigh, Marc.</i>		

Tellers: Tá, Deputies Brendan Griffin and Jack Chambers; Níl, Deputies Duncan Smith and Pádraig Mac Lochlainn.

Question declared carried.

**An Ceann Comhairle:** Is the proposal for dealing with Thursday's business agreed to?

**Deputy Alan Kelly:** It is not agreed. In the Taoiseach's previous contribution, he started-----

**An Ceann Comhairle:** Can we have order for Deputy Kelly, please?

**Deputy Alan Kelly:** In his previous contribution, the Taoiseach cited once again what is, as far as I am concerned, a complete misunderstanding of the separation of powers. Spurious arguments are being used to prevent a debate in this House. All Members agree and understand that the appointment of judges is a function of the Government. The Government is account-

able to the Legislature for its performance of its functions. It is the very separation of powers that warrants time to be put aside so that Members can ask questions of the Minister, Deputy McEntee, regarding the process. It does not matter. We do not even have to mention a name. It could be Justice X. This is about the process. The Ceann Comhairle, without putting words in his mouth, ruled earlier that it is okay to have such questions, because we will only talk about the process. We can glean from all this that the only reason the Taoiseach is forcing all his Government colleagues to vote in the way they are voting is that, politically, he is afraid for the Minister and the Government to be questioned on this process. That is damn well not acceptable.

**Deputy Mary Lou McDonald:** The Taoiseach does himself no credit as Head of Government to resist the legitimate and reasonable ask from the Opposition that the Minister for Justice make a statement and take questions on this matter. I remind the Taoiseach that when he was in opposition, he had plenty to say when a former Attorney General was elevated to the Bench of the Appeal Court. At that time, some of his commentary was most unedifying. The Taoiseach said earlier that he never recalled such a request from the Opposition for the Minister for Justice to appear before the House. Bear in mind that never before has a Taoiseach said publicly that he did not know of other expressions of interest for such a position. We can only surmise, because we are not part of the collaboration, conversation and process by which four applicants became one name brought forward to the Cabinet. We have not only a right but a duty-----

**The Taoiseach:** The powers are separated.

**Deputy Mary Lou McDonald:** -----to examine this matter and to examine exactly what happened. The only person who can assist us in that regard is the Minister of Justice.

**Deputy Catherine Murphy:** In 2017, there was a contribution in the House and the question then from the now Taoiseach was about the lack of judicial experience. I would have thought it was self-evident that this particular aspect would have been fully interrogated when it came to the appointment of a Supreme Court judge. The fact that the Taoiseach was not made aware that there were other judges who had applied beggars belief. The fact that this process is so deficient is undermining both the House and the Judiciary. I cannot see any other way of Members doing their jobs and holding the Government to account than properly debating this.

**Deputy Peadar Tóibín:** There is a feeling among the public that the selection of judges can be a political *quid pro quo*. People are selected and given positions by the Taoiseach of the day having regard to the negotiation his party has with other political parties and not necessarily on the basis of judicial experience and so forth. As a result of this crisis, it would be very useful for Members and the public to hear the words of the Minister for Justice. It is important that the Taoiseach gives an opportunity to that Minister to put on the record exactly what the process was and whether it lived up to what it should have been.

**An Ceann Comhairle:** Every Member has made his or her position patently obvious. Does the Taoiseach wish to respond?

**The Taoiseach:** Yes, I do. I must reiterate some key points. Regarding the previous appointment mentioned by Deputy McDonald, that was not through the JAAB process. That said, I never sought the presence of the Minister of Justice to go through a selection process, in terms of giving weight to one person's qualities as opposed to another's.

**Deputy Alan Kelly:** There was a debate in the Dáil.

17 November 2020

**The Taoiseach:** Deputy Catherine Murphy has raised that point.

**Deputy Catherine Murphy:** I was reminding the Taoiseach of the point he made.

**The Taoiseach:** The appointment I referred to never went through the JAAB. The then Government, in its wisdom, made a decision without going through the Judicial Appointments Advisory Board. It was entitled to do that within the law and the Constitution. That was the context then. The context here is that once I was informed that Mr. Justice Woulfe had gone through the Judicial Appointments Advisory Board-----

**Deputy Alan Kelly:** While the Taoiseach was in opposition.

**The Taoiseach:** -----as a suitable candidate for the position on the Supreme Court, I was happy to accept that. Why? It is because the board is chaired by the Chief Justice and includes the presidents of the other four courts, in addition to representatives of the Law Society of Ireland and the Bar Council of Ireland.

**Deputy Alan Kelly:** What was the Taoiseach's problem with the others?

**The Taoiseach:** In response to Deputy Kelly, I do not want to be embroiling myself in selection processes or appointments, quite frankly.

**Deputy Alan Kelly:** The Taoiseach is avoiding the question.

**The Taoiseach:** I am quite happy that the JAAB would recommend someone as suitable. That is good enough for me.

**Deputy Alan Kelly:** There were other candidates.

*(Interruptions).*

**An Ceann Comhairle:** The Taoiseach, without interruption, please.

**The Taoiseach:** That is why the judicial appointments commission needs to be established.

**Deputy Alan Kelly:** So no judges should apply.

**The Taoiseach:** The Deputy tries to lecture everybody on the separation of powers, but he thinks it is fitting for me to seek correspondence from the Chief Justice-----

**Deputy Alan Kelly:** There is no issue.

**The Taoiseach:** -----before any impeachment process happens.

**Deputy Alan Kelly:** Ask.

**The Taoiseach:** That is wrong.

**Deputy Alan Kelly:** Ask.

**The Taoiseach:** The Deputy is wrong. It would represent a fundamental breach of the separation of powers.

**Deputy Alan Kelly:** No, it would not.

**The Taoiseach:** Yes, it would. The only basis for that correspondence to go public is if it was needed for the assembly of evidence in this House, if the House was deciding to follow an impeachment process. That is a matter for the House to decide, if it so wishes. The Government has made its position clear. The Government has a responsibility under the Constitution, and that is why I made my statement earlier. I made it on behalf of the Government. The Government must vindicate the legitimacy of both this Oireachtas and the Supreme Court. That emanates from the McCurtain situation at that time, which was brought before the House. That is the reason I made my statement earlier. It is up to other political parties to do what they wish to do about these matters in the fullness of time.

Question put and agreed to.

**An Ceann Comhairle:** Nineteen Deputies wish to contribute on the Order of Business.

**Deputy Mary Lou McDonald:** We will persist with this matter in respect of the Minister for Justice. As the Taoiseach is aware, the Judicial Appointments Advisory Board advises. It is a clearing mechanism for suitable candidates, but it is the Government which decides who the appointee is. Something happened in this process that requires answers. The Taoiseach clearly cannot provide them because he was unaware of the other three expressions of interest, an extraordinary situation, yet he is defying the legitimate ask of the Opposition that the relevant Minister presents herself to the House, makes a statement and takes questions. It is absolutely extraordinary. For somebody who is concerned about the division of powers, the legitimacy of the Bench and confidence in the courts, he does all of those no favours by refusing to have appropriate accountability here.

**The Taoiseach:** I have said that the Government fully complied with its duties and responsibilities under the law and the Constitution in appointing Mr. Justice Woulfe to the Supreme Court. He was recommended as a suitable candidate by the Judicial Appointments Advisory Board, and that is it. Where judges have been appointed previously by the Government, one name went to the Cabinet. That is the position.

**Deputy Alan Kelly:** I have a simple question on the same issue, given that we are going to have to do this slice by slice for as long as it takes with regard to the Taoiseach, the Tánaiste and the Minister for Justice. That is fine. We will do it that way because the Government is running scared. When was the Taoiseach, as Taoiseach, informed - presumably this was before a Cabinet meeting - that Mr. Justice Woulfe would be the name to be put forward to be appointed? When was he informed by the Minister for Justice of that?

**The Taoiseach:** Is this a question and answer session on the same point? I will answer the question, and the Deputy knows the answer. I and the Leader of the Green Party, Deputy Eamon Ryan, prior to the formation of the Government, were told that Mr. Justice Woulfe-----

**Deputy Alan Kelly:** You were not Taoiseach.

**The Taoiseach:** Sorry, would you stop wagging your finger and just behave yourself a bit?

**An Ceann Comhairle:** The Taoiseach to answer.

**The Taoiseach:** The bottom line is very simple and very straightforward. We were simply told that Mr. Justice Woulfe would come through the Judicial Appointments Advisory Board. That is it. As far as I am concerned, he came through the board and was recommended as being

suitable for the position. He was an outgoing Attorney General and, in my view, was qualified for the position. In the aftermath of the formation of the Government, as Taoiseach I had no difficulty with the Minister for Justice bringing his name forward. I had no difficulty in supporting that nomination.

**Deputy Gary Gannon:** I will change the issue slightly. We made international headlines once again this weekend, and not in a positive way, when CNN ran a story entitled: “They saved lives during the pandemic - now they’re facing deportation from Ireland”. The story related to two of our healthcare workers from Zimbabwe who are facing deportation. Some 160 people in direct provision are currently working in the healthcare system with a sword of Damocles hanging above their head. Given the fact that we are going through a pandemic, that we said we are all in this together, that we all suffer together, is now not the time to draw a line under that and to stop the deportations of people who are here who contribute to the healthcare system? It is very important that we intervene and ensure that people who have helped us through this time can stay here and become part of this Republic.

**The Taoiseach:** In the context of the pandemic, I am not quite sure how people can be deported, given the various restrictions and rules that govern it. On Deputy Gannon’s point about those working in the healthcare service, I do not know the individual cases, but Ireland does not deport too many people in any given year. The Catherine Day report reveals that. There are policy issues that emanate from that in terms of how best to deal with these situations and those fall for consideration by the Government and, ultimately, by the Oireachtas as well in terms of how we manage migration. If Deputy Gannon has the details of those two cases I will follow them up, and ask that they would be followed up, because I do not believe that people should be deported in the context of Covid-19 to red zone areas or where the virus is in a much worse situation than is now the case here.

**An Ceann Comhairle:** That concludes Questions on Promised Legislation. The 13 other Deputies, including the leaders, who have indicated will be given priority tomorrow.

### **Protection of Children (Online Pornographic Material) Bill 2020: First Stage**

**Deputy Peadar Tóibín:** I move:

That leave be granted to introduce a Bill entitled an Act to protect children from viewing pornographic material on the internet; and to provide for related matters.

The proliferation of pornography in recent years has been immense with regard to children. Right now, throughout the State, children as young as eight and nine years old are consuming explicit, hardcore material that would have been illegal just a generation ago.

I might get the Taoiseach’s attention on the Bill if I can.

Research by the school of psychology in NUI Galway has shown that almost 60% of 13-year-olds in this State have consumed hardcore pornography. Children as young as eight and nine have free access to extremely explicit material. No matter how good one’s parenting skills are, children will always have an opportunity to get access to this type of material on an electronic device in school or in someone’s house. The reason this type of material is so damaging is because it has an enormous effect on the minds of young children. It can skew their understanding

of relationships and sexuality. It can be addictive. It can also lead to sexual violence and rape. Indeed, there have even been murder cases in recent years, in particular the heartbreaking case of Ana Kriégel, where a sexually aggravated attack by two boys led to her death. One of those boys was found with 12,000 extremely explicit images on his phone. We know that when we allow this material to come into the hands of very young children, it can radically skew their understanding of the world and can lead to violent outcomes.

It is important that as a State we come to some level of solution on the issue. Previous governments have been asked to legislate on the matter. They have spoken in very hushed tones about how serious this is, but nothing has been done. All we have had are shrugs and politicians sitting on their hands. Aontú is seeking to bring about a Bill that would make the provision of this material to children illegal in this country in future. My personal view is that nobody has the right to access this market for any product. If someone seeks to access it, he or she must adhere to the rules of this country. If someone seeks to sell a bottle of vodka to a 13-year-old, the State does not say how the off-licence works out the age of the child, it says the off-licence must do it, and if it does not comply, then it cannot operate in this country anymore.

What we have done in the Bill is created a responsibility on the Minister for the Environment, Climate and Communications to make regulations with regard to this matter. First, the Minister would engage with all of the stakeholders in society that have an interest in this particular sector. Second, we have looked at the rules governing the responsibilities the many companies that provide pornographic material operating in Ireland have with regard to the provision of this material to children. Pornhub, for example, operates in Dublin. We have looked at Internet service providers and payment service providers and the roles that they play with regard to the provision of this material. Internet service providers are the companies that provide the Internet to a person for €40 every month. The payment service providers are the companies that allow one to pay for goods and services over the Internet through credit cards and by other means.

There is a precedent for the Bill. A number of years ago, large film companies saw that Internet service providers in this State were streaming copyrighted films, free of charge, into the Irish market, which obviously radically reduced their ability to make an income from their product, so they brought those Internet service providers to court and the Internet service providers were told by the judges to stop the access by these sites into the Irish market. What happened is that those websites were blocked.

What the Bill seeks to do is to get ComReg to send notices to Internet service providers, who are allowing websites to provide explicit hardcore pornographic material to children, informing the companies either to work out a mechanism whereby they can tell the age of the people who are consuming that content or after a period of time their website will be blocked in the State. We have seen the mistakes made by the British system in this regard and we have got around it by the production of regulations. We ask wholeheartedly that this Government does not become the latest in a long list of governments to sit on its hands on this issue, shrug and say it cannot do anything.

**An Ceann Comhairle:** Is the Bill opposed?

**Minister of State at the Department of the Taoiseach (Deputy Jack Chambers):** No.

Question put and agreed to.

**An Ceann Comhairle:** Since this is a Private Members' Bill, Second Stage must, under

Standing Orders, be taken in Private Members' time.

**Deputy Peadar Tóibín:** I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

### **Organisation of Working Time (Domestic Violence Leave) Bill 2020: First Stage**

**Deputy Louise O'Reilly:** I move:

That leave be granted to introduce a Bill entitled an Act to provide for a period of paid leave as a consequence of domestic violence and for that purpose to amend the Organisation of Working Time Act 1997, to extend as a consequence the protection against unfair dismissals conferred by the Unfair Dismissals Acts 1977 to 2015 and to provide for the consequential amendment of certain other enactments, and to provide for related matters.

I wish to share my time with Deputy McDonald.

**An Ceann Comhairle:** Is that agreed? Agreed.

**Deputy Louise O'Reilly:** I thank you for the opportunity to speak on the Bill this afternoon, a Cheann Comhairle. I know that behind almost everything that we do here, there are very good intentions. However, I feel that this Bill, which we in Sinn Féin have brought forward here today, is incredibly important legislation. Quite simply, the Bill seeks to provide for a period of paid leave for people who are the victims of domestic violence. This legislation is an important addition to existing workplace rights. The provision of a statutory entitlement to paid leave is an acknowledgment by legislators of the challenges workers face when trying to escape an abusive relationship. If we are to end the epidemic of domestic abuse in this State, we need a whole-of-society response that both supports and protects women.

Sinn Féin's legislation provides for up to ten days' paid domestic violence leave. Importantly, workers do not have to provide proof of their abuse or documentary evidence for the leave needed, as to do so would potentially act as a barrier to victims seeking the support they need. As with existing leave entitlements, the legislation enables an employer to refuse or terminate the leave where she or he believes the worker is not using the leave for the specified purpose. I want to be clear: business has nothing to fear from this leave. This would be done in a very organised way to ensure that the benefit accrues to the worker. It is not in any way anti-business. In turn, the worker has recourse to the Workplace Relations Commission in such circumstances where the leave has been taken for the specified purpose but has been terminated or, indeed, refused by the employer.

Research tells us that abusive partners do not care one little bit about the split between home and work. These abusers deploy a variety of methods to harass, intimidate and hurt their victims. We have seen and heard of situations where stalking, persistent telephone calls or threats occur in the workplace. Coercive control, which is now recognised under the Domestic Violence Act, can lead to abusers focusing their efforts on a partner's workplace for the purpose of getting them sacked. Legislators and employers have a responsibility to respond to this avenue of abuse by putting in place the necessary workplace and employment rights protection for victims. I know much-needed statements on domestic violence will be taken on Thursday. Along with talking about it and recognising the problem of domestic violence, we need progressive

action and positive solutions, which is what Sinn Féin is trying to do.

**Deputy Mary Lou McDonald:** Covid-19 has heightened awareness of the depth and breadth of domestic violence and abuse. Every day during the first six months of the pandemic, 19 women and three children contacted a domestic violence service for the first time, seeking support and safety from abuse and coercive control. Coercive control is now a crime and last month's landmark judgment sends a simple message to abusers to stop. However, despite the significant increase in demand for services, this year domestic violence and abuse continues to be under-reported due to stigma, shame and fear. One in five women will experience violence in their own home and 41% of Irish women know someone in their circle of family or friends who has experienced intimate partner violence.

Domestic violence is mostly talked about as occurring in the home, but in reality the abuse often follows victims into the workplace. Co-workers may be aware of a colleague's abuse, but in the absence of a workplace policy they are unsure of how best to support them. Managers need guidance on how to recognise the signs of domestic abuse and how to respond to a staff member's disclosure. Employers in the public and private sectors must introduce domestic violence awareness policies and procedures for managers and staff. As legislators, we also have a role in protecting women in the workplace and ensuring victims' rights and entitlements as employees are enhanced and protected.

Our legislation provides for a statutory annual entitlement of up to ten days' domestic violence paid leave. This provision would enable victims to take the time they need to seek support, find accommodation or attend court in a structured and supported environment. It also addresses unpredictable absenteeism and reduced productivity for employers.

Last year Vodafone introduced ten days' domestic violence paid leave and additional supports for its employees globally. New Zealand, Australia and provinces of Canada have all introduced forms of paid leave. Our ratification of the Istanbul Convention and enactment of supporting legislation means that we now need to follow suit.

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

**Minister of State at the Department of the Taoiseach (Deputy Jack Chambers):** 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 Louise O'Reilly:** I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

### **Road Traffic (All-Terrain Vehicle and Scrambler Motorcycle) (Amendment) Bill 2020: First Stage**

**Deputy John Lahart:** I move:

That leave be granted to introduce a Bill entitled an Act to amend the Road Traffic Act 1961 to further regulate the use of all-terrain vehicles and scrambler motorcycles in a public

place, to make further provision for the seizure, by An Garda Síochána, of said vehicles and motorcycles in certain circumstances, to provide for the confiscation and disposal of same when a person contravenes the law in relation to the use of both all-terrain vehicles and scrambler motorcycles in a public place and to provide for related matters.

In the last Dáil I introduced the Road Traffic (All-Terrain Vehicle and Scrambler Motorcycle) (Amendment) Bill, which obviously fell with the last Dáil. That Bill had the support of all the Opposition parties, and I expect that this Bill should enjoy the same support. While we continually got confusing feedback from Ministers for Justice and Equality in the previous Government, the key issues that need to be resolved regarding additional Garda powers in this area are clearer than ever. By and large and by its own admission the Garda has sufficient powers in a general sense. However, it requires the power of seizure without interception.

In the majority of cases scrambler bike users are juveniles. The idea of a Garda driver pursuing a 14 or 15-year-old across a public park at high speed is rife with dangers for the garda, for the public and for the scrambler rider himself or herself. However, the Garda does not have the power at present to identify where the rider lives, identify the scrambler in the curtilage of the property, and subsequently to confiscate it on the basis of antisocial and dangerous use in a public space. This is not just me saying this; this is the factual and real-time position as outlined to Deputy McAuliffe and me by senior gardaí.

Too often I have seen the antisocial use of scramblers destroy open spaces in my constituency, including in McGee Park and Killinarden Park in Tallaght. Too often this antisocial use has taken place while juveniles are on-site, training or playing matches, which have subsequently had to be abandoned.

I acknowledge the work of local gardaí in Tallaght for their interventions when these activities occur. This Bill will give them the powers they require once and for all. Any other issues, such as additional resources, are secondary to this legislation which is required. In most cases already when gardaí have been able to identify the illegal, antisocial and dangerous use of scramblers, the bikes have actually been confiscated and, in most cases, destroyed. I hope the House supports the Bill.

**Deputy Paul McAuliffe:** It is a great pleasure to introduce my first Bill to the House with the support of my colleague, Deputy Lahart, who did so much in the last Dáil on the matter and had the support of the entire Fianna Fáil Party. The programme for Government includes a commitment to legislate to address the problems caused by illegally driven scrambler bikes. The problem is well understood by the Government, from the top, the head of Government, An Taoiseach, who has seen it at first hand in my constituency, right down to every community impacted by the issue.

The programme for Government signalled a change in direction, a signal to those in the permanent government, the Civil Service, that is not okay to leave things as they are. We have heard too many stories of people who have been injured, including a young boy will never have the same smile after it was smashed by a scrambler bike, an old lady who was prevented from calling an ambulance until the perpetrators cleared the scene, a young boy with special needs who suffered two broken legs, and the many people who have died.

Illegally driven scrambler bikes make many parks and other green spaces too dangerous for people to enjoy and destroy facilities relied on by sports clubs. Their use involves antisocial

behaviour, the movement of illegal drugs and organised crime. It presents a real challenge to order in our communities and undermines the confidence in An Garda Síochána.

The Bill does three things. Section 2 amends the definition of a public place in the principal road traffic legislation. This contrasts with previous Bills which amended a certain section. Section 5 makes it an offence to ride a scrambler bike dangerously in a public place and makes confiscation the penalty for this offence. Section 6 directs the Minister to make regulations to provide for the seizure of scrambler bikes in the curtilage of the dwelling. Property confiscated under the Act can also be disposed of rather than being available for collection.

It is imperative for the Government to approach the issue with a whole-of-government response, involving different Departments. Legislation such as this needs to be supported by a package of non-legislative measures by other Departments. This is the first step in the Government delivering on its commitments.

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

**Minister of State at the Department of the Taoiseach (Deputy Jack Chambers):** 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 Lahart:** I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

### **Horse and Greyhound Racing Fund Regulations 2020: Motion**

**Minister of State at the Department of the Taoiseach (Deputy Jack Chambers):** I move:

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

Horse and Greyhound Racing Fund Regulations 2020

copies of which were laid in draft form before Dáil Éireann on 13th November, 2020, be referred to the Joint Committee on Agriculture and the Marine, in accordance with Standing Order 95(5), which, not later than 25th November, 2020, shall send a message to the Dáil in the manner prescribed in Standing Order 101, and Standing Order 100(2) shall accordingly apply.

Question put and agreed to.

### **Appointment of Chairperson of Standards in Public Office Commission: Motion**

**Minister for Public Expenditure and Reform (Deputy Michael McGrath):** I move:

That, pursuant to subsection (2A) (inserted by section 2 of the Standards in Public Office Act 2001 (No. 31 of 2001)), of section 21 of the Ethics in Public Office Act 1995 (No.

17 November 2020

22 of 1995), Dáil Éireann recommends the appointment of Mr. Justice Garrett Sheehan, a former Judge of the High Court and the Court of Appeal, by the President on the advice of the Government to be the Chairperson of the Standards in Public Office Commission.

Question put and agreed to.

**Appointment of Ordinary Member of Standards in Public Office Commission: Motion**

**Minister for Public Expenditure and Reform (Deputy Michael McGrath):** I move:

That, pursuant to subsection (2)(b)(v) (inserted by section 2 of the Standards in Public Office Act 2001 (No. 31 of 2001)), of section 21 of the Ethics in Public Office Act 1995 (No. 22 of 1995), Dáil Éireann approves the proposed appointment by the Government of Ms. Geraldine Feeney (being a former member of Seanad Éireann and not being a member of the European Parliament) to be an ordinary member of the Standards in Public Office Commission.

**An Leas-Cheann Comhairle:** Is that agreed?

**Deputy Pádraig Mac Lochlainn:** It is not agreed.

**An Leas-Cheann Comhairle:** In accordance with Standing Order 80(2), the division is postponed until the weekly division time on Wednesday, 18 November 2020.

**Finance Bill 2020: Motion**

**Minister for Public Expenditure and Reform (Deputy Michael McGrath):** I move:

That, notwithstanding anything in Standing Orders, proceedings in the Select Committee on Finance, Public Expenditure and Reform, and Taoiseach on the Finance Bill 2020, where not previously concluded, may be brought to a conclusion by one Question, which shall be put from the Chair, and which shall, in relation to amendments, include only those set down or accepted by the Minister for Finance or a Minister of State nominated as substitute on his behalf: Provided that such Question may be put from the Chair at such time as the Committee may by Order decide, but in any event, shall be put not later than 7 p.m. on Wednesday, 18th November, 2020.

Question put and agreed to.

*4 o'clock*

**Microgeneration Support Scheme Bill 2017: Restoration to Order Paper**

**Deputy Brian Stanley:** I move:

That, pursuant to Standing Order 198, the Microgeneration Support Scheme Bill 2017, which lapsed on the dissolution of the 32nd Dáil, shall be restored to the Order Paper at Order for Committee Stage.

Question put and agreed to.

## **Ceisteanna - Questions**

### **Data Protection**

1. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on the work of the data protection unit in his Department. [33883/20]

2. **Deputy Peadar Tóibín** asked the Taoiseach if a review has been conducted relating to the security of documents within his Department in view of the controversy surrounding the sending of a document to the head of a union (details supplied). [34745/20]

3. **Deputy Alan Kelly** asked the Taoiseach if he will report on the work of the data protection unit in his Department. [35004/20]

4. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on the work of the data protection unit in his Department. [35169/20]

**The Taoiseach:** I propose to take Questions Nos. 1 to 4, inclusive, together.

My Department is committed to protecting the rights and privacy of individuals in accordance with the European Union General Data Protection Regulation, GDPR, which came into force on 25 May 2018. The Minister for Justice was responsible for the enacting legislation in Ireland and the Data Protection Act 2018 took effect on the same date.

In line with the requirements of GDPR, a data protection officer, DPO, was appointed within my Department in November 2017 to prepare for and oversee the Department's compliance with GDPR. The DPO is assisted in this role by a number of data protection liaison officers currently assigned to various divisions throughout the Department. The DPO continues to ensure that the Department's data protection policies, notices and procedures are in place and are regularly updated. The DPO is also the principal point of contact between the Department and the office of the Data Protection Commission. Since GDPR the Department has not experienced any data breaches. My Department has secure policies and procedures in place which are kept under review to ensure the protection of departmental and Government records.

Given the growing importance of digital matters in both the national and international spheres, the economic division in my Department will continue to contribute to cross-departmental work on digital and related data issues which are relevant to Ireland's interests. The Minister for Justice has overall responsibility for data protection policy and legislation.

**Deputy Mary Lou McDonald:** I wish to raise two specific matters with the Taoiseach. The first relates to the records of the interdepartmental committee to establish the facts of State involvement with the Magdalen laundries or, as it is more commonly known, the McAleese report. In its statement on mother and baby homes last month, the Government committed to

ensuring that the rights of all citizens to access personal information about themselves and their rights under GDPR are fully respected and implemented. The Government also committed to providing the additional resources necessary to fulfil this commitment. The Government's confusion on GDPR rights demonstrates the need for Departments to invest in data protection expertise. This point is relevant to the Taoiseach's Department as it holds the records of the McAleese report. The Taoiseach has confirmed that persons can access their records and I want to know what preparation and additional expertise he has put in place to ensure that this commitment can be met.

I also want to raise with the Taoiseach the significant number of data protection breaches identified by Departments last year. In total there were 778 breaches across 15 Departments but just three Departments accounted for 80% of these breaches. The Department of Social Protection accounted for more than half, followed by the Departments of Justice and Foreign Affairs. Of considerable concern are the breaches that took place within the Department of Justice, notably the loss of a USB stick relating to the Hickson commission of investigation. The device was lost in transit along a one and a half kilometre route between two Department buildings on Hanover Street and Haddington Road in Dublin and was never recovered. The loss was recorded in May 2019 but the first the victims learned of this data breach was in the media last month. The Taoiseach is aware that victims of Mr. Bill Kenneally have fought a long battle for the establishment of this inquiry. They have also raised very significant concerns that have not been adequately addressed by the Minister for Justice or the Garda Commissioner. I hope the Minister for Justice has informed the Taoiseach of these matters.

**An Leas-Cheann Comhairle:** Thank you, Deputy. You are out of time.

**Deputy Mary Lou McDonald:** The failure of the Department of Justice to inform the victims or their legal representatives of this data breach has caused untold hurt and concern.

**An Leas-Cheann Comhairle:** I am sorry Deputy but there are four speakers and we will run out of time.

**Deputy Mary Lou McDonald:** I know but these are important matters.

**An Leas-Cheann Comhairle:** I agree but we will run out of time for answers. Deputy Tóibín is next.

**Deputy Peadar Tóibín:** This is a very important issue. Two weeks ago during a debate with the Tánaiste I asked him if he had ever leaked confidential Cabinet information. In his response he prevaricated and said "nothing of this nature". In other words, there was an acceptance that information from the Cabinet had been given out.

Has the Taoiseach ever conducted a review of the security of documentation within his Department or a review of the security of Cabinet information? Has he considered carrying out a review of leaks from his Department under the previous Administration? We had a situation during the term of the last Government where a foreign minister accused the then Taoiseach, now Tánaiste, of leaking in negotiations with the British Government. That is a very serious accusation and I want to know if the Taoiseach has done any checks with regard to leaks of that nature.

Last week I asked the Tánaiste if he had friends over for drinks in the Taoiseach's residence in Farmleigh during the lockdown restrictions in May but he did not answer my question. It is a

very serious question and I am surprised that he did not answer it given that Ministers have lost their jobs because they broke the restrictions previously. Has the Taoiseach asked the Tánaiste if he breached the restrictions in May and if so, what answer did he give?

**Deputy Alan Kelly:** As Deputy McDonald said, there have been issues relating to data security in the Department of Justice. I have spoken in the House previously on a whole load of IT issues relating to Windows 7 and the upgrade to same which has still not been sorted. Given Covid-19 and the fact that so many people are working from home, this is a pretty serious issue.

In the context of data protection and judicial appointments, is the Taoiseach provided with information and details on other candidates that may be considered and if so, how is that data transferred to him from the Department of Justice? Is it sent via email or is it done orally? I ask the Taoiseach to confirm to the House whether he has ever been briefed by the Department of Justice or the Minister for Justice on any candidates and their suitability? How is that information stored? Where is it stored? Is the Taoiseach briefed by his Secretary General prior Cabinet meetings in regard to those individuals? Is he briefed on this when he is setting the Cabinet agenda for the following week? Is he briefed on the Thursday or Friday of the week before, prior to setting the Cabinet agenda for the following Tuesday? Is he briefed by the Secretary General to the Government on those issues as well?

**Deputy Richard Boyd Barrett:** Since the recent furore surrounding legislation relating to mother and baby homes and the issues regarding attempts to seal information relating to survivors, I have been inundated with contacts from survivors who are particularly concerned about the issue of industrial schools. One thing that I did not know was that the data in the archive for the industrial schools was outsourced and is in the possession of an American company. The survivors I talked to expressed great concern about that fact and went on to say that they have been given indications that it is the intention of the Government, as a priority, to reverse the legislation that set up the statutory education fund which was to provide support to survivors of industrial schools. They say that the Government is prioritising this and is essentially washing its hands of its obligations to survivors of industrial schools. They said that while there is much talk about data protection, promises that were made by former Taoiseach, Bertie Ahern, back in 1999 to deliver housing support, mental health and health supports, counselling and so on have not been kept. Many of those survivors are living in deprivation and poverty, without decent housing and without the counselling and support they were promised. I would like the Taoiseach to respond on this issue.

**The Taoiseach:** In regard to Deputy Boyd Barrett's point, they were met at the time. I was Minister for Education and Science during that period and became Minister for Health and Children in 2000. I established the inquiries in question and was the first Minister to open up the dark chapter in our history relating to industrial schools. We put historians into the Department of Education and Science and we put counselling in place for the people who came to access their records. Some of them discovered they had siblings they had never known of because of the way they were separated by the cruelty man or the courts and sent off to these schools. It was horrific what was done to many people.

Ultimately, a redress scheme was established. More crucially, the Department of Health and Children set up a special counselling service that was specifically targeted at survivors of the industrial schools. It took two years to set it up because the Department and the experts said we needed really well-qualified child abuse and sex abuse counsellors who knew what they were doing to staff it. Various support groups were established at the time, the Aislinn centre

being one example. We had various State agencies helping with access to education, supports for apartment construction and securing housing. A whole plethora of supports were provided at the time. I understand the Deputy referred to the Caranua fund, which has been ongoing for a number of years. It is coming to an end but we will have a look at it. I am talking to the Minister for Education about that.

Deputy McDonald asked about records relating to the mother and baby homes and the Magdalen laundries. Access to the commission's archive is governed by the Commissions of Investigation Act 2004 rather than the Commission of Investigation (Mother and Baby Homes and certain related Matters) Records, and another Matter, Bill 2020. I have spoken on the record about the fact that if we had not introduced the 2020 Act, the entire database would have been made redundant and been destroyed. It was correct that the legislation passed through the Houses.

The general data protection regulation, GDPR, will apply to the archive. The Attorney General has been emphatic on that point and has clarified it for anybody who needed clarification. Individuals will have a right to apply for access to their own personal data held by the Minister in the archive of records once it is deposited by the commission, which I understand will be in February 2021. Files have also gone to Tusla and people will have access to them there as well. We are currently examining the matter and hope to be in a position to make a comprehensive statement on it at the time of the publication of the mother and baby homes report. That statement will include, for example, the question of where we archive, how we archive and how we tell the story of all these institutions, from the industrial schools to the Magdalen laundries to the mother and baby homes, in a way that does justice to the victims. We have to consult widely in this regard. I was talking to the groups concerned at the weekend and some of them, particularly direct survivors, have different perspectives on how that should be done. We must try to include everyone in the process. It is the Government's intention to create a centre that could help to provide insights to future generations on all of these areas.

In regard to the mother and baby homes, the GDPR prohibits a blanket ban on the processing of personal data. Documents furnished to the Department, when they are deposited with the Minister in February 2021, can be considered in the context of individual requests by data subjects. Those requests must be processed on an individual basis and in accordance with current relevant statute. In terms of the Magdalen laundries, the McAleese committee set out that the archive of the committee's work, which is deposited and stored centrally in the Department of the Taoiseach, would contain only copies of official records identified from across all Departments, State agencies and bodies. The originals of all such identified records have stayed in their original files and locations in order to avoid disturbance to, or destruction of, original or archived files. Access to any personal records can be sought, under the GDPR, from the relevant public bodies, subject to the normal procedures. The committee set out that the archive would also contain certain materials generated by or for the committee in the course of its work, such as correspondence, minutes and some statements and submissions. We will do everything we possibly can in this matter. Our view and disposition is to facilitate access for survivors to their records. No right is absolute, however, and the process is part of the GDPR framework. GDPR stems from European Union law and trumps other regulations.

In regard to the other issues raised by Deputy McDonald, I will follow up on them. The loss of the data device to which she referred was not something that occurred in my Department. This group of questions relates to the data protection unit in my Department. We have gone wide on it, which I accept.

With regard to Deputy Tóibín's questions, I have not investigated leaks from the previous Administration. It would be unprecedented to do so. I have never heard of it happening before that one would routinely go in and start making inquiries about, or having investigations into, previous Governments.

**Deputy Peadar Tóibín:** I asked about the Tánaiste breaking Covid restrictions last May. Has the Taoiseach spoken to him about that?

**The Taoiseach:** I am not aware that this was an issue.

**Deputy Peadar Tóibín:** Will the Taoiseach speak to the Tánaiste about it?

**The Taoiseach:** The Tánaiste has often said to me that he does not believe he has breached the restrictions in regard to Covid-19 regulations, as they have applied from time to time.

**An Leas-Cheann Comhairle:** We are way over time and must move on to the next group of questions.

### **Taoiseach's Meetings and Engagements**

5. **Deputy Alan Kelly** asked the Taoiseach if he will report on his recent meeting with church leaders. [33888/20]

6. **Deputy Peadar Tóibín** asked the Taoiseach if he will report on his recent meeting with a group (details supplied); and the reason the approach to religious services here during the Covid-19 pandemic is different from the approach adopted in most other European countries. [34744/20]

7. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on his recent meeting with church leaders. [35422/20]

8. **Deputy Paul Murphy** asked the Taoiseach if he will report on his meeting with leaders of the Catholic Church on 28 October 2020. [36613/20]

**The Taoiseach:** I propose to take Questions Nos. 5 to 8, inclusive, together.

On 28 October, I met with leaders of the Catholic Church, namely, Archbishop Eamon Martin, Archbishop Diarmuid Martin, Archbishop Michael Neary, Archbishop Kieran O'Reilly and Bishop Dermot Farrell. Discussion focused mainly on the effect the current Covid-19 restrictions are having on the health and well-being of the faith community and the great desire to return to worship as soon as possible. The archbishops emphasised that they are fully supportive of the public health messages but highlighted that the coming together in prayer and worship, especially for mass and the sacraments, is fundamental to Christian tradition and a source of nourishment for the life and well-being of whole communities. The importance of gathering for worship as a source of consolation and hope at Christmas time was stressed.

The archbishops emphasised the mammoth effort that has been made by priests and volunteers at parish level to ensure that gatherings in church are as safe as possible. They also pointed to the consistent messaging from the church about the protection of health and life for all in the community, particularly the vulnerable. I thanked the archbishops for their support and acknowledged the major role religious leaders have in supporting people and giving hope at

this time of stress and worry by reaching out to those who may feel isolated or marginalised. It was acknowledged that pastoral work continues at parish level, even as the celebration of mass is moved online. The challenges faced by people suffering bereavement at this time were acknowledged, particularly as we enter the traditional time of remembrance in the month of November.

I outlined the reasoning behind the Government's plan for living with Covid-19 and the need to strike the right balance between all forms of social and economic activity and public health. The archbishops emphasised the need to protect the most vulnerable in society at this time. They also acknowledged the positive value of keeping our schools open, especially for those who may otherwise be educationally disadvantaged by not having access to technology or the daily support of their teachers. The need for a shared understanding of the effects of the pandemic as it evolves, and an alignment of our responses accordingly, was recognised. All agreed on the importance of ongoing constructive engagement and solidarity in facing and overcoming the challenges of Covid-19 together. In responding to the pandemic, governments everywhere are making decisions that are judged to be the right ones for their country, society and economy. With the introduction of level 5 restrictions in Ireland, our objective, working together, is to reduce the spread of the virus and make it safer to reopen society.

**Deputy Alan Kelly:** Before I begin, I note that in the Taoiseach's response to the last round of questions, a number of the questions were not answered.

The issue raised in this group of questions is very important and I am glad that we are discussing it. Every weekend, my daughter organises for my mother - her granny - to watch mass from Portroe on YouTube. My mum goes to mass every single day of the year and long may that continue. Mass is a huge part of her life. She is, obviously, very devout. We need to look at these matters favourably as we come towards December and the Christmas period, particularly for our elderly, many of whom go to the religious services of their different faiths. We need to look at this issue in a compassionate way. December is a very important month. November is the month of remembrance but December includes the build-up to Christmas and Christmas itself. If we go down to level 3, there will be no masses unless an exemption is made. The Taoiseach has made it quite clear that it is his ambition to move to level 3 but I urge him to consider some form of exemption for religious services and for small congregations. Perhaps - dare I say it - masses, meetings, comings together and various different religious services could be held on multiple occasions and we could facilitate those who want to attend. I urge the Taoiseach to consider the options to facilitate those of all ages, but particularly the elderly who really miss these services. I say that speaking quite personally.

**Deputy Peadar Tóibín:** This is a serious illness so when people raise this issue they are not saying they are looking for zero restrictions. Ireland, however, has the second lowest incidence of Covid in Europe but the sixth most severe restrictions in the world. People might say that those two issues are related but the fact is that restrictions come with a massive cost. Religious practice is one of those costs. Religious practice is a human right under the Universal Declaration of Human Rights. This is no small issue we are talking about. The practice of religion is a significant element in people's lives. Some 100,000 people in this State do as Deputy Alan Kelly's mother does and go to mass on a daily basis. Well over 1 million attend religious services weekly. I got a phone call from a 93-year-old woman today who said that her physical and mental health are significantly deteriorating due to her lack of access to the social setting that is a religious service. Faith is also a significant pool of strength for many people in very difficult times.

I know we have to make evidence-based decisions, but Government data show very few outbreaks of Covid-19 associated with places of worship. Religious buildings are often the biggest buildings in any given town and services were run like clockwork in most communities until we entered level 5. Significant social distancing was operated. Over the coming weeks, we need to ensure that the safe elements of society start to function. Many people feel that these services are one of the safest elements of society.

**Deputy Richard Boyd Barrett:** The Taoiseach talked about his previous incarnations in government in terms of the survivors of industrial schools and the things he did. One of the scandalous things done under a Fianna Fáil Government was the decision to limit the liability of the religious congregations responsible for the abuse of those who went through the industrial schools and such institutions to €128 million, with the rest to be covered by the State. Contrary to his last contribution in response to my question, the survivors I am talking about are saying their needs are not being met. They say that the promises made by Bertie Ahern and previous Governments in which the Taoiseach was involved to deal with intergenerational poverty, the deprivation suffered by many survivors of the industrial schools, to provide for their mental health and counsellors they choose, to provide real housing support to people in really appalling housing conditions and so on, have not been met. They say that many of the bodies set up were set up without proper consultation with survivors and over their heads and that real engagement, particularly with some of the victims worst affected who tended to come from poorer backgrounds, has not really happened. They say the commitments and promises made have not been met.

Will the Taoiseach clarify whether he is proposing dissolution legislation? If so, is this effectively a case of the State washing its hands of its obligations to those survivors? We have had a campaign to repeal the seal on people's histories and records. Should we not repeal the Woods deal which limits the liability of those religious organisations so that they can use their very considerable property and other assets to support the survivors they abused?

**The Taoiseach:** I pay tribute to Deputy Alan Kelly's daughter. That is the kind of intergenerational solidarity that enables us, as communities-----

**Deputy Alan Kelly:** Her name is Aoibhe.

**The Taoiseach:** I have an Aoibhe myself. It is the kind of intergenerational solidarity that will get us through the pandemic. What comes across is the importance of faith to many in our community, which Deputy Tóibín also mentioned. It is good for people's mental health to get out and about and to get to church. The support that is there is important. The meeting really focused on level 3 restrictions because the archbishops accepted that level 5 involved severe restrictions but what was a surprise to them was that in the original iteration of level 3, mass had been excluded and they were making representations on that.

Deputy Tóibín mentioned other countries. In France, places of worship may remain open for private prayer but no religious ceremonies may take place with the exception of funerals with a maximum of 30 in attendance and weddings with a maximum of six in attendance. In Northern Ireland, places of worship remain open with a mandatory requirement to wear face coverings when entering or exiting. Funerals are limited to 25 attendees. In England, places of worship are again only open for individual prayer.

What originally motivated a lot of this was that, in the first phase of the pandemic, religious

events in other countries proved to be a vector. These may have involved larger congregations but they proved to be significant in the transmission of the virus. Public health advice has been extremely cautious in the context of such gatherings. That said, we will take on board what the Deputy and others have said. We are reflecting on this in terms of exiting level 5, which we want to do at the end of this month. We will take on board sectoral representations, particularly the issue of worship and people's opportunity to attend mass and other services safely and within controlled environments during Advent and the lead-up to Christmas. That is what we will seek to do.

We want to get back to level 3 but we will look at certain aspects of it because, as I said earlier, we have done a fair bit of work over recent months to see as best we can the optimal triggers for the spread of the virus. We have worked to understand what particular events have been triggers and what has caused spikes in case numbers. NPHET will also advise us on all of this. We do not want to open up and then have very high numbers again in January or February. There will be a great focus on personal responsibility and the avoidance of large crowds both indoors and outdoors. The virus thrives where large crowds congregate.

On Deputy Boyd Barrett's point, what happened to those who were committed to industrial schools was an appalling abuse by the State at the time. It is very easy for people living in the modern era to look back. These homes all evolved from previous iterations. A combination of forces committed people, from the cruelty man, to the courts and An Garda Síochána. People made decisions arbitrarily that, because a woman was separated or the father in a home had alcohol problems, someone clearly said a person was going into a home as where they were was no fit place to be. This was said to me by survivors.

The State responded comprehensively and that should be acknowledged. Perhaps the Deputy's point is that it needs to continue to respond but let us not decry and undermine completely and say that nothing was done. A lot was done. The redress scheme was simply designed to make sure that people did not have to go through the courts. When we originally made the response, we removed the Statute of Limitations requirements to facilitate industrial schools, but in essence they would have been in the courts for years. That would have been too much anguish and it would have been too difficult for them. That is why the redress scheme was developed in a bona fide way to try to accelerate some redress for the survivors of the industrial schools. My view always was that it was much more in redress and that the focus and emphasis should always be on the housing, health, counselling and other supports that people required, given the impact that being in an industrial school had on their lives and the degree to which it shortened their education possibilities. To a certain extent, survivors of the industrial schools felt stigmatised and lacked self-esteem and self-confidence. Their presence in the industrial schools did a lot of damage. I will engage with the Minister for Education on this and I will try to ascertain where we are in terms of the needs of those who survived the institutions.

**Deputy Richard Boyd Barrett:** Will the Taoiseach come back to me on that?

**The Taoiseach:** I will.

### **Cabinet Committees**

9. **Deputy Mary Lou McDonald** asked the Taoiseach when the Cabinet committee on health will next meet. [34837/20]

10. **Deputy Alan Kelly** asked the Taoiseach when the Cabinet committee on health is next due to meet. [35005/20]

11. **Deputy Richard Boyd Barrett** asked the Taoiseach when the Cabinet committee on health will next meet. [36672/20]

**The Taoiseach:** I propose to take Questions Nos. 9 to 11, inclusive, together.

The Cabinet committee on health was established by Government decision on 6 July and it last met on 12 November. The committee is due to meet again next month. The Cabinet committee oversees implementation of programme for Government commitments in relation to health, receives detailed reports on identified policy areas and considers the implementation of health reforms, including Sláintecare. In addition to the meetings of the full Cabinet and of Cabinet committees, I meet Ministers on an individual basis to focus on different issues. I regularly meet the Minister for Health to discuss priorities in the area of health and in particular our management and response to Covid-19.

The Resilience and Recovery 2020-2021: Plan for Living with Covid-19 sets out our approach and priorities for managing and living with Covid-19 in a range of areas including, among other matters, prevention of infection and protection of vulnerable groups; health system response and resilience; and continued resumption of public service delivery, including non-Covid health and social care. It is important to recognise that many vital services have continued throughout the pandemic, ensuring that priority care needs were addressed and the most vulnerable protected even at the height of this crisis.

Winter 2020-21 will be a particularly challenging one for the health service. We recently allocated a record €600 million for the 2020 winter initiative to ensure we meet the demands in the health service in the coming weeks and months. A range of initiatives have been developed, and as these continue to be rolled out, we will see further service resumption and increased capacity across the community, including primary care; mental health; older persons; disability services, and the acute hospital system. This includes implementing new initiatives, new ways of working and ehealth solutions to keep people safe and out of the acute hospital system, for example, epharmacy, eprescribing and virtual clinics.

At the beginning of this month, a range of measures came into effect that will make day-to-day healthcare more affordable for more than 1 million people across the country. Under the new measures, the over 70s medical card income limits have increased to €550 per week for a single person and to €1,050 for a couple, benefiting up to 56,000 people. There has also been a 50 cent reduction in prescription charges for all medical card holders, which will benefit over 1.58 million people with medical card eligibility. The reduction in the drugs payment scheme threshold to €114 per month has the potential to benefit all 1.38 million people eligible under the scheme.

**Deputy Mary Lou McDonald:** Earlier this year, the HSE commissioned a rapid assessment of a suicide cluster which took place in Ballyfermot last year. The outcome of the assessment was published late last month and it makes heartbreaking and alarming reading. The area considered by the assessment has had a female suicide rate three times the national average since 2015. However, it was the deaths of eight women in their 20s and 30s over a short ten-week period that prompted this assessment. Four of the women were from Ballyfermot and the others were from Clondalkin, Tallaght and Palmerstown.

The assessment notes that there was a palpable sense of fear and anxiety that these deaths would have a further contagion effect. The report sets out that underlying trauma is at the root of anxiety, depression or poor mental health for women in the area. Various examples of childhood trauma, including alcohol or drug use, mental ill health, domestic violence, childhood violence and abuse, were identified. The housing crisis was also notable for its inclusion in the challenges faced by young women and their children who experience persistent homelessness and housing insecurity. The report found that a fear of Tusla removing children from mothers is a reason women do not seek help. Young mothers living in poverty and with abuse are afraid of State intervention. That needs to change. Almost all cases cited in the report refer to domestic violence as a key issue.

The HSE is to be commended for commissioning this rapid assessment. Its purpose is not to apportion blame, but to identify gaps in service provision, protections and strategy. I am gravely concerned that there is a lack of pace in urgently delivering the resources, services and reforms that are essential to protect women and their children, despite the fact that many of the solutions are in plain sight right in front of us and have been delivered in other jurisdictions. I want this to become a matter of priority all across the Government. It should be an absolute priority for the Cabinet committee on health.

**Deputy Alan Kelly:** This is a process issue with the Minister for Health but what happened yesterday with regulations going to the Cabinet and then being dismissed has happened before. This is not the first time the Minister, Deputy Stephen Donnelly, has been involved. Surely we do not need to have this crazy situation in which Ireland takes off because of some half thought-out plan for health measures that is then jettisoned by the Cabinet.

I want to raise two issues, both of which the Taoiseach knows are close to my heart. The first of them is the case of John Wall. Last Tuesday, he wrote to the Minister for Health and said he would not be in a position to support what the Minister is doing. John Wall and I support the medium-term and long-term plans of the Minister for Health and I commend the Minister for a number of them. However, in the short term, and the Taoiseach knows well that John Wall is terminally ill, we need to sort out 24-month terminal illness medical cards. In fairness to the Taoiseach, he told me last week he would get this done, which is the most emphatic thing he has ever said back to me. I am begging the Taoiseach to get it done. John Wall needs this and he has worked on this.

The second matter I wish to raise is the CervicalCheck tribunal. The Taoiseach knows that is in a no-go area and at a standstill. The 221+ group, particularly Vicky Phelan, Lorraine Walsh and Stephen Teap, are not willing to support it as it is constituted on the basis of the Statute of Limitations issue, the returning cases issue and a number of other issues. I have had long discussions with the Minister for Health on this. This is at an impasse. The Minister for Health has said he will go forward with this one way or the other. That is not the right thing to do. He should resolve the issues but this cannot go on any longer. It cannot go on beyond this week and for those three individuals, it will not go on beyond this week without them making a statement on it.

**Deputy Richard Boyd Barrett:** I got a letter yesterday from the HSE's health business services, HBS, in response to a parliamentary question. It is the interestingly named business division of the HSE, which seems like a contradiction in terms. Why do we need a business section of the health service? This was a response to a question about the contract that was awarded to CPL for recruitment in the context of Covid-19. As the Taoiseach knows, CPL has

been recruiting people from Be On Call for Ireland, nurses, contact tracers and those working in testing on rubbish temporary contracts, as I would see them. By the way, if the Taoiseach wants to know why the numbers are not going down, he might look a little bit closer at the fact that people on CPL contracts do not get sick pay and so they are under pressure to go into work. The people we are recruiting to the front line do not get sick pay. It is no wonder we have cases of Covid-19. Leaving that aside, this letter confirms that CPL went through no tendering process for the contracts to recruit for the health service during Covid-19. Rather, it was “using existing HSE Procurement Frameworks” and “a framework agreement for other recruitment services”, to mention some of the jargon it employs. This is a hugely valuable contract, although it has not been said how much it is worth. It is worth noting that in the past week CPL has been sold to a Japanese multinational company for in excess of €300 million and the two owners of CPL walk away with €110 million. To what extent has the State inflated the value of that company and the huge payout that those people are getting by giving contracts where there is not even a tendering process and where they are recruiting to the health service for rubbish contracts without even sick pay? That is a scandal, as far as I am concerned. Whatever excuse there might have been in the emergency in the early months of the pandemic, for that to continue to be the situation and for CPL to be the vehicle for recruiting to the front line of the health services in the current situation is an absolute scandal and unacceptable.

**The Taoiseach:** Regarding the questions from Deputy McDonald, I too commend the HSE on its analysis and study of a very worrying and deeply troubling female suicide cluster in Ballyfermot and in other areas the Deputy identified, and the multiple factors that gave rise to the issues there. I will engage with the chief executive and board of the HSE to ensure that this issue gets priority attention. The lessons from this will inform wider application of policy and engagement and intervention, because that is a significant cluster in a relatively short period. I think the Deputy mentioned ten weeks. On the lack of pace, I will put the point made to me to the HSE in that regard. There is no shortage of resources. There are other issues outside the remit of the HSE in respect of housing, for example. The Deputy also referred to Tusla, and that also needs more assessment in terms of the fear the Deputy said there was in respect of removing children from families and that could cause considerable distress. I will pursue those issues. They are grave and they need focused action in terms of the lessons to be drawn from it, and whatever additional supports are required in that locality among a cohort of women who could be under pressure should be provided across all fronts.

On the questions from Deputy Kelly, as I said earlier, I think it is very important that the issue regarding the gatherings on our streets arising from takeaway pints is addressed, discussed and brought to Cabinet, because I think it needed to be highlighted from a public health perspective. The word has to go out that enforcement will intensify regarding recurrence of this phenomenon, which has been ongoing for about two weeks, mainly in the cities, and does need to be addressed and responded to. There is existing legislation in the form of by-laws in the two cities that have been identified this weekend. The Garda is reporting that crowds are dispersing, but it felt there was a significant change in behaviour last weekend. That might have been some degree of complacency because the figures were better the previous week and people felt that perhaps we had turned the corner in respect of reducing the incidence rate. We have not; the numbers are back up. Remember, the numbers we are seeing in the past three or four days were seeded a week or ten days ago. That is of concern to us in respect of where we will be at the end of this month with numbers.

Numbers are critical. If we keep community transmission rates low, we keep hospitalisa-

tions and ICU occupancy levels low for Covid-19. That enables us to keep schools going well and keep the non-Covid related health services in particular at the levels where we want them to be. That is the objective. We are doing this to try to keep the pressure on the virus and stop it from spreading and damaging people, lives and livelihoods, as it has done since it started, and not just here but across the world. If we look at what is happening in Europe, many health systems are under real pressure in respect of their acute hospital systems and their ICUs now. Thankfully, we are not in that position. We are the third best at the moment in the incidence of cases and the impact on hospitalisations and ICUs. We want to keep it that way and we want to keep that performance. That demands all our collective efforts and people have sacrificed a lot to get here.

Regarding the situation concerning 24-month, terminally ill patients, and John Wall has been a strong advocate for this for quite some time, the Minister published the clinical report, and the Deputy said that he supported his longer - I do not think they are that long - and more medium-term ideas. The Government considered the issue last week and the Department of Health is currently examining it.

On the CervicalCheck tribunal, as the Deputy will know, the Meenan report gave rise to the need to establish negligence. That then moved on to legislation, which was passed by the previous Oireachtas. The Government has decided that it will consider this issue again next week at its Cabinet meeting, and the Minister will bring a memorandum outlining where we are in respect of the outstanding issues. It is down to recurrence. The Deputy mentioned the Statute of Limitations. We do not believe that will be that significant an issue. We think we can deal with it.

**An Leas-Cheann Comhairle:** We are running out of time, Taoiseach, and I am obliged to stop. Deputy Boyd Barrett also had an issue.

**The Taoiseach:** I am sorry. We will come back to this issue again next week. There was also Deputy Boyd Barrett's question.

**Deputy Richard Boyd Barrett:** It was on CPL.

**The Taoiseach:** Yes. Again, the HSE was under a lot of pressure in this House concerning the need to recruit contact tracing staff and have a separate workforce as quickly as possible. The agency is being called on from all fronts in the House to do this, that and the other. I presume that is why it did what it did in respect of how it procured the services of CPL. I can get that checked, but I presume that is the rationale, because there was pressure on from all fronts to ensure we recruit and get a separate workforce in place to deal with contact tracing and swabbing and to get testing to the level where our capacity now exceeds demand. Again, we want to be ready for any further spike, if one were to happen, and to have the necessary workforce in place as quickly as we possibly can.

**An Leas-Cheann Comhairle:** We are over time, unfortunately. When we come back, we will have questions to the Minister for Defence, Deputy Coveney. The motion that was tabled will be taken tomorrow.

*Sitting suspended at 4.47 p.m. and resumed at 5.09 p.m.*

## **Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions**

### **Military Honours**

37. **Deputy John Brady** asked the Minister for Defence if he will consider the awarding of medals as per the recommendation of a person (details supplied) at the time to the members of the Defence Forces for their actions during the siege at Jadotville; the reason the medals were denied at the time; and if he will make a statement on the matter. [36693/20]

**Deputy John Brady:** My question to the Minister relates to the awarding of medals for what can only be described as true heroism during the siege of Jadotville. In the Seanad last week the Minister made a statement on the matter and he announced the establishment of an independent review body, which I welcome. I take this opportunity to ask the Minister to elaborate on that and to state what timeframe we are looking at.

**Minister for Defence (Deputy Simon Coveney):** I thank Deputy Brady for the question. The issue of awarding military medals for gallantry, MMG, and the distinguished service medal, DSM, to personnel who served in Jadotville in September 1961 has been considered on a number of occasions over the years.

The siege of Jadotville was a prominent event that occurred during Ireland's peacekeeping mission in the Congo in September 1961 where A Company, 35th Infantry Battalion, came under attack. From the 13 to 17 September the men of A Company endured almost continuous attack. At the end of the siege, the men were taken into captivity until finally released on 25 October 1961.

In 1962 and 1965 a properly constituted medals board considered the issue of the award of medals, including nominations, that had been submitted in respect of a number of the men of A Company. This medals board did not award any medals whose citation that mentioned Jadotville. This decision was subsequently reviewed by the medals board and it was indicated that the issued raised had received due consideration and that the board was not prepared to alter its findings.

In 2004 a broader examination of the events at Jadotville was conducted by military officers. This board recommended that the events of Jadotville and the contribution of the 35th Battalion be given recognition. The outcome of this broader examination of the events at Jadotville has led to a number of initiatives that honour the collective actions and bravery of the men of A Company at Jadotville and recognise the very significant contribution of A Company and of the 35th Battalion, as a whole, to the UN peacekeeping mission in the Congo. The Deputy will receive my written reply, which goes through what we have done to date. I asked the Chief of Staff to consider this issue and he has recommended that we set up an independent expert review body to look at the issue again in the context of today's thinking around Jadotville. We hope to have that process concluded with a recommendation by the end of March.

**Deputy John Brady:** The Minister is aware that next year marks the 60th anniversary of the siege at Jadotville. The commanding officer at that time, Commandant Pat Quinlan, recommended that 33 men from A Company, 35th Battalion, be recommended for the distinguished service medals, and that five of those men also be recommended for military medals for gallantry. I welcome that a review body has been established. Hopefully, it will validate the origi-

nal recommendation from the commanding officer at the time. We are aware there was much political pressure on at the time, and there was a perception that these brave men were cowards. Unfortunately, that ultimately influenced some of the decision making at that time. Hopefully, the review panel will come back in time for the 60th anniversary and that these medals will be awarded.

**Deputy Simon Coveney:** It is important not to draw conclusions here as to what the motivations were back in the 1960s with regard to these medals. It is important that we put in place a review body that is genuinely independent and that has military and academic expertise on it so it is considered in the full context of the questions being asked today.

We had a very good discussion on this during the Seanad debate last week. Every political party accepts that decisions on medals should not be made by politicians. Those decisions should be made by an appropriate process that ensures we protect the value of the receipt of medals. I believe everybody agrees with that, and I hope the process we have put in place now will allow for an appropriate review and for us to be able to take the appropriate action on the back of that. We will see where that leads. I certainly look forward to doing anything I can to assist that process.

**Deputy John Brady:** March is a reasonable timeframe for the panel to come back with the recommendations, which hopefully will overturn some of the political resistance that has existed. We need to be truthful that political resistance has existed over the past six decades.

I welcome this move. It is progress and is a step in the right direction. There has been much focus in this issue in the House, and rightly so. Quite recently, the Minister ruled out any progress on the issue, in that it would not be looked at again. I welcome that the Minister has established the independent review group and some of the people who will sit on it. Ultimately, however, we need to go back to the initial recommendations for the 33 brave soldiers, which was put forward by the officer on the ground. I look forward to a successful outcome to this lengthy process and the failure by the State to recognise the bravery of these men.

**Deputy Simon Coveney:** The way the process works is that people get recommended for either a DSM or an MMG. Those names then go to a medals board for assessment. Often, even though they have been recommended for medals, people are not awarded them because, for whatever reason, the medals board decides that the threshold has not been reached for the medal to be awarded. That is very much a military process, the integrity of which we must try to protect. I assure the Deputy there is absolutely no political resistance to trying to do what is right. Consider what has already happened in this space. In December 2017 a medal known as An Bonn Jadotville, the Jadotville medal, was specifically designed to recognise the role many of these men played in what was an extraordinary and courageous effort at the time.

There is a process in train now and I hope it can have a successful outcome that everybody can accept. I will come back to the House as soon as I have recommendations, and we will act on those.

## **Defence Forces Remuneration**

38. **Deputy Cian O’Callaghan** asked the Minister for Defence if the proposed commission on the Defence Forces will provide recommendations on outstanding and unresolved issues on

pay, conditions and union recognition; and if he will make a statement on the matter. [37036/20]

**Deputy Cian O’Callaghan:** I wish to ask the Minister for Defence if the outstanding issues on pay, conditions and union recognition that have affected morale in our Defence Forces and on the retention of key personnel and skills will be resolved.

**Deputy Simon Coveney:** The Deputy’s question referred to the proposed commission on the Defence Forces but I am very happy to answer that question and any supplementary questions he may have.

The establishment of a commission on the Defence Forces was an important commitment made in the recently agreed programme for Government. The programme for Government states that the commission will be tasked with undertaking a comprehensive review, which will include the following matters: arrangements for the effective defence of the country at land, air and sea; structures for governance, joint command, and control structures; the brigade structure; pay and allowances and composition of the Defence Forces; recruitment, retention and career progression; the contribution of the Reserve Defence Force, RDF, including its legislation and Defence Forces regulations governing it; and whether specialists from the RDF should be able to serve overseas.

The programme for Government also provides that the commission be established before the end of this year with a mandate to report within 12 months. I am working with officials in my Department in order to ensure this timeline for the establishment of the commission is more than met. I hope it will be established by the end of this month if we can.

My immediate priority concerns the commission’s terms of reference. In accordance with a commitment made in the programme for Government, I have consulted widely on the terms of reference and analysis of all of the various submissions received, including one from the Deputy, is still ongoing. In this regard, I expect to finalise draft terms of reference for the commission shortly and to bring proposals to Government for approval in the coming weeks.

On the recommendations of the commission on pay and other issues, I cannot pre-empt the outcome of the commission’s work but I would point out that the programme for Government states that on completion of the commission’s work a permanent pay review body is established reflecting the unique nature of military service in the context of the public service. It also states that all recommendations by the commission, or the successor body, and their implementation must be consistent with national public sector wage policy.

**Deputy Cian O’Callaghan:** It is good to hear there is some speed in terms of establishing the commission by the end of this month. Previous reviews have not been acted on. For example, the review into technicians’ pay and grading, which was promised as part of the Croke Park agreement 2010-14, has not yet been published. It is long overdue. Will it be published and if so, when? When will the recommendations of the high-level implementation plan, which covers issues like patrol allowance and living conditions, be implemented? It is very important that we address these kinds of issues, which have been dragging on for years without resolution and have affected morale in our Defence Forces. They have also affected our ability to retain key personnel and skills and have resulted in a loss of capacity and naval ships being at shore for months. When will these issues be addressed?

**Deputy Simon Coveney:** They are being addressed as we speak. Much of the high-level implementation plan has been and continues to be implemented but it is true that some elements

still remain. We are keeping a channel of communication open with the representative bodies within the Defence Forces, that is, PDFORRA and the Representative Association of Commissioned Officers, RACO, to make sure they understand the timelines around implementation. There have been some delays, primarily due to Covid, but I assure the Deputy there is no resistance in the Department to implementing those recommendations in full.

On technical pay, there is a particular issue around allowances for certain technical positions within the Defence Forces across the Air Corps, Naval Service and Army. We are anxious to progress that as soon as we can and it will be raised in the context of the public sector pay talks. There is a lot going on. This morning I had a discussion with the Secretary General of the Department of Defence about progressing the commitments and recommendations within the White Paper on defence that still need to be progressed. There is much happening in this space. I assure the Deputy that we are absolutely committed to moving these things forward.

**Deputy Cian O’Callaghan:** Again, when will the review into technicians’ pay and grading be published? It was part of the Croke Park agreement. Will the matter of personnel in post-1994 contracts being aged out because of arbitrary cut-offs be addressed? We do not know what is going to happen with fisheries and Brexit but will the Minister agree that it is vital we have full operational capacity in our Naval Service in that context? We need that full operational capacity now. These issues must be fully addressed within that timeframe.

**Deputy Simon Coveney:** The Deputy has shown a real interest in the Naval Service and its capacity, and for good reason. The Naval Service is significantly under strength at the moment. As a result of that, two ships that should be at sea do not have the capacity to go to sea because we do not have the crews to crew them. We are trying to address that. We worked for more than three months with the Department of Public Expenditure and Reform to put in place a new scheme for the Naval Service, which was essentially a going to sea incentive scheme to get people to commit to going to sea for two of the next four years. I think that scheme will be successful. We are finalising the terms of its implementation with representative bodies at the moment. It effectively gives people who commit to the scheme €10,000, or €5,000 per year that they commit to go to sea, on top of their patrol duty allowance and the extended tax credit for going to sea. That latter proposal came from the Department of Finance and the credit will be increased for next year on the back of what was available this year. We are trying to ensure the recruitment and retention issues in the naval service are addressed in a targeted way.

### **Search and Rescue Service Provision**

39. **Deputy Sorca Clarke** asked the Minister for Defence if he will review the decision to remove search and rescue duties from the Air Corps. [36726/20]

**Deputy Sorca Clarke:** In 2003, after 40 years of involvement, the Fianna Fáil Government of the day ended all Air Corps participation in search and rescue services, which were then operating out of Sligo. Since then, the money spent on these search and rescue contracts has been eye-watering to say the least. This year the Department of Transport’s budget for these services is €60 million, or just over €5 million per month, and it will spend an estimated €700 million over the term of the contract. This money would have been much better spent on investment in our Air Corps as the entity the State relies on for maintaining the service.

**Deputy Simon Coveney:** At the outset, let me clarify that no decision has yet been taken to

change any aspect of the current delivery model of search and rescue, SAR, aviation services in Ireland's SAR domain. There is currently a project ongoing under the remit of the Department of Transport to consider, develop and bring to fruition a new marine search and rescue aviation contract for future service provision.

The current contract for the SAR helicopter service is between the Department of Transport and a civil helicopter operator, CHC Ireland DAC. The contract commenced on 1 July 2012 for a period of ten years, with an option to extend for a further three. The existing contract was extended earlier this year for one year to 2023 to facilitate the lengthy procurement process and ensure compliance with the public spending code.

A next generation SAR aviation steering group has been set up under the auspices of the Department of Transport and is led by the Irish Coast Guard to manage the procurement of the next SAR aviation service. Personnel from the Department of Defence and members of the Air Corps are key stakeholder members of the steering group progressing this contract and have played an active role in the group's discussions since its inception a number of months ago.

The defence organisation is supportive of the Department of Transport's programme to put in place the next generation SAR contract. A strategic assessment and preliminary appraisal document in line with the public spending code was agreed by the steering group and brought to the Government for information in July. The preliminary appraisal included an appraisal of various service delivery options, including one in which the State assumed full responsibility for the service, either through the Air Corps or through a dedicated Irish Coast Guard aviation branch. Both were ruled out for various reasons.

I agree with the strategic assessment and preliminary appraisal and I do not see the Air Corps taking full responsibility for SAR services in Ireland's search and rescue domain. However, I would like to explore further the option of the Air Corps providing some element of the SAR aviation service, given its historical role in this area.

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

Having said that, I am well aware of the challenges the Air Corps experienced in the past in providing this service and any exploration of its providing some element of the service would need to take into account its existing roles and the current challenges in delivering those roles. I confirm that I have asked my officials to engage further with the Department of Transport, which has responsibility for the SAR contract, to explore the option of the Air Corps providing some element of the next generation SAR aviation service while at the same time ensuring the service meets domestic and international obligations for search and rescue and represents value for money for the State.

It is important that we get this right for everyone. There is considerable State funding at play here and the provision of a life-saving service is the ultimate aim. For taxpayers, the community and service providers, it is important that a full and realistic consideration is made of all the viable options available to the State. I am happy that this is the approach currently being taken.

**Deputy Sorca Clarke:** The Minister referred to the strategic assessment and preliminary appraisal document and that both State-run options were ruled out for a variety of reasons. The Minister's written response expands on those reasons, citing "the risks to the state and questions around potential affordability and deliverability". In that context, and in the context of

the money due to be spent next year, how can the Minister not see that his statement flies in the face of any commitment to the Defence Forces, particularly given that he said moments ago that the Commission on the Future of the Defence Forces was due to be established by the end of the month? Is he saying the Defence Forces are too expensive or that they are not worthy of investment? Is it that they are not properly equipped to carry out this kind of work? When this decision was first made, the differential between the private operators' wages and Air Corps wages was between €10,000 and €20,000, and not in favour of the Air Corps.

**Deputy Simon Coveney:** With respect, this has nothing to do with wages. It is to do with ensuring we have the capacity to save lives at sea when people get into trouble. I have had the benefit of the experience and the expertise of the current SAR contract. I would like to see the Air Corps and the Defence Forces playing as significant a role as they can in any future SAR arrangement or contract. There is Department of Defence and Air Corps expertise on the steering group and it is looking at what is possible. My objective is for us to be as ambitious as we can be as regards Defence Forces involvement but we must be also realistic about what is possible in the timelines available. First and foremost, we have to make sure the service is good because we have a very long coastline and dangerous sea conditions at different times of year. We need to be absolutely sure we are providing a first-class service. I would like the Air Corps to be as involved as it possibly can be and the process of trying to incorporate that interest in future planning is now under way.

**Deputy Sorca Clarke:** I welcome the Minister's commitment to having as much Air Corps involvement as possible. I will go back to the Minister's statement on the strategic assessment, particularly as regards the risks to the State. Around six private aircraft companies are expected to bid for the upcoming contract, of which two have fixed-wing aircraft based in Britain. At least one of those is also contracted to do clandestine work for the British Ministry of Defence which in itself raises intelligence concerns. Such a decision would mean that the Irish Defence Forces would cease to have any control over the data or the intelligence gathered over this country as the aircraft would be departing from and returning to Britain. There is also the added lack of clarity of what impact Brexit would have on these agreements.

I draw the Minister's attention to the concerns raised by military officers - the Minister spoke of his own experience with the current search and air rescue contract. The helicopters are designated to be wheels up within 15 minutes during daylight and 45 minutes during night time. What possible implications could a contractor based out of Britain have on those timelines?

**Deputy Simon Coveney:** With respect Deputy, we are not going to be the ones assessing those who tender for this contract. A group of experts will do that. They will ensure that the service provision we need from this contract is as comprehensively met as possible. That will be the tender that wins this.

I would like to see some form of carve-out with the overall provision of this service that can allow the Air Corps to do an awful lot more than it does today, as well as to invest in the training and the equipment that can allow it to do that. My interest, as Minister for Defence, is to ensure we are building capacity in the Air Corps, as well as responding to the service demands of a search and rescue contract that we have some time now to prepare for after 2022 and 2023.

We are not going to be supporting any service provision that does not have the capacity for quick response times. We certainly will not be compromising any intelligence data. With respect, I do not think the issues the Deputy raised are of real concern.

## **Defence Forces Representative Organisations**

40. **Deputy Bríd Smith** asked the Minister for Defence if he will accede to the request from an organisation (details supplied) to allow it to affiliate to a body; and if he will make a statement on the matter. [37149/20]

**Deputy Bríd Smith:** I and others have continually raised the question of PDFORRA and its affiliation to the Irish Congress of Trade Unions, ICTU, over the past number of years. The reason we support the campaign for PDFORRA to affiliate and to receive full recognition is not that we believe the ICTU is a panacea for all of the issues but that at least it would allow a systemic way in which Defence Forces personnel could have their issues raised and advanced. They are the lowest paid in the public services. They have been haemorrhaging members because of that low pay. The Defence Forces have an inability to retain personnel, have dreadful conditions of accommodation and a systemic underfunding of their key roles. Will the Minister address the matter?

**(Deputy Simon Coveney):** Under the Defence Acts 1954-2015, the Permanent Defence Force representative associations are prohibited from being associated with or affiliated with any trade unions or any other body without the consent of the Minister. To compensate for these limitations, there are a range of statutory redress mechanisms available to serving members of the Permanent Defence Force, including redress of wrongs, a Defence Forces Ombudsman and a conciliation and arbitration scheme.

In 2017, the European Committee of Social Rights, in a non-binding ruling, found that Ireland was in violation of the European Social Charter in respect of the right to organise, that is to affiliate to certain organisations, and the right to negotiate collective agreements. It found that Ireland was not in violation of the charter in respect of the prohibition of the right of military personnel to strike. The European Committee of Social Rights, in arriving at its decision, took into account a statement made in the complaint which claimed that ICTU had stated “PDFORRA could be affiliated to the ICTU with whatever conditions the Government deemed necessary”.

The basis for the complaint pre-dates a number of significant Government initiatives. On collective bargaining, the Permanent Defence Force representative associations were represented alongside other public service unions and associations in the negotiations, which led to the Public Service Stability Agreement 2018-2020, which were held under the auspices of the Workplace Relations Commission.

An independent review of the conciliation and arbitration scheme for members of the Permanent Defence Force was completed in 2018. One of the recommendations from that review was that the official side should, with the consent of the Minister, engage in discussions with ICTU to explore the practicality of a Permanent Defence Force representative association forming association-affiliation with ICTU, while giving due consideration to any likely conflict that might arise between such an arrangement and the obligations of military service.

Defence management, both civil and military, have engaged in discussions with the Permanent Defence Force representative associations and ICTU regarding the practicalities of a Defence Forces representative association forming association-affiliation with ICTU. PDFORRA subsequently initiated legal proceedings on this matter in June 2020. As this matter is now subject to litigation, I am somewhat limited in what I can say but I will try to answer the Deputy’s

questions.

**Deputy Bríd Smith:** The Minister more or less just read back to me a reply to a parliamentary question I tabled in October. I really did not need that answer because, no matter what the Minister said, whatever moves have been made in the past 12 months have not addressed the situation of low pay, poor conditions and appalling accommodation in the Defence Forces. Frankly, it is insulting and does not address the systemic issues in all grades.

If the Minister really wants to signal that he is doing something on this, then his minimum starting point should be to signal that he will consider PDFORRA's affiliation to ICTU. I do not believe it is a panacea for everything.

I noted in a debate last week that we are awaiting a report on the Blackrock Island R116 accident. At least one element of concern in this regard was the systemic underfunding by the State of the air sea rescue mission. The decision now to privatise the search and rescue mission really shows what former Taoiseach, Enda Kenny, said in a blunt, casual way, namely, that we all know we do not have enough pilots or air traffic controllers to staff the Air Corps properly. This can lead to the deaths of personnel and puts huge stress on them. It must be dealt with urgently.

**Deputy Simon Coveney:** It is important when we take questions in Parliament to deal with facts. If one looks at what has happened over the past 12 months with the Air Corps, we have seen significant increases in the numbers of pilots. We did have a significant shortage. A scheme was introduced to retain pilots and it has worked. We have seen people rejoining the Air Corps which has been a huge assistance in terms of the pressures we had 12 months ago as regards not having enough pilots. We are now trying to do the same in the Naval Service.

To claim that the Government and policy does not respond to pressures in the Defence Forces because we do not have affiliation with ICTU just is not true. I am listening to representative bodies in the Defence Forces all the time. We are working with them to try to put schemes in place. We increased the budget significantly for next year. We are setting up a commission to look specifically at the future of the Defence Forces. We have committed to set up a pay and conditions body specifically for the Defence Forces. No other sector in society has a specific pay body just for it.

**An Leas-Cheann Comhairle:** I ask for Members' co-operation with the times.

**Deputy Bríd Smith:** At the PDFORRA conference this year, it announced it was lodging a complaint with the European Committee of Social Rights. This has led to the legal action about which the Minister spoke. The European Committee of Social Rights found that the Government was in breach of Articles 5 and 6.2 of the European Social Charter. PDFORRA has repeatedly said that the reason it wants to affiliate to ICTU is not to put pickets on barracks or withdraw their services from the roof of the Houses of the Oireachtas; it is because it wants to be in the public sector pay talks. The reason for that is because it is the lowest paid section of the public sector.

In a recent article in *The Journal*, Tom Clonan stated:

The Defence Forces have reached the point where they are unable to service their mission to protect the state of Ireland, its territorial waters and airspace.

This abject state of affairs is a direct consequence of the cuts imposed on defence spending in Ireland [and of those being the lowest paid sector in the public service].

This is not being addressed.

**Deputy Simon Coveney:** Is Deputy Bríd Smith advocating for increased defence spending? Is that what she is calling for? I think Tom Clonan would certainly like to see us do that.

**Deputy Bríd Smith:** I have always advocated to give soldiers, the Navy and the Air Corps more pay.

**Deputy Simon Coveney:** Any increases in pay have to be in the context of public sector pay negotiations. The Deputy knows that.

**Deputy Bríd Smith:** Then let PDFORRA be at the ICTU table.

**Deputy Simon Coveney:** Representative bodies in the Defence Forces will be part of public sector pay talks. They are just like they were in the last round. There was a time when they were not and that was wrong. That has subsequently been addressed. My job is to make sure their case is heard and they have a platform to make that case as part of the public sector pay talks. I do not have a closed mind on the question of affiliation to ICTU.

**Deputy Bríd Smith:** Good.

**Deputy Simon Coveney:** I want to do what is right for the Defence Forces. At the moment I am most convinced by the argument for setting up a specific body concerned with Defence Forces pay and conditions. Serving in the Defence Forces is a unique type of national service. In my view a specific body is needed to look at that unique service and how it is rewarded. As I say, I do not have a closed mind on any of this stuff.

### **European Defence Capabilities**

41. **Deputy Joan Collins** asked the Minister for Defence the position regarding the European peace facility; the role Ireland and the Defence Forces will play in relation to it; and if he will make a statement on the matter. [36856/20]

**Deputy Joan Collins:** Will the Minister make a statement on the European peace facility and elaborate on the role the Irish State and the Defence Forces will play in relation to it? The European peace facility was first proposed in 2018. It is a very significant proposal because it ventures into uncharted territory. For the first time in history it would allow the EU to provide external action support for the procurement of military equipment, including lethal weapons.

**Deputy Simon Coveney:** I thank the Deputy for asking this question. I am glad to have the opportunity to put a statement on the record on this matter. The European peace facility, EPF, which was first proposed in 2018 by the High Representative of the Union for Foreign Affairs and Security Policy, Federica Mogherini, is designed to provide the EU with an off-budget financing mechanism of up to €5 billion to finance a range of EU common security and defence policy, CSDP, actions with military or defence implications for the period of the next multi-annual financial framework from 2021 to 2027.

The EPF will unite and expand the scope of two existing mechanisms, the Athena funding

mechanism, which handles the financing of common costs relating to EU military operations under the CSDP, and the African peace facility, which primarily supports African Union actions. The EPF will expand the geographical scope of the African peace facility and also include a mechanism for funding assistance measures in support of capacity-building for peace and security. This will cover both non-sensitive measures and sensitive measures, incorporating the equipment to which the Deputy has referred. Discussions are ongoing at EU level to finalise the provisions of the EPF, but negotiations are close to finalisation and it is expected that it will be operational in 2021. Officials are closely engaged in the process in order to ensure the outcome reflects Ireland's interests and Government policy, including our policy of neutrality.

With regard to the role Ireland and the Defence Forces will play in the EPF, Ireland is an active participant in both civilian and military CSDP missions and operations. Our Defence Forces currently participate in three EU military operations: Operation Iriini, the European Union training mission in Mali and Operation Althea. Ireland's participation in the EPF does not impact on the Defence Forces' role in these operations. Under the EPF, Ireland will continue to contribute to the costs of these missions and the other three military CSDP operations. Decisions on any EU military operations overseas and generally in the area of the CSDP require unanimity at the Council of the European Union. Ireland retains a veto in this regard, along with all other member states.

**Deputy Joan Collins:** People know that I am absolutely opposed to this facility. The EPF is a new off-budget multi-billion euro fund of European citizens' money, which is set to replace two previous programmes, the African peace facility and the neighbourhood, development and international co-operation instrument. The African peace facility supports the African Union and the African Regional Economic Communities with peace and security aims. It is prohibited from providing financial resources for military equipment, arms or military training. The new EPF does just the opposite. For the first time, it explicitly permits the provision of weapons to partner countries via EU funds. Under this proposal, arms companies will receive yet more gifts of European public money in return for militarising Africa, which will only fuel conflicts in a continuing feedback loop. In essence, the EPF is a proposal for the EU to export war to the majority world. European militaries will then be in a position to get in on the act. The EPF also enables the rapid deployment of EU military missions abroad.

**Deputy Simon Coveney:** I am very familiar with the concerns the Deputy has just outlined. That is why this deal has not yet been done. It is still under negotiation. I want to reassure the Deputy that in working to finalise an initiative that we can support, Ireland aims to ensure that countries like ours, which do not want to fund the provision of weapons or arms, are not asked to do so. I wish to reassure the Deputy and others who may be listening that we have been very involved in the negotiations shaping this proposal. It is really about efficiently funding EU activity in various parts of the world. Different countries have different views on whether funding arms should be part of that. Ireland's view is very clear: we do not believe that countries that do not want to fund arms should be asked to do so. That is a principle we will insist upon when this facility is finalised.

**Deputy Joan Collins:** I hear what the Minister is saying. He knows the concerns people have because for the last two years peace advocacy groups, corporate watchdogs and NGOs have implored the EU to call a halt to the EPF and to avoid investing in militarised approaches that are prone to failure and risk. The European External Action Service has doubled down by insisting that hard power has to complement soft power and that our security is not free. That is a very disturbing phrase. Researchers have pointed out that it echoes the US slogan "Freedom

is not free". As a country, we should insist on allowing countries that do not support militarisation through Europe's so-called security and peace funding to go their own way. Will the Minister go so far as to avoid entering this deal if that condition is not met? Once we start paying into it, we will be supporting it.

**Deputy Simon Coveney:** The security of countries is not free. In response to a previous question, we talked about what it costs to fund efficient Defence Forces. It is expensive. I would contend that we need to increase funding in many areas and that is what we are doing under the White Paper. The EPF is about creating a more efficient mechanism to fund EU activities in other parts of the world where we are trying to bring about peaceful resolution to conflict and build capacity through training, etc. For example, the EU makes a significant financial contribution to African Union peacekeeping forces in Somalia, without which that country could have collapsed. These are serious missions aimed at trying to allow states to survive, prosper, grow and stabilise. They are complex, messy and difficult at times. I believe we will support the EPF when it is finalised. We are trying to ensure that various countries' different perspectives on what should be funded will be reflected in the design and function of the mechanism. In other words, countries that are not comfortable with funding certain things should not be forced to do so.

## **Ceisteanna Eile - Other Questions**

### **Defence Forces Strength**

42. **Deputy Éamon Ó Cuív** asked the Minister for Defence the establishment number for the Defence Forces by Army, Naval Service and Air Corps; the actual number of personnel serving in each branch of the Defence Forces; and if he will make a statement on the matter. [36561/20]

47. **Deputy Brendan Smith** asked the Minister for Defence the number of new recruits that have enlisted in the Permanent Defence Force to date in 2020; and if he will make a statement on the matter. [36623/20]

48. **Deputy Bernard J. Durkan** asked the Minister for Defence the steps in hand to address the issue of the strength of the Defence Forces with particular reference to the attainment of optimal strength; and if he will make a statement on the matter. [36574/20]

71. **Deputy Barry Cowen** asked the Minister for Defence when he expects the numbers in the Defence Forces to reach the approved threshold of 9,500; and if he will make a statement on the matter. [36621/20]

**Deputy Éamon Ó Cuív:** My question is to ask the Minister the establishment number of the Defence Forces, broken down by Army, Naval Service and the Air Corps, and to compare that with the actual number serving. It is important we find that out, and then that the Minister might explain to us why that is the way it is.

**Deputy Simon Coveney:** I propose to take Questions Nos. 42, 47, 48 and 71 together.

The establishment of the Permanent Defence Force, as set out in the White Paper for de-

17 November 2020

fence, is 9,500 personnel, comprising 7,520 Army personnel, 886 Air Corps personnel and 1,094 Naval Service personnel. The military authorities have advised that at 30 September 2020, the strength of the Permanent Defence Force was 8,529 personnel, comprising 6,878 Army personnel, 752 Air Corps personnel and 899 Naval Service personnel. The Government remains committed to restoring the strength of the Permanent Defence Force as soon as possible. However, this will take time.

The Public Service Pay Commission report undertook a detailed analysis of recruitment and retention difficulties in the Defence Forces. Implementation of the high-level plan, Strengthening Our Defence Forces - Phase One, is a key part of the response to address recruitment and retention issues. The immediate pay increases were delivered, and further pay measures will be considered as part of the next pay negotiations. A range of non-pay measures are also being progressed.

I have acknowledged that there are ongoing difficulties in the Defence Force and these have been well documented. The Naval Service is a case in point and a new seagoing service commitment scheme for Naval Service personnel and an extension of a tax credit for seagoing Naval Service personnel are examples of targeted measures I have introduced aimed at retaining experienced Naval Service personnel. This follows the reintroduction of a successful service commitment scheme for flying officers in the Air Corps. As I have said, other measures will be considered as part of the next pay negotiations.

There have been 449 inductions to date this year, including 316 general service recruits, 67 cadets, 20 Air Corps apprentices, five direct entry specialists, three recommissioned officers and 38 re-enlisted personnel. Covid 19 has impacted on the numbers inducted this year. Other initiatives such as recommissioning of former Air Corps pilots have also assisted in boosting much needed specialists, and I understand that further specialist officers will be recommissioned soon. The re-enlistment of former enlisted personnel is another initiative that is to be welcomed. While the numbers being inducted are lower than initially anticipated, all will play an important role in restoring capacity.

The programme for Government provides that a commission on the Defence Forces will be tasked with examining a range of issues. This will provide an opportunity to chart the future direction for the Defence Forces. There is also a commitment to establish a pay review body for the Defence Forces when the commission has completed its work. Working closely with the Secretary General and the Chief of Staff, and a range of key stakeholders, I am confident that the current challenges facing the Defence Forces can be overcome.

I agree with Deputy Ó Cuív that the important starting point is to know where we are, to be honest about that and to put in place targeted initiatives to respond comprehensively to a Defence Forces that is effectively 1,000 people below where it should be in terms of strength. I am determined to make a positive impact on those numbers during my time as Minister.

**Deputy Éamon Ó Cuív:** I thank the Minister for his comprehensive answer. Perhaps he could outline for me when this divergence started taking place between the establishment strength of the Defence Forces and the position we find ourselves in today whereby we are 10% down in each service. What steps were taken once it became apparent that there was a difficulty retaining and recruiting people to the Defence Forces? What steps were taken once that divergence became apparent? It seems to me that this is a long-standing problem and that everything is always in the future rather than actually dealing with the issue and getting results.

**Deputy Brendan Smith:** Like Deputy Ó Cuív, I thank the Minister for his reply. A greater emphasis needs to be put on retention. We talk about recruitment and retention, but my understanding is, and I am more familiar with the Army than with the other two branches, namely, the Naval Service and the Air Corps, that after five years, many good, young people with great skills and expertise leave. I understand that in the past there existed a pre-discharge leave of 90 days whereby a person who decided to leave after five years had the option of re-enlisting if he or she changed his or her mind within the 90 days. At times people took that option and enlisted again so that this particular human resource was not lost to the Army.

I understand from speaking to people in the Army that too many people are discharged for minor medical ailments, ailments for which people would not be discharged from other physically demanding jobs in the public service. Maybe it is time we visited that particular issue as well. Also, in the past when a person completed five years, there was an incentive offered to the person to stay another four years, be it a monetary award or some particular leave arrangement. Those particular measures worked in the past. They need to be revisited to ensure we get our numbers back to the promised strength of 9,500.

**Deputy Brendan Griffin:** I acknowledge the Minister's response and the efforts that are being made. Every effort needs to continue to be made to strengthen the numbers. I echo the sentiments of other Deputies in regard to the need also for flexibility to do everything we possibly can do to retain people, to recruit new members and to create the most positive possible environment for that to happen. I know the Minister is very much committed to that. It is a difficult time in the context of Covid but this is something that is crucially important. I am encouraged by the efforts to date and I encourage further progress.

**Deputy Simon Coveney:** The history of this is that when the private sector grows rapidly, it often puts pressure on certain elements of public sector employment, particularly in areas where the training and the quality of the personnel are as high as they are in the Defence Forces. The truth is that a lot of people in the Defence Forces were head-hunted by the private sector. For example, in Cork, many members of the Naval Service were effectively targeted as highly skilled and motivated engineers for the pharmaceutical sector and were offered big pay packets to leave. When we saw rapid employment growth over the past seven or eight years, that had an impact on retention within the Defence Forces generally.

We need to learn from that and we need to ensure that we introduce targeted incentives where appropriate to try to address it. The Air Corps is a good example of that. When pilots were in short supply in the private sector, a number of pilots left our Air Corps. When the aviation sector has got into trouble, we have seen some of them return through re-enlistment programmes and so on. We have also introduced financial incentives around retention for key skill sets. Pilots are a good example in the Air Corps. We are putting in place a similar type of scheme for the Naval Service. It is clearly a problem persuading people to go to sea in terms of lifestyle choice versus other options that are available to people. We need to incentivise people financially to go to sea, which is exactly what this new seagoing retention scheme is all about.

I hear what people are saying. I give some reassurance that this is not just about plans for the future. We are spending extra money now to improve our retention numbers and to increase recruitment. We are also setting up a commission in the next few weeks which will again look at all these things, including looking at international best practice. When Deputies see the membership of the commission they will see that we are taking these matters very seriously.

*6 o'clock*

**Deputy Éamon Ó Cuív:** One of the attractions previously of serving in the Garda or the Army was that when a person went out on pension, he or she could get a new job and have the pension. My understanding is that that was changed in the past ten years to a situation where, if a person who leaves with a pension takes up public service employment and does the same full amount of work as his or her colleagues, equal pay for equal work does not apply because there is an abatement of the pension. However, if that person moves into the private sector, he or she can keep the pension and get the private sector wages but the skills are lost to the public sector. Has any assessment been done on that issue to find out the extent to which it has reduced the incentive and the attractiveness of serving in the Defence Forces until the Defence Forces pension age and then being able to move on and take up employment in the public or private sector without penalty?

**Deputy Brendan Smith:** As the Minister is aware, there has been a diminished Defence Forces footprint in the Border region and in the northern half of the country in particular in the past six or seven years. That has been an impediment to retaining personnel who were attached to barracks in Dún Uí Néill or other areas in the northern half of the country. Is the Minister assured that there are adequate personnel in the northern half of the country, given the unique policing and security demands in that area?

I welcome the commitment the Minister has given to act on the programme for Government commitment to establish a commission on the future of the Defence Forces. I suggest that he should ensure he has personnel on that commission who have served in the Border region and who are conscious of the great work the Defence Forces did in very difficult days for our country when terrorists were a threat to the State and those personnel stood up and defended the State. We need that expertise and knowledge to be brought to the commission on the future of the Permanent Defence Force.

**Deputy Simon Coveney:** Like the Deputy, I recognise the role the Defence Forces have played at very difficult moments in our history when tension in Border counties was much more significant than it is today. It is important to state that the operational structures of the Defence Forces are predominantly a military matter for the Chief of Staff. As I stated in response to the previous question, Deputies will see that the make-up of the commission is a good mix of national and international military expertise, civilian expertise and academia. It will be clear that certainly there is the capacity on that commission to look at all of these issues, including Border issues.

On the issue of pensions policy, I get asked about pensions policy quite a lot in the context of some of the Defence Forces representative bodies. The Association of Retired Commissioned Officers, ARCO, in particular raises the matter, and understandably so for their members. It is important to state that the Minister for Defence does not control pensions policy. That is very much the domain of the Department of Public Expenditure and Reform. The truth is that it is the overall package that people look at, although I think that when people in their late teens or early 20s join the Defence Forces, most of them are not thinking about their pension at that point but rather are thinking about conditions of work, pay, allowances, whether they will be able to serve abroad, and the structures within the Defence Forces to allow them to move up the ladder over time and so on. I hope many of the young people who have joined the Defence Forces in recent years will look forward to a very ambitious report coming from the commission in 12 months.

## **Defence Forces Remuneration**

43. **Deputy Bernard J. Durkan** asked the Minister for Defence the extent to which concerns in respect of pay and conditions affecting the Defence Forces have been resolved or are in the course of being resolved; and if he will make a statement on the matter. [36575/20]

67. **Deputy Thomas Gould** asked the Minister for Defence the number of new recruits who have enlisted in the Permanent Defence Forces to date in 2020; and if he will make a statement on the matter. [36585/20]

445. **Deputy Bernard J. Durkan** asked the Minister for Defence the extent to which the issue of pay and conditions within the Defence Forces is being addressed; and if he will make a statement on the matter. [37064/20]

**Deputy Brendan Griffin:** I am deputising for Deputy Durkan. The discussion on the previous questions has brought us on nicely to this question. I ask the Minister to update the House with regard to issues concerning pay and conditions among Defence Forces personnel.

**An Ceann Comhairle:** It is a tall order to deputise for Deputy Durkan.

**Deputy Simon Coveney:** Question Time would not be the same without a question from Deputy Durkan. I propose to take Questions Nos. 43, 67 and 445 together. I am not sure who tabled the last of those questions.

Similar to the situation in other sectors of the public service, the pay of Permanent Defence Force personnel was reduced as one of the measures to assist in stabilising national finances during the financial crisis. Pay is being restored to members of the Defence Forces and other public servants in accordance with public sector pay agreements. A 2% increase on annualised salaries was implemented from 1 October. The restoration of the 5% cut in allowances imposed under the financial emergency measures in the public interest, FEMPI, legislation was restored from 1 October this year. The pay scales of all public servants, including members of the Defence Forces, earning under €70,000 per annum have been restored to the levels in place prior to the introduction of the FEMPI legislation.

In addition to the general round of pay increases awarded to public servants, members of the Permanent Defence Force have benefited from the implementation of increases in Defence Forces allowances as recommended by the Public Service Pay Commission. A high-level implementation plan, entitled Strengthening our Defence Forces – Phase One, is being progressed. The increase to the military service allowance and the restoration of certain other allowances specific to the Defence Forces, as recommended by the Public Service Pay Commission, have been delivered. A service commitment scheme for flying officers has also been restored. A number of projects in the plan to enhance recruitment and retention are being delivered, while other projects relating to Defence Forces pay will feed into negotiations for the next pay agreement.

I recently announced the introduction of a new seagoing service commitment scheme which is aimed at retaining highly trained and experienced personnel and incentivising seagoing duties. A seagoing naval personnel tax credit of €1,270 was applied this year for members of the Naval Service who served 80 days or more at sea on board a naval vessel. This tax credit has been extended for a further year and is being increased to €1,500 for next year.

The Government is committed to addressing pay and conditions in the Defence Forces and this is reflected in the programme for Government. The programme for Government provides for the establishment of a commission on the Defence Forces, as we discussed earlier. Upon completion of the work of the commission, a permanent pay review body will be established. The answer to the Deputy's question is that we recognise the problem and there are many different things happening in parallel to try to address it.

**Deputy Brendan Griffin:** For the record of the House, Deputy Durkan tabled Question No. 445 as well, not that there was ever any doubt about that. I welcome the response of the Minister. It is critically important that everything that can be done for Defence Forces personnel will be done in future negotiations and delivered on. I voice my support for and appreciation of the work of the Defence Forces. I think I speak for all Members when I state that they deserve all of the support they can get. I thank the Minister for the update he provided in that regard.

A relatively smaller matter in the context of what we are talking about was recently brought to my attention. It relates to entitlements under the PRSI code. I know that is not strictly under the remit of the Minister but perhaps it is something that would be looked at to ensure there are no negative or unintended consequences in terms of the entitlements of Defence Forces personnel under the PRSI code. My understanding is that certain privileges that are available to some individuals under PRSI are not available to some Defence Forces personnel. Perhaps that is something the Minister could look at in the context of the broader question.

**Deputy Simon Coveney:** If the Deputy sends me the details in that regard, I will liaise with the Department of Finance and see if we can get a decent answer on the matter. If we are missing something, we will certainly try to address it.

On the issue of allowances and tax, we managed quietly to get an agreement that Defence Forces personnel who were due to go on a rotation overseas and would have to quarantine for 14 days beforehand will get overseas allowances tax free while quarantining in Ireland before going on rotation. We are working all the time with representative bodies to try to ensure we are giving the Defence Forces the priority they need from the Government. We will continue to do that. I for one am very excited at the opportunities that it is hoped will come from the report of the commission in 12 months. Certainly, my instruction to the chair of that commission will be to be ambitious, open minded and to ensure we have a modern response to modern security challenges and that we equip the Defence Forces to be able to respond to them. In the meantime, however, we have work to do to ensure that representative bodies are heard through the pay discussion process that is currently ongoing, and that we follow through on the potential for the new Naval Service scheme and get it up and running as soon as we can, in consultation with the other representative bodies.

### **Departmental Funding**

44. **Deputy Christopher O'Sullivan** asked the Minister for Defence if additional funding will be made available to support an organisation (details supplied) in view of the fact local training centres are struggling financially with the lack of revenue-raising events; and if he will make a statement on the matter. [36599/20]

**Deputy Christopher O'Sullivan:** My question relates to the Irish Red Cross and its funding. In fairness to the Minister and the Department, they fund the Irish Red Cross to the tune

of almost €1 million per annum. However, the local branches of the Irish Red Cross depend heavily on fees they get from attending events, concerts, race meetings and so forth. An extra cash injection is needed to keep these branches afloat in the current circumstances. Can that funding be provided?

**Deputy Simon Coveney:** I am aware the Irish Red Cross has been particularly active in west Cork, especially in response to flooding incidents and supporting businesses in the aftermath. The Irish Red Cross is an independent charitable body with full power to manage and administer its affairs. It has approximately 3,200 members based in 86 branches spread throughout the country. My Department makes an annual grant payment to the Irish Red Cross, towards the administrative running cost of its headquarters. In 2020, this grant amounted to €965,000, which includes Ireland's contribution of €130,000 to the International Committee of the Red Cross. The grant has been increased by 11% since 2017, following consideration of a business case made by the Irish Red Cross at that time.

A number of other Departments and bodies provide funding to the Irish Red Cross in respect of various programmes provided or administered by them, including the Department of Justice, the Department of Social Protection, which has responsibility for rural and community development, and the Department of Transport, as well as the HSE and various county councils. Full details can be found in the 2019 annual report of the Irish Red Cross.

On the specific issue raised by the Deputy, I am acutely aware of the difficulties that have faced many charities in 2020 due to Covid-19. It has been particularly challenging for charities similar to the Irish Red Cross whose branches throughout the country generate most of their income from community activities, such as attendance at sporting events, concerts, road races and so forth. Unfortunately, Covid-19 has prevented many of these community events from taking place in 2020. The extent to which such events will be possible in the near future will depend on the evolution of the virus over the coming months.

To assist the Irish Red Cross in these difficult times, my Department supported an application for financial assistance from the Department of Social Protection's €35 million Covid-19 stability fund for the community and voluntary sector earlier this year. The Irish Red Cross was allocated the maximum of €200,000 from this fund. I am aware that an additional €10 million in stability scheme funding was allocated to that Department in budget 2021. This will provide further assistance to community and voluntary groups providing critical front-line services to the most vulnerable in our communities. I understand the process for distributing the additional allocation will be finalised shortly. I have asked my officials to bring the challenges being faced by some local branches of the Irish Red Cross to the attention of that Department to ensure they get prioritised.

**Deputy Christopher O'Sullivan:** The Minister mentioned the stability fund and the fact the Irish Red Cross received €200,000 from it, but, unfortunately, it is not enough to keep the branches afloat. The Minister hit the nail on the head in terms of the challenges faced by the branches. The best I can do is offer him the example of the Clonakilty branch of the Irish Red Cross. It is an incredible branch and covers all of west Cork, a huge area. As the Minister mentioned, it deals with events, race meetings, summer shows, concerts and festivals. None of these has happened this year, so its income stream has been cut off completely. That has left it in a very precarious position. The Clonakilty branch had established a state-of-the-art facility in Clonakilty, but it has had to leave the premises. It had two ambulances and now the ambulances have nowhere to go. There is nowhere to conduct its training or to store the ambulances.

It is in a very severe predicament. I am requesting a further injection of funding from the Minister's Department. As regards the situation in Clonakilty, where the branch does not have a premises anymore, could the Minister intervene and see if it could somehow secure a premises or land on which to build a premises?

**Deputy Simon Coveney:** Regarding the securing of land locally, I am not familiar with the individual case, but I suggest that a conversation with Cork County Council might be helpful.

An extra €10 million was allocated in the budget for this community stability fund, if one can call it that. The fund provided €200,000 to the Irish Red Cross so far this year, so I would be hopeful that the organisation may be able to secure more money through the allocation of that sum. I do not know if the Deputy has raised that with the relevant Minister, but following this question I will try to ensure that the concerns of the Irish Red Cross are part of the consideration when allocating that extra €10 million. That is probably the most likely source of funding in the short term for the Irish Red Cross. I accept that it has been put under significant financial pressure this year, as have many community organisations for the reasons we outlined.

**Deputy Christopher O'Sullivan:** I thank the Minister. I assume he will liaise with the Minister for Social Protection, Deputy Humphreys, on that.

**Deputy Simon Coveney:** Yes.

**Deputy Christopher O'Sullivan:** That would be fantastic. I have had correspondence with the local branch. Despite the fact the funding goes to the Irish Red Cross nationally, that funding does not always drip down to the branch level. The case that was made to me was whether there was any way the funding mechanism could be amended in such a way that the annual allocation of almost €1 million in funding from the Department could go directly to the branches. Is that something that could be considered? I am hearing that the funding is not necessarily dripping down to local branch level.

**Deputy Simon Coveney:** If I were to decide where almost €1 million goes on the basis of branches in individual parts of the country, I have no doubt that I would try to prioritise parts of Cork, but that would not be appropriate. We provide a funding package to the Irish Red Cross. Some of that funds its affiliation to the International Committee of the Red Cross, which is €130,000 each year. The rest of it goes on running the activities of the Irish Red Cross here. We must work on the basis of dealing with a central body that then makes the decision on where money is most needed. I am sure the Deputy knows how the Irish Red Cross functions. How it spends the money we provide for it must be a matter for the Irish Red Cross. If we went into the space of providing funding for specific parts of the country or specific branches on the basis of the assessment of a Minister or Deputy, it would probably be a dangerous space to move into.

### **Search and Rescue Service Provision**

45. **Deputy John Brady** asked the Minister for Defence if concerns about the future viability of the Air Corps if it is completely excluded from search and rescue services will be addressed; and if he will make a statement on the matter. [36690/20]

**Deputy John Brady:** I wish to follow up on a question my colleague raised earlier in Priority Questions relating to search and rescue. The technical specifications for the new contract

have yet to be finalised, but, according to some sources familiar with the internal discussions, serious consideration is being given to allowing the winning bidder to base its fixed-wing aircraft in the UK as a cost-saving measure. Currently, the Air Corps provides the top cover in many search and rescue missions. My specific question is whether that will happen and whether the Air Corps will be cut out, with that provision being included in the contract which could potentially end up with a UK bidder.

**Deputy Simon Coveney:** I just do not get what the obsession with the UK is here, as if we cannot have a bidder from the UK. The current search and rescue contract is primarily with a UK company and it has done an extraordinary job. Yes, it is very expensive for the State, but we have saved many lives as a result of it.

This is primarily the responsibility of the Department of Transport. The steering committee to get this right also involves significant input from the Department of Defence and the Air Corps itself. I have no sight of likely bidders or proposals, so I just do not know where that is coming from. All I would say is that we have a number of years to prepare for a new search and rescue contract. It involves a very substantial amount of public money. I would like the Air Corps and the Defence Forces to be as involved as possible in the shaping of the new contract, but I want to make sure that what is committed to can be delivered and then that we can plan for training and investment around that. It may be the case that when we look at this in detail the options may be quite limited. The most important issue here is that we provide a very comprehensive search and rescue service around the coastline.

I can remember on the previous occasion this issue was being discussed in 2010 and 2011 that I asked very similar questions to the ones Deputy Brady is now asking. I asked why we could not invest hundreds of millions of euro in the Air Corps to build capacity and to provide search and rescue capacity instead of outsourcing the job to somebody else. I got very comprehensive answers as to why that could not be done. As I already stated on the record, I am very interested in trying to do as much as we can through the Air Corps in terms of contributing to search and rescue capacity around the coastline. I also recognise that there is a process in place with much expertise and experience planning for when the current contract runs out.

**Deputy John Brady:** It has been reported that some six private contract companies are expected to bid for the contract, and two of them are UK-based entities. It has also been reported that one of them is also contracted to do clandestine work for the UK's Ministry of Defence. Earlier, the Minister referred to a specific concern about intelligence and the retention of same. These are my concerns but, more important, they are the concerns of Irish officers in terms of the intelligence implications. The Minister brushed it away and essentially said it was baseless, that there are no concerns about the intelligence implications. What measures are in place to ensure there is no concern in that regard? Are specific measures included in the tender for the contract to address any potential concern around intelligence?

**Deputy Simon Coveney:** First, it has not been finalised yet. I assure Deputy Brady that any assessment of companies tendering to provide this service will be very robust. The process will be independent. The State will go through an appropriate process. I think the Deputy indicated earlier that we will be committing hundreds of millions of euro in this regard. Over the lifetime of the next contract the State will spend well over half a billion euro on search and rescue contracts. The process that will need to be followed will need to be very robust and I assure the Deputy that no element of this contract will compromise the intelligence of the State. That is something, which for obvious reasons, is not going to be facilitated in the provision of

a service like this.

**Deputy John Brady:** In the context of the contract, concerns have been expressed about the viability of the Air Corps not just by politicians but by Air Corps officers. We have established that the technical detail of the contract is still being worked out. In a previous response to a question the Minister said that when he was on these benches he asked questions about a lack of investment in the Air Corps and he said he got reasonable explanations as to why that should not or could not happen. He might share some of them now because I have not heard any reasonable explanation as to why the money should not be ploughed directly into the Air Corps to make it viable and so that it can continue to provide a first-class service. The Minister might touch on some of the reasons that changed the view he had when he was on these benches and where he is now as the Minister with the responsibility and ability to provide the money to the Air Corps.

**Deputy Simon Coveney:** First, we are ploughing money into the Air Corps. The Air Corps operates a fleet of fixed-wing and rotary-wing aircraft which provide military support to the Army and Naval Service, together with support for non-military air services such as Garda air support, air ambulance, fisheries protection and, at times, ministerial air travel.

Priorities for the Defence Forces, including the Air Corps, are considered in the context of the White Paper on Defence. In line with these agreed priorities, work is well advanced on updating the Air Corps' fleet of aircraft. The replacement of the Cessna fleet, as provided for in the White Paper, with three larger aircraft which are equipped for intelligence, surveillance, target acquisition and reconnaissance, ISTAR, has been completed and these aircraft, which cost just over €43 million, are now operational. In addition, in March this year, a fourth PC-12 NG aircraft was purchased to provide very immediate additional fixed-wing capacity to meet the unique situation arising from the Covid-19 pandemic.

The White Paper also provides for the replacement of the CASA 235s with larger more capable aircraft that would enhance maritime surveillance and provide a greater degree of utility for transport and cargo-carrying tasks.

**An Ceann Comhairle:** I thank the Minister.

**Deputy Simon Coveney:** A contract for the supply of two C-295 maritime patrol aircraft was entered into with Airbus Defence and Space in December 2019.

**An Ceann Comhairle:** We are over time.

**Deputy Brendan Howlin:** When are they arriving?

**Deputy Simon Coveney:** That is a contract that is worth approximately €221 million. The aircraft should be delivered in 2023. It takes time. The idea that we are not ploughing money into the Air Corps and that its future is in any way threatened just does not stack up. We are doing the opposite: we are building capacity.

## Defence Forces

46. **Deputy Patrick Costello** asked the Minister for Defence if the commission on the future of the Defence Forces will examine the impact of climate change on the role of the Defence

Forces to provide aid to the civilian power in particular the ability to provide rapid response to the increased frequency and severity of adverse weather events and increased frequency and severity of flooding events that climate change will bring. [36578/20]

50. **Deputy Catherine Connolly** asked the Minister for Defence when the independent commission on the Defence Forces, pursuant to the programme for Government, will be established; the membership and expertise of the commission; the terms of reference of the commission; and if he will make a statement on the matter. [36694/20]

73. **Deputy Dara Calleary** asked the Minister for Defence the status of the commission on defence. [36632/20]

78. **Deputy Sorca Clarke** asked the Minister for Defence the efforts he will make regarding the composition of any board convened on the future of the Defence Forces to ensure membership, governance and accountability are of the highest standards. [36727/20]

83. **Deputy Paul McAuliffe** asked the Minister for Defence the progress made regarding the establishment of a commission on the future of the Defence Forces; and if he will make a statement on the matter. [36734/20]

**Deputy Patrick Costello:** A key role of the Defence Forces is to provide aid to the civilian power. We see that frequently in cases of severe flooding and in response to adverse weather events that the Defence Forces are often very quick to put themselves in harm's way to protect the rest of us. With climate change already increasing flooding and likely to further increase it and adverse weather events, will it form part of the terms of reference for the commission on the future of the Defence Forces? Will the Defence Forces' ability to face these challenges be part of the commission's terms of reference?

**(Deputy Simon Coveney):** I propose to take Questions Nos. 46, 50, 73, 78 and 83 together.

As outlined already in my earlier response on the commission, the position is that establishment of an independent commission on the Defence Forces is an important commitment made in the programme for Government. The programme for Government states that the commission will be tasked with undertaking a comprehensive review, which will include the following matters: arrangements for the effective defence of the State at land, air and sea; structures for governance, joint command, and control structures; the brigade structure; pay and allowances and composition of the Defence Forces; recruitment, retention and career progression; and the contribution of the Reserve Defence Force, RDF, including its legislation and Defence Forces regulations governing it, and whether specialists from the RDF should be able to serve overseas.

The programme for Government also provides that the commission is to be established before the end of the year, with a mandate to report within 12 months, and as I indicated earlier, I am working with officials in my Department in order to ensure we are well ahead of the timeline.

My immediate priority concerns the commission's terms of reference. In accordance with a commitment made in the programme for Government, I have consulted widely on the terms of reference and analysis of all of the various submissions received is still ongoing. In this regard, I expect to finalise draft terms of reference for the commission shortly and to bring proposals to Government for approval in the coming weeks.

Regarding membership of the commission, the programme for Government states that the

commission will contain a wide variety of expertise such as management, human resources, academia, law and public service, as well as members with external military experience from countries similar in size to Ireland and also from states which, like Ireland, are non-aligned militarily. While consideration of these criteria is under way and various names are in discussion, no decisions have yet been made on membership of the commission. Ultimately, this and the commission's terms of reference will both be matters for decision by Government shortly.

The impact of climate change will of course be of relevance to the work of the commission. In this regard one of the roles assigned to the Defence Forces by Government, in the White Paper on defence, is to contribute to national resilience through the provision of aid to the civil authority supports to lead agencies in response to major emergencies and in the maintenance of essential services. The White Paper also provides that, under the framework for major emergency management, the Defence Forces have a support role to the lead agency in major national and local emergencies. In a major emergency, such as a severe weather event, all the available resources and capabilities of the Defence Forces are made available to the national co-ordination group for the purpose of providing assistance. Unfortunately, that is becoming a more frequent experience now.

Regarding future investment, the White Paper update, which was approved by Government last December, recognises that demands on future capability will need to take account of climate change objectives. The update notes that the effects of climate change are continuing to lead to changes in weather patterns and an increased probability that severe weather events such as flooding could become more commonplace in Ireland.

Climate change and issues arising from it for the Defence Forces are already clearly signposted in existing key Government policy documents on defence. I will ensure that the commission gives due regard in its deliberations to the impacts of climate change for the Defence Forces.

**Deputy Patrick Costello:** There are essentially two issues. First, are we planning properly for the missions our Defence Forces are likely to face? Climate change has increased the frequency and severity of flooding and adverse weather events. In 2017 in Inishowen the Defence Forces came in to erect a temporary bridge to reconnect communities when a road collapsed. We will not get the structure of the Defence Forces right if we do not factor in the missions they are likely to face.

Second, are we giving the Defence Forces what they need to complete those missions? We have had many discussions here on meeting our overseas mission requirements and our naval operations. Do we have enough Bailey bridges to be able to provide that flooding support? Do we have enough logistic support bridges? Do we have enough personnel to be able to erect them? If we only have a handful of Bailey bridges and they are needed in three or four parts of the country at the same time, we just will not have them. The questions the commission is looking to answer fundamentally depend on the missions we envisage. We should certainly be considering support to the civilian power in the face of runaway climate change.

**Deputy Sorca Clarke:** The Minister hopes to finalise the composition of the commission by the end of the month. We need this to be effective and the Defence Forces need it to be effective. For it to be effective, it needs to have a genuinely independent chair and a multidisciplinary board made up of people who have skills, but also people who have access to skills to make this exercise the best it could possibly be. We need that knowledge and expertise to

deliver the change for the Defence Forces.

In addition, it needs to set very clear and achievable goals for the delivery of recommendations and realistic timelines for their implementation. Another key aspect is that the commission must take a more holistic view and undertake its work in an open, transparent and constructive manner and not one that is railroaded into very limited views of what are the Defence Forces.

**Deputy Simon Coveney:** The commission will follow through on the commitments we have made in the programme for Government. I believe the people we are approaching to be on the commission are first class. I am very confident they will be able to do a very good job, but we need to get them approved by Government first and so on. That process is under way.

I take Deputy Costello's point that we need to plan properly for a response to adaptation as well as mitigation when it comes to climate change. Part of the adaptation challenge is to put the emergency-response capacity in place to protect people and protect ecosystems and resources from more extreme weather patterns, which are already taking place. We are not talking about the future anymore; we are also talking about the present. We have seen the involvement of the Defence Forces in a much more structured and efficient way in recent years. Local authorities are now much more willing to reach out and seek assistance from the Defence Forces at a much earlier stage when they are put under pressure. That will be part of the commission's work, but it has many other elements of work.

*Questions Nos. 47 and 48 answered with Question No. 42.*

### **Naval Service**

49. **Deputy Brendan Howlin** asked the Minister for Defence the number of Naval Service personnel eligible for the new loyalty bonus, that is, sea-going service commitment; and if he will make a statement on the matter. [36188/20]

57. **Deputy Brendan Howlin** asked the Minister for Defence if he has considered increasing the patrol duty allowance for sailors in line with other sea-going allowances paid to public servants as part of all efforts to retain sailors in the Naval Service; and if he will make a statement on the matter. [36189/20]

424. **Deputy Duncan Smith** asked the Minister for Defence the number of Naval Service personnel eligible for the new loyalty bonus; and if he will make a statement on the matter. [36203/20]

**Deputy Brendan Howlin:** I know from previous experience of working with the Minister that he has a particular regard for the Naval Service and has been very supportive in the past. Even in the worst of times we were able to provide significant resources for new vessels for the Naval Service. In that context, I am sure he shares my dismay that some of the vessels that are provided to the Naval Service were required to be tied up because of lack of trained personnel available to sail on them. In that context, I know a number of initiatives have been taken to try to improve pay and conditions. I asked a specific question on the number of Naval Service personnel eligible for the new loyalty bonus, but perhaps in his answer the Minister might give a comprehensive indication of how he intends to ensure that awful situation where vessels are tied up for want of personnel never happens.

17 November 2020

**Deputy Simon Coveney:** I propose to take Questions Nos. 49, 57 and 424 together. From my previous time in the Department of Defence when the Deputy held the purse strings, I was not alone in caring about the Naval Service as he was extremely supportive at the time. I recognise that. Coming from a coastal county, he understands why that is so important as do I. I am frustrated and concerned that we do not have the capacity to put ships to sea or as many as we should be putting to sea because we do not have enough personnel to crew them. We will fix that. The first step in that has been designing a scheme which is really about retention within the Defence Forces and the Naval Service to get a commitment over the coming years for people in the Naval Service to stay in the Naval Service and be willing to go to sea. We are willing to pay them to do that - €5,000 for each of those two years, €10,000 in total for a commitment to go to sea for two of the next four years, which is how the rotation works.

We have tried to include as many Naval Service personnel who will be on ships as possible in that scheme. We needed to set some parameters for qualification. Therefore, people who are in their first three years in the Naval Service, many of whom will be still in some form of training, are not eligible, but everybody else is. If we have six ships with approximately 50 per ship, that is 300 people. I would expect that 200 or more will be eligible for the scheme, but the make-up of the crews and how long they have been in the Naval Service will depend on the cycle. We are working to try to get as many people into the scheme as we possibly can.

### **Estimates for Public Services 2020: Message from Select Committee**

**An Ceann Comhairle:** The Select Committee on Justice has completed its consideration of the following Further Revised Estimates for Public Services for the service of the year ending 31 December 2020: Votes Nos. 20, 21, 22 and 24.

### **Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters**

**An Ceann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 37 and the name of the Member in each case: (1) Deputy Steven Matthews - to discuss an Environmental Protection Agency report on water quality which highlights raw sewage outflows in 35 locations across Ireland; (2) Deputies Cathal Crowe and Willie O'Dea - to discuss the supports the Government will provide to Shannon Heritage to keep key tourist sites in the mid-west open from January 2021; (3) Deputies Aengus Ó Snodaigh, Patrick Costello, Joan Collins and Bríd Smith - to discuss the provision of autism spectrum disorder education in Dublin 12 and the future of Scoil Colm in Crumlin; (4) Deputy Louise O'Reilly - to discuss the need to address child and adolescent mental health services waiting lists in north county Dublin; (5) Deputy Brendan Griffin - to discuss the decision to grant permission for the iconic south Kerry greenway and the need for construction funding; (6) Deputy Éamon Ó Cuív - to discuss action to avoid a crisis in the timber milling industry; (7) Deputy Seán Canney - to discuss the issue of the undocumented Irish in America in light of the election of the President-elect of the USA and his knowledge of Irish-American relations; (8) Deputy Marian Harkin - to discuss the relocation of the sittings of Sligo High Court; (9) Deputies Sean Sherlock, Pádraig O'Sullivan and Thomas Gould - to discuss the need for out-of-hours GP services in Cork; (10) Deputy Michael McNamara - to discuss extending the defective concrete block scheme to County Clare; (11) Deputy Aodhán Ó Ríordáin - to discuss the need

to suspend the requirement on special needs assistants to complete 72 hours of non-contact work; (12) Deputies Eoin Ó Broin and Denise Mitchell - to discuss the decision of Dublin City Council not to transfer lands at Oscar Traynor Road to a private developer; (13) Deputy Darren O'Rourke - to discuss the urgent need to improve the customer service provided by telecommunications and utility companies; (14) Deputies Christopher O'Sullivan and James O'Connor - to review the progress of school development in the east Cork region in light of ongoing school capacity issues; (15) Deputy Maurice Quinlivan - to discuss delays in the construction of the Coonagh-Knockalisheen Road; (16) Deputy Martin Browne - to discuss the need for speedy assessments for treatment at the National Rehabilitation Clinic in Dún Laoghaire; (17) Deputy Holly Cairns - to discuss the response to repeated flooding in Bantry, County Cork; (18) Deputy Emer Higgins - to discuss building a more effective Covid-19 advertising strategy; (19) Deputy Jim O'Callaghan - to discuss permitting teenagers and young people to play competitive sporting fixtures if level 3 restrictions are imposed; and (20) Deputy Martin Kenny - to discuss the process of appointing Supreme Court judges. The matters raised by Deputies Eoin Ó Broin and Denise Mitchell, Deputy Steven Matthews, Deputies Cathal Crowe and Willie O'Dea, and Deputy Brendan Griffin have been selected for discussion.

### **Scrambler Motorbikes and Quad Bikes: Motion [Private Members]**

**Deputy Paul Donnelly:** I move:

That Dáil Éireann:

acknowledges that:

— the unlawful use of quad-bikes and scrambler motorcycles has resulted in serious injury and death;

— Gardaí do not have the required training, resources or legislative powers to effectively address the unlawful and dangerous use of quad-bikes and scrambler motorcycles;

— the current practice is that Gardaí do not follow or apprehend those using or driving quad-bikes or scrambler motorcycles in an unlawful or dangerous manner;

— the scourge of scrambler motorcycles and off-road motorbikes is at an all-time high in urban centres across the State, with some cases where parents are afraid to allow young children out to play in housing estates and public parks;

— elderly people who use local parks for recreation are afraid to go for their daily walk and that local sports clubs have been forced to abandon their activities where their pitches have been destroyed by the illegal use of scrambler motorcycles and quadbikes;

— there are reports from communities that quad-bikes and scrambler motorcycles are being used for the delivery and distribution of drugs, in order to avoid apprehension by the Gardaí;

— the current legislation is not adequate to effectively address this issue and needs to be reformed, amended and robustly enforced; and

17 November 2020

— public parks and community recreational facilities have been damaged as a result of the unlawful use of quad-bikes and scrambler motorcycles, at significant cost to local authorities; and

calls on the Government to:

— bring forward, as a matter of urgency, amending legislation to give the Gardaí powers to seize and detain quad-bikes and scrambler motorcycles when being used unlawfully or in a dangerous or reckless manner;

— extend the relevant legal definition of public place to include public parks, green spaces in estates, public recreational areas and sporting grounds under the ownership of local authorities or clubs;

— ensure that Gardaí are provided with the necessary resources and training to follow and apprehend those using quad-bikes and scrambler motorcycles unlawfully;

— extend the National Vehicle and Driver File database, to provide for the compulsory registration of all quad-bikes and scrambler motorcycles;

— conduct a review of practices in other jurisdictions which result in the police performing a controlled stop on those illegally riding motorcycles and scrambler motorcycles;

— introduce, as a standard operational practice, the successful pilot scheme rolled out in Finglas in 2019, which resulted in the seizure of over 40 motorcycles and scrambler motorcycles which were being used illegally on the roads;

— put in place a campaign to highlight the dangers of scrambler motorcycles and quadbikes, when driven recklessly or in public places;

— run an effective public awareness campaign in the run-up to Christmas to discourage the purchase of such vehicles for children and young people; and

— encourage local authorities to explore the feasibility of providing suitable spaces for the use of registered quad-bikes and scrambler motorcycles in a safe, controlled and responsible manner.

I thank my colleagues, Deputies Ellis and Munster, who did a lot of the heavy lifting on this issue in the last Dáil. This evening Sinn Féin is proposing a motion to deal with the unlawful and dangerous use of quads and scramblers which has resulted in serious injuries and deaths in our communities. Six people have died and 60 have been injured, many in life-changing ways, over the past five years. The scourge of scramblers and off-road motorbikes is at an all-time high across urban centres in this State.

The current practice whereby gardaí do not follow or apprehend those using or driving quads or scramblers in an unlawful and dangerous manner must change. Gardaí do not have the required training, resources or legislative power to address effectively the unlawful use of quads and scramblers. I know of no other area of the law that gardaí will openly admit they cannot tackle or are prohibited by their management from tackling. I understand that it is a difficult decision and safety must be paramount. I suggest that we look to other countries, including our neighbours in England, who adopted a very robust policing strategy when this problem threat-

ened to spiral out of control in many areas. They have had a significant amount of success.

We intend to bring forward legislation to give gardaí the power to seize and retain quad bikes and scramblers when they are used unlawfully or in a dangerous and reckless manner. We will seek to extend the legal definition of a public place to include public parks, green spaces in housing estates, public recreational areas and sporting grounds in the ownership of local authorities and clubs. This issue has plagued local authorities, sports clubs, including GAA and soccer clubs, and any other bodies that have a piece of ground in urban areas. They have all had their property damaged by people using scramblers and quad bikes in an illegal way.

The hard work of our parks and operations departments is wrecked every day. In my own area from Ongar, Hartstown and Tyrrelstown, all the way down the Navan Road and along the Royal Canal, people are absolutely plagued by quads and scramblers. It is extremely dangerous for older people who want to go for a walk, for parents who want to let their children out to play, and for sports teams who want to play their games. The latter are regularly called off because of the damage being done. We are spending millions of euro throughout this State on building walls, erecting railings and manufacturing kissing gates that will not prevent people with disabilities from entering our public parks. Why? It is primarily because of quads and scramblers. This is an awful waste of money, especially in view of the need for more playgrounds and skate parks for children and our desire to enhance our parks.

Sinn Féin proposes to extend the national vehicle database to provide for the compulsory registration of all quad bikes and scramblers. This will enable gardaí to identify swiftly those people who are acting in an irresponsible and dangerous manner. An important element of this motion is our call for an effective public awareness campaign in the run-up to Christmas to discourage the purchase of these vehicles for children and young people. The ultimate responsibility lies with the parents who buy these quads and scramblers. They are putting their own children as well as other children and adults at risk.

We also want to encourage local authorities to work with local motor sport enthusiasts. It is a massive sport throughout the State, but unfortunately it is very difficult to get land and insurance to set up a properly constituted motocross club. This is not all about the stick; it should also be about the carrot. We must determine what we can do for those who have a love of the sport and who want to do it in a safe way. With the proper training, some enthusiasts could go on to become professionals.

I urge the Government to support this motion. Let us work together on this because this issue has been raised time and again in this House. We must work together to try to get these changes across the line.

**Deputy Dessie Ellis:** In 2017 Sinn Féin moved its first Bill on quads and scramblers to tackle the scourge of the illegal use of these vehicles which has plagued our communities for years. In 2018 our Bill was debated in the Dáil and was voted down by the Government and Fianna Fáil. Since then, a number of deaths and many injuries have been caused by these vehicles. I have repeatedly raised this issue in the Dáil and on safety forums and policing committees over many years.

A working group was set up by the then Department of Justice and Equality to consider a cross-agency approach to this issue but it has scarcely met over the years. So far, the working group has not put forward any realistic solutions, particularly with regard to the use of such

vehicles in parks and on green areas in housing estates. The Government is relying on the use of by-laws in parks to stop such activity, but by-laws are not the solution to this problem. Proper legislation is required to prohibit this sort of activity in these public spaces. We have looked closely at the concerns raised by the Government and others with regard to tackling this issue. We have taken them into consideration and put forward solutions. The legislation we will publish later this week will adequately address these concerns. However, there is nothing to stop the Government from implementing some practical solutions now that do not require legislation.

It is important that gardaí are able to enforce existing road traffic legislation. One of the most effective initiatives in my constituency of Dublin North-West was a pilot scheme that operated in Finglas. A garda who had received specialised motorcycle training was able within a two-month period to pursue and seize 40 motorcycles and scramblers being used illegally. Unfortunately, this highly successful initiative has now ceased, but such a scheme should become standard across all Garda divisions. Gardaí should be properly trained and equipped with specialised motorcycles to pursue and seize scramblers when being used illegally. The initiative to which I referred had a noticeable effect in Dublin North-West, with a welcome reduction in the antisocial activity associated with the illegal use of such vehicles. However, since the initiative was stopped, there has been an increase in the presence of these vehicles and a corresponding increase in antisocial activity. This is amplified by the current policy of the Garda not to pursue people driving the vehicles. That policy needs to be reversed and reintroducing the Finglas initiative is one way of doing so.

I conclude by appealing to parents not to buy quad or scrambler bikes for their children this Christmas and to consider the effects the illegal use of such vehicles has on their neighbours and their community, as well as the dangers posed to young people in riding them, as often happens, without any safety equipment.

**Deputy Eoin Ó Broin:** St. Cuthbert's Park is a medium-sized park in south-west Clondalkin, in my constituency, which is surrounded by some 2,000 houses, comprising both council housing and private homes. The people living in Bawnogue work very hard and pay their rent or mortgage and their taxes, including the property tax. They contribute enormously to the very vibrant local community. For example, the Friends of St. Cuthbert's Park group organises family days and cinema evenings. Local men and women put an enormous amount of time voluntarily into the very active local soccer club, Clondalkin Celtic FC, in which more than 200 boys and girls participate. The local GAA team, Round Tower GAA Club, is also active in the area. In addition, there is also a local community safety forum. It is a really vibrant place to live, with very good people.

Unfortunately, St Cuthbert's Park has been plagued for years by the reckless use of quad and scrambler bikes, so much so that we had to set up a task force, led by the local authority and local gardaí, and the membership of which includes local councillors, Deputies, residents and sports club representatives. For as long as the task force has existed, senior gardaí in Clondalkin have been telling it that they do not have enough power to seize the quad and scrambler bikes that are putting people's lives at risk. It is not Opposition Deputies or members of the community who are saying that. The people tasked by the Government to keep our community safe are asking it to change the law. The reason I mention St. Cuthbert's Park is that the local community, local authority and community gardaí are doing everything they can. A change in the law is what is needed.

My colleague, Deputy Ellis, referred to the numerous occasions when he and other Opposition Deputies have called for the Government to take action on this matter. There is a widespread belief in the communities we represent that it is because this problem predominantly affects working-class communities that the Government has not taken action for years. That is the widely held belief of many of the people we represent. If the kinds of problems we see with quad and scrambler bikes were as prevalent in more affluent parts of our urban centres, people believe that the law would have been changed years ago. I know the Minister has been given a statement by his officials which she will read presently. We are urging her, when this debate is over and she goes back to her Department and to her officials, not to do what her predecessor, Deputy Flanagan, did. We ask that she not tell us there is going to be action when no action is planned. We are asking her to look at this issue, hear what Deputies are saying, take it seriously and come back with proposals to empower the Garda to assist people and keep our communities safe. That is not too much to ask of the Minister for Justice.

**Deputy Denise Mitchell:** Many Deputies have been contacted by people in their constituencies about scrambler and quad bikes being used in public places. This motion aims to tackle that scourge. The debate on this issue has been going on for years in communities and at joint policing committee, JPC, meetings and it has been raised many times on the floor of the Dáil. The Garda does not have the powers it needs to seize these bikes and take them out of our public spaces. It is in the interests of public safety that gardaí get the powers and training they need to tackle this problem.

We have all heard about somebody who was injured in a bad accident involving a quad or scrambler bike. In fact, a number of people have lost their lives in such incidents in the past few years. A month ago, there was an accident in my constituency, where a dedicated community worker was walking home one evening and was knocked down by a person driving one of these bikes on the footpath. She suffered serious injuries in the incident and I can only imagine how traumatic it was for her. This motion is about tackling those people who use scrambler and quad bikes in a reckless and dangerous manner. Previous Governments have not acted to protect communities that are plagued by these nuisance bikes. They are destroying football pitches for which many clubs fought hard. There are young children afraid to use their local park and people in many communities are kept awake night after night as the bikes are driven up and down the roads. Some are being used to transport drugs around estates. They are a nuisance and a danger.

Fianna Fáil has previously supported the need for legislation in this area. I hope its Members will support this motion. It is a chance to do something positive that will prevent further accidents, injuries and deaths. With any new power comes the need for resources. It must be compulsory for these vehicles to be registered with the national fleet database. The Road Safety Authority, RSA, needs to conduct a public information campaign on the dangers of these bikes and how they are not a suitable toy for children this Christmas. I hope the motion receives broad support across all parties and none. It will send a strong message to communities that we are serious about tackling this scourge.

**Deputy Seán Crowe:** The misuse of scrambler and quad bikes presents a great danger to people in many of our communities when they are used by children or adults without any level of training, supervision or respect for one's neighbours. I accept that this problem is not occurring in every area but it is a phenomenon that is growing every year. Many of our communities are plagued by the buzzing noise to which other Deputies referred. I can often hear that buzz from my garden as the bikes go up and down the road all day, seven days a week. It is par-

ticularly bad at the weekend. I have talked to the Garda about how I have witnessed incidents where scramblers have been used on main roads and in green spaces. There is any amount of video evidence of such activity. Other speakers have talked about how these vehicles are being used by drug dealers. I know that is true because I witness it every day. Again, it is certain communities that are being impacted by this activity. There is clear evidence that the bikes are being used to transport drugs and I would like to see the Garda being much more proactive in tackling it.

This is not the first time we have raised this issue in the House. I have brought it to the attention of different Governments over many years. The response from Government has always been about what cannot be done but not what can be done. Different parties have made all sorts of efforts to come up with legislative changes but it always comes back to the claim that there are difficulties to contend with which mean the proposals cannot be implemented. I want to hear from the Minister this evening about what can be done to address this problem. Some areas have been much more proactive in this regard than others. I want to learn from them and see the same thing happening in my own area.

I have seen at first hand the damage that has been done to our green spaces and playing pitches by quad and scrambler bikes. It is soul-destroying for people to take their children to play a game only to find that the pitch is destroyed. I could give the Minister numerous examples of this involving GAA and soccer clubs. We do not want to take away anyone's fun. These vehicles are used legitimately across the State for a variety of purposes, including on farms and in forestry. However, they are not toys and they are not suitable for use in public places where pedestrians are present. There are clearly problems with their use and I want to see the Garda authorities being more proactive, with additional powers given to seize and detain the vehicles. I am told that the people driving them cannot be stopped but I see them going around without helmets and with no regard for their own safety or that of others. Walking through a park, one may find one of these vehicles being driven right alongside one on the walkway. Our parks should be inclusive spaces, not places where people are excluded because of the reckless activities of others. That is the reality of what is happening in many communities. Only a small minority of people are causing problems and it needs to stop. I want to see an end to these vehicles being driven on our roads and in our parks and in a way that destroys pitches and green spaces.

**Deputy Mark Ward:** Scrambler and quad bikes have been the bane of our communities for several years.

*7 o'clock*

It is not uncommon for a person driving along the Neilstown Road or in Bawnogue, parts of Lucan, Knockmitten or anywhere else in Dublin Mid-West in his or her own car to be confronted by a young person coming towards him or her on a scrambler. As often as not, such young people do not have a helmet or any protective clothing whatsoever. According to the Road Safety Authority, 48% of incidents related to scramblers and quads involve persons aged under 18.

As someone who has, in the past, driven motorbikes for a living, I know the danger in which these people are putting themselves. Not only are these scramblers endangering their own lives, however, they are also endangering the lives of others. This total disregard must be tackled. One should be able to go about one's business in one's own community without the fear that scramblers and quads bring. The illegal use of quads and scramblers is the scourge of

my community, in which residents and the public are plagued by people doing wheelies, tearing up football pitches and generally using quads and scramblers recklessly.

It has already been said that we are coming up to Christmas. I, for one, am sick to the back teeth of being woken up on Christmas morning by the noise of scramblers and quads in my community. I urge any parents who are considering buying a scrambler for their child to realise the very real danger in which they are putting that child and the impact it will have on their neighbours.

I will also raise the very real issue of scramblers being used for the transport and dealing of drugs. It is common knowledge in parts of my community that unscrupulous dealers are using young people to deliver and sell drugs. Unfortunately, using children as drug couriers is not a new phenomenon. Using kids to deliver drugs by scrambler, however, is relatively new. Dealers adapt to their environment in order to carry out their illicit behaviours. The problem is that the law does not adapt quickly enough to tackle this. While this motion is not directed at the illegal drug trade, it would go a long way towards stopping the grooming of children for use as drug couriers.

Last month, Sinn Féin tabled a very sensible motion on fireworks and public safety. We saw a lot of nodding along and agreement with the rationale behind the motion from the Government benches, but the Government parties still voted against it. The public can clearly see that the Government is playing politics with people's quality of life and how safe they feel within their own communities. This is another motion that makes sense. The issue of scramblers has been raised by the Government in the past. I urge the Minister to do the right thing for the communities she says she represents and to support this motion.

**Minister for Justice (Deputy Helen McEntee):** I move amendment No. 1:

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

"is concerned that:

— the misuse of scrambler motorcycles, quad-bikes and other vehicles is a matter of public concern and has led to serious safety risks and interference with the enjoyment of amenities for communities in some areas of the country; and

— regrettably, the misuse of these vehicles has resulted in death or serious injury in some cases;

notes that:

— An Garda Síochána pursue appropriate policing strategies with due regard to the need to ensure that responses to the misuse of vehicles do not lead to increased and exacerbated public safety risks;

— An Garda Síochána pursue consistent law enforcement practices by responding appropriately to incidents and local circumstances;

— the existing legislation requires the safe use of vehicles as well as compliance with conditions for driver licensing, motor taxation and insurance, and the relevant legislative provisions have already been subject of close examination by Government departments and advice from the Attorney General;

17 November 2020

— Gardaí already have significant enforcement powers in relation to dangerous misuse of vehicles and non-compliance with regulations on driver licensing, taxation and insurance, including seizure of vehicles where appropriate;

— the Government has provided extensive resources to An Garda Síochána to support law enforcement and effective policing;

— Gardaí successes in the seizure of vehicles underline the need to continue to support An Garda Síochána to respond to local situations and provide appropriate resources and technical support; and

— An Garda Síochána continues to provide a robust policing response to the trade in illegal drugs and to adopt intelligence-led approaches to counter the activities of criminal groups, notwithstanding the current pressures on the Garda service due to the restrictions resulting from the Covid-19 pandemic; and

supports:

— the Programme for Government ‘Our Shared Future’ commitment to enhance powers available to An Garda Síochána to limit the use of scrambler motorcycles and quad-bikes by those engaged in anti-social behaviour and enact legislation to add to those powers if needed;

— the recent publicity campaign by the Road Safety Authority (RSA) and An Garda Síochána to discourage the purchase of scrambler motorcycles and quad-bikes, particularly in the run up to Christmas;

— the ongoing engagement between Government departments and agencies to assess if there are any further means of strengthening legislation in this area, as well as enhancing enforcement measures, public awareness raising and community-based responses;

— the ongoing development of policing responses by An Garda Síochána;

— the ongoing engagement between An Garda Síochána, local authorities and communities, to support appropriate responses to local circumstances;

— the ongoing work of the RSA to raise awareness of the dangers of misuse of vehicles;

— the additional resources provided by Government in Budget 2021 for youth services;

— the imminent publication of a new Youth Justice Strategy which will provide a renewed framework to enhance responses to youth crime and anti-social behaviour;

— the work of the forum on anti-social behaviour, which was recently convened by the Minister of State for Law Reform, in line with a commitment in the Programme for Government ‘Our Shared Future’; and

— the recent announcement to pilot local community safety partnerships which recognise the need for a collaborative approach between communities, local authorities and services, including policing and youth services, to effectively target issues affecting

communities, such as anti-social behaviour, including through the misuse of scrambler motorcycles.”

I thank the Deputies for raising this issue and putting forward this motion this evening. I welcome the opportunity to update the Dáil on the ongoing proactive work being undertaken to combat the unlawful use of scramblers and quad bikes in public spaces. I know the issue is of concern to many people in this House, within both the Government and the Opposition. More importantly, it is a great concern for many communities. I acknowledge that Deputies are genuine in bringing forward the motion and in bringing these concerns to the floor of the House. I am not dismissing any concerns or only paying lip service to the issue. I want to work with Deputies, as does the Minister of State, Deputy James Browne, who has responsibility for youth justice.

Having said that, I have proposed an amendment setting out the current and future work of the Garda and Government in respect of the issues on which this motion has been tabled. The seriousness with which the Government takes this issue is reflected in the programme for Government commitment to “Enhance powers available to An Garda Síochána to limit the use of scramblers and quads by those engaged in anti-social behaviour and enact legislation to add to those powers if needed.” This is a clear commitment which I do not mention as a means to dismiss what the Deputies are proposing this evening. As this commitment recognises, potential legislation is just one part of the solution and my Government colleagues and I will not hesitate to choose that option if it is required.

An Garda Síochána tackles this behaviour on a number of fronts including through targeted enforcement in areas with high activity, working with petrol stations to prohibit the sale of fuel to persons who are using these vehicles and community outreach. Some of the Deputies have outlined what is happening in their own communities in this regard. Engagement with communities and awareness raising are just as important in tackling the misuse of scramblers and other vehicles. Such engagement and awareness raising includes making younger people aware of the dangers to themselves and others of using such vehicles and highlighting the dangers to parents considering buying such vehicles for their children. I join all Deputies in urging and asking parents not to buy scramblers or quad bikes for their children this Christmas and to acknowledge and understand the dangers that come with them and the impact they have on communities.

The misuse of scramblers, quad bikes and similar off-road urban vehicles is a cause for concern in a number of communities. We see this right across the country. It is principally, although not solely, an issue in Dublin. It also affects other urban centres. Issues typically arise where vehicles are used in public open spaces such as housing estates, playing pitches or public parks. Tragically, there have been cases in recent years where the misuse of these vehicles has led to death or very serious life-changing injuries. I know that all members of the House will join me in extending my deepest sympathies to all those who have been impacted by these horrific incidents.

Gardaí in areas such as Finglas have had success in reducing the number of issues with scramblers through targeted enforcement, as has been identified by Deputies, while youth community engagement groups in Limerick have had success in diverting young people away from using these vehicles in a dangerous manner in public places and towards properly organised motocross events. An Garda Síochána will continue to develop responses appropriate to the situation in each locality by working with local authorities and community partners. I know

17 November 2020

Deputies McAuliffe and Lahart have also made proposals in this area. These proposals, and those included in tonight's motion, will be considered as part of the work currently under way on this issue.

A cross-agency group to examine this issue, which has been mentioned and which principally involves my Department, the Department of Transport and An Garda Síochána, has been in place since 2018. The group has also engaged with other Departments, the Office of the Attorney General and local authorities. The group most recently met on 28 September and the principal issues arising from this meeting were identified across the areas of legislation, enforcement, community engagement and public awareness.

As Deputies will be aware, responsibility for legislation surrounding road safety and traffic enforcement rests with the Minister for Transport. In this context, responsibility for introducing any new legislative provisions which would seek to deliver on the commitments on scramblers and quad bikes contained in the programme for Government lies with my colleague, the Minister for Transport, although, to be very clear, my Department will also do what it can. I can inform the House that this matter has been subject to careful scrutiny by the Department of Transport, An Garda Síochána and the Department of Justice. I look forward to working with the Minister, Deputy Eamon Ryan, on this issue.

Gardaí already have significant enforcement powers in respect of the dangerous misuse of vehicles and non-compliance with regulations on driver licensing, taxation and insurance, including the power to seize vehicles where appropriate. While it is not possible to quantify specifically the number of scramblers seized, as these are not categorised separately from other types of motorcycles in Garda records, I am informed that 51 quad bikes were seized by gardaí in 2019 and that an additional five were seized between January and September of this year. I anticipate this number increasing before the year is out.

Following further consideration of the matter by the Garda authorities, the Department of Transport is leading an additional examination to see if there are avenues for enhancing the existing overall legislative provisions. Any proposals in this regard would need to align with other relevant legislation, including local authority by-laws. Policing responses will still have to take account of the immediate safety issues involved in pursuing what are often very young drivers of vehicles in public areas. Interception of persons engaged in the use of these vehicles on public roads and spaces presents dangers not only to the users of the vehicles, but also to the public and members of the Garda. These difficulties will remain, irrespective of any legislative enhancements. Having spoken to gardaí about this, I know they are concerned that if they chase or follow young people using these scramblers, they may be partially responsible for causing an accident, making things even worse. Gardaí must make very difficult decisions in these instances and this will continue to be the case. Effective local engagement to raise awareness of the dangers involved and to promote positive behavioural change is fundamental to tackling this issue.

I welcome and acknowledge the ongoing work of the Road Safety Authority, RSA, to raise awareness of the dangers of the misuse of these vehicles. Deputies may have already heard the campaign advertisements which have been produced by the RSA and An Garda Síochána with the participation of the Minister of State, Deputy Naughton. These advertisements highlight the dangers involved and ask parents not to buy scramblers or quad bikes as presents for their children this Christmas.

My Department is also considering how best to develop actions to increase awareness of the dangers of these vehicles. The intention is that this work will be carried out in conjunction with affected communities, community groups and other stakeholders affected by the misuse of scramblers. It will also explore how best to engage with young people who are drawn to this behaviour.

In the year to date, my Department has been examining options in this area, with due regard to social distancing requirements and relevant public health advice. This has included a survey of the national network of Garda youth diversion projects, which was carried out early in 2020, to inform a more targeted approach for awareness raising measures. While the Covid-19 pandemic has, to some degree, hampered significant further development in this area, it is something my Department will continue to explore. For example, the Department will consider if it is possible to target online awareness to the localities most affected, and will support suitable proposals for local initiatives, principally via the network of the 105 Garda youth diversion programmes. Deputies may be interested to know that the Moyross Garda youth diversion programme in Limerick has already devised a programme of tuition in vehicle maintenance and responsible use. This comes back to the point that when they are used safely and when people have an opportunity to do so, such an approach can be effective and reduces the risk and danger involved.

While the Garda youth diversion programmes have adapted their operations in light of the Covid-19 restrictions, there are still obvious limitations in pursuing increased engagement with particular groups within the communities. The key issue will be engaging effectively with those who use or are most likely to use scramblers or quad bikes inappropriately, and this will require locally generated strategies which respond to local circumstances. In this regard, I would envision that issues such as the misuse of these vehicles would also be the kind of issue which could be considered by the local community safety partnerships, which it is anticipated will be established under the upcoming policing and community safety Bill, the development of which forms a key part of the recommendations emerging from the report of the Commission on the Future of Policing in Ireland.

As Deputies will be aware, specifically on this issue, last week I announced the locations of three pilot schemes for the local community safety partnerships, which will run for two years in the areas of the Dublin north inner city electoral area, Waterford and Longford, and which will inform a national roll-out to all local authority areas. The partnerships recognise the need for a collaborative approach between communities, local authorities and services, including policing and youth services, to target efficiently issues affecting communities such as anti-social behaviour, including the misuse of scramblers.

Deputies have mentioned that a high percentage of those who are using these scramblers are under the age of 18. Therefore, issues of youth crime and anti-social behaviour will also be addressed in the new youth justice strategy, which will be brought to Government before the end of this year by my colleague, the Minister of State, Deputy James Browne, and will provide a renewed framework to enhance responses to youth crime and anti-social behaviour. Likewise, the forum on anti-social behaviour, which was recently convened by the Minister of State, Deputy Browne, in line with a commitment in the programme for Government, will also address this.

As Deputies will be aware, the Government has provided extensive resources to An Garda Síochána to support law enforcement and effective policing across all forms of offending. Gar-

da numbers have increased, as have the financial supports and the availability of the equipment and vehicles the Garda. An Garda Síochána's budget for 2021 is an unprecedented €1.952 billion. This level of funding is enabling sustained and ongoing recruitment of Garda members and staff. As a result, there are now some 14,600 Garda members and more than 3,000 Garda staff. The latter represent almost 20% of our force, which is a significant increase in a small number of years. Budget 2021 will allow for the recruitment of up to 620 new gardaí and an extra 500 Garda staff.

The Government and An Garda Síochána are committed to combatting issues of the misuse of scramblers and quad bikes and to addressing anti-social behaviour more broadly because this is part of a wider issue. We want to work proactively with all Members within the House in doing that and I ask Members to support this amendment. I support Deputies in their call to ask parents not to buy these for their children this Christmas, acknowledging and recognising the danger they pose as well as the impact they have on our communities.

**An Ceann Comhairle:** Deputy Quinlivan is sharing time with Deputies Patricia Ryan, Munster and Ó Snodaigh.

**Deputy Maurice Quinlivan:** I thank my colleagues for bringing forward this motion. My colleagues, Deputies Ellis and Munster, brought a similar motion forward during the previous Dáil as well.

This has been an ongoing issue in my constituency for years. I have spoken on this issue on a number of occasions, the last of which was on a Fianna Fáil Bill. At the time, the then Minister for Transport, Tourism and Sport had no interest in solving the issue. I raised the concern I had that the reason he had no interest, and Deputy Ó Broin made the same point, is that this is an issue that mostly affects working-class communities.

Unfortunately, with the Covid-19 crisis we have seen that people are at home and working from home with scramblers outside the door. I know of people who have moved homes because the noise from scramblers is preventing them from doing their work. People who work in sales, the Revenue Commissioners and different offices in Limerick who are working from their homes cannot work properly because of the noise scramblers cause.

We need to have proper legislation on this because local gardaí will tell us they are instructed by their senior officers not to chase young fellows on bikes. The Minister referenced that herself and she can understand why that is the case because of the danger such action would pose to themselves and to people in those communities.

As I said, it is an ongoing issue in my constituency. The Minister referenced Moyross and I grew up in the estate next door. In my local area, we were all shocked in recent times to see a Garda video where three gardaí were pinned against the wall by lads who had quad bikes. Unfortunately, the gardaí did not have the power to take away the quad bike and they had to leave. It was a situation in which the two fingers were shown to the Garda and it caused huge anger in the community. The same day, when those scramblers were being driven around morning, noon and night in that estate, there were two funerals. In the context of Covid-19, people could not go into the house for those funerals so they were standing outside of the gates and they had to get out of the way of those scramblers while they were flying around. We need to have some sort of legislation in place to make sure that people are able to live in their communities safely.

I welcome the moves to look at the positives. It is good to give lads with scramblers a dif-

ferent outlet. There is one such project in Moyross that the Minister mentioned and we need to look at more of that. I know family members who were involved in bikes and scramblers and so on and they have looked after them properly. However, it is important that we take action against the people who have wrecked our local communities, football pitches, grass, and green areas. We need to legislate for this and it is to be hoped the Minister will do that.

**Deputy Patricia Ryan:** I thank my colleagues, na Teachtaí Ellis and Paul Donnelly, for bringing forward this motion. Anyone who has experienced the terror of scramblers and quad bikes being driven recklessly at speed in their community will know that the proposed legislation is long overdue. Every year we have warnings around this time appealing to parents not to buy scramblers and quad bikes for children for Christmas. It is about time the Garda had adequate powers to deal with this menace on our streets.

In the period from 2014 to 2019, the Minister will be aware that six people died as a result of incidents involving quad bikes or scramblers, three of whom were aged 18 or under, according to statistics published by the Road Safety Authority. In the same period, 60 people were injured in collisions involving a quad bike or scrambler on public roads. Of those killed or injured, 41% of casualties were 18 years of age or under.

There is no doubt that the use of scramblers and quad bikes by children pose a serious safety hazard. These are powerful machines which have the potential to injure someone severely or even fatally. That is why they are not suitable for use by children or inexperienced riders. Parents considering buying quad bikes or scramblers for their children this Christmas need to be aware that when used on public roads, they are subject to the same rules as any other mechanically propelled vehicle. They are required to be registered, taxed and in good roadworthy condition. The driver of the vehicle must hold an appropriate driving licence and be insured to drive the vehicle.

Aside from being a danger due to accidents, quads and scrambler bikes represent a fire hazard. Gardaí believe youths on quad bikes and scramblers may have caused a massive fire which burned for days on bogland near Carbury in County Kildare during the summer. It is thought that bike engines, chains or exhausts may have ignited the dry underbrush. The fire, which was beside the Bord na Móna Drehid waste management disposal plant, took several units of Kildare Fire Service and the aid of the Air Corps helicopter to bring it under control.

Local authorities should explore the feasibility of providing suitable spaces for the use of registered quad bikes and scramblers in a safe, controlled and responsible manner. This approach was used with great success to tackle the issue of wandering horses and ponies in the past. I urge all Deputies of all parties and none to support this motion so that this danger in our communities can be regulated properly and so that the Garda will have the powers it needs to deal effectively with the problem.

**Deputy Imelda Munster:** It is unbelievable that we are back in here yet again debating legislating for scramblers and quad bikes, despite the scourge of these bikes on communities. It appears to me that the Government has no interest in dealing with it. I say that on the basis that my colleague, Deputy Ellis, and I brought a similar Bill and motion before the Dáil about three years ago and both Fine Gael and Fianna Fáil voted against it. In that three-year space, when there would have been ample time to deal with the scourge of scrambler and quad bikes on communities, the Government did nothing. The Government has come in here with a reactionary amendment to the motion that we put forward instead of being proactive in recent years.

We have all known that these vehicles are an absolute scourge on communities and cause havoc in them. That has included the deaths of six people over the five years leading up to 2019 and one further death this year. So many other people have been seriously injured. We also know that local green spaces and recreational areas have been destroyed by these bikes. People in those communities and residential estates have been living in fear. We are coming up to Christmas, and we know the problem is set to get much worse than it is. As other Deputies said, every year we ask parents to be responsible and to not buy these quad and scrambler bikes for their children, because they are not toys and are not fit to be driven by young people in public areas.

Almost half of the incidents where people are injured or killed by these bikes involve children under the age of 18. Gardaí have said time and again that they cannot adequately deal with the problem, and that they need stronger legislation to back them up. The Minister knows that, however, because she has been told that numerous times. Under the current law, these bikes can only be driven, legally, on private land and can only be seized when they are used on public roads and footpaths. That leaves a legal gap when it comes from public recreational spaces and green areas within housing estates.

Further to that point, gardaí have been instructed not to give chase to these vehicles for safety reasons, and we can understand that. If the gardaí had the legislation, however, they could act. Our proposed legislation, therefore, would give powers to gardaí to seize and detain quad and scrambler bikes being driven dangerously in a public space, including recreational green spaces, and it makes it an offence to use a quad or scrambler bike in a dangerous manner in a public space. I hope this issue will be addressed and that the Minister will support this motion. Instead of tabling an amendment to this motion as a reactionary thing, I hope she will back it and the forthcoming legislation.

**Deputy Aengus Ó Snodaigh:** I take this opportunity to thank Superintendent Tony Twomey, who was behind the seizure of some quad bikes in Cherry Orchard recently. That was a proactive move and many locals are glad of the relative quiet on their roads since then. Some roads, however, have been and are plagued by an element who are racing up and down, oblivious to the noise they are making and to the danger they pose to children and the elderly in parks or on paths as they hurtle past loudly. Those getting kicks from continuously revving the quad and scrambler bikes and other off-road vehicles on small narrow roads, racing each other on the main roads or ploughing up football pitches in local parks do not care for local people, for children playing or for peaceful neighbourhoods.

We have, regrettably, seen the consequences of their indifference and their destruction. Tens of thousands of euro annually must be spent fixing pitches, railings and paths in public parks. This element also seems to be indifferent even to the deaths and injuries they cause to themselves and others when they lose control. At this time of the year, the message needs to go out, loud and clear, that these vehicles are not toys. They should not be bought for children or for teenagers at Christmas. I ask that people not be part of the scourge on our communities.

Garda Inspector David O'Brien said at the inquest of a teenager who died in a tragic scrambler accident in Cherry Orchard more than five years ago that:

These bikes are made for off-road conditions such as grass, fields and wooded areas. Their tyres are like studs on a football boot. They should not have been anywhere near a road surface.

The purpose of our motion is to get the Government to tackle this scourge once and for all. We need our public paths, parks and canals to be safe where people can walk or play. A co-ordinated approach between the Garda and Dublin City Council can deliver if the Government closes the loopholes and gives the gardaí access to and powers in public parks. A proper licensing and registration regime should also be introduced immediately for scrambler and quad bikes. We also need an all-Ireland approach. The sale of such vehicles in the North is banned, unless a person is a farmer or the like.

**Deputy Aodhán Ó Ríordáin:** I thank Sinn Féin for bringing forward this motion, which the Labour Party will support. I appreciate that the Minister will be sympathetic regarding the issue being raised. There are often calls for tough Garda action regarding what happens in communities, including action against parents, young people and those who sell scramblers and quad bikes. That has to happen and the gardaí need to be empowered.

We also need to understand the rationale behind why, in certain communities, this is considered to be a good use of one's time. What is often lost when we debate any sort of social ill is that we think we can police our way out of it. Policing our way out of a situation is, of course, a part of the solution. There must be a justice element involved, because a dangerous machine cannot be handed to a child, one cannot purchase something which one knows to be dangerous, and one cannot drive such a machine in a dangerous fashion. We all know that, so there must be rules, regulations and restrictions laid down. We must also understand the mentality as to why this is so attractive and why so many young people feel that this is a good use of their time.

That is something which can be drilled into if it is accepted, and as was advocated for in the last Oireachtas and accepted by the Minister's party, that there is a need for a different way of policing, of engaging with communities and of understanding communities and young people. In the Dublin 5, Dublin 13 and Dublin 17 area, we have advocated for a Mulvey-style commission to engage with all the different actors in the community, so that we will not just talk to the Garda when it comes to issues such as scrambler bikes, anti-social behaviour, drug dealing or drug taking. We need to try to get in behind the statistics in terms of why these things happen. Why do young people feel empowered by this sort of activity? What is it that gives them their kicks? Why are those kicks not found somewhere else?

If there really is a passion for and an interest in the motor, the noise or the power, could we facilitate that in some kind of safe way? These questions and answers can be tossed and turned over and back with those actors in the community who know best. The Minister's Government agreed that we should have such a Mulvey-style commission for the northside of Dublin. One was agreed for Drogheda as well. We feel strongly that we are wasting an awful lot of time without having these kinds of discussions. It should not take a Deputy in the Opposition to bring forward this issue again and again for the Government to act not just on this issue, but on a wide variety of issues which are underpinned by a sense of disengagement, disconnection and disfranchisement.

It is very difficult to stand up in a community and speak about disconnection and disenfranchisement when someone is clearly engaging in violent anti-social behaviour with a motorised vehicle which is creating great noise and distress in that community. We must, however, have that conversation on some level, and that would be the type of forum in which these issues could be teased out. I am sure if we talk to youth workers, as we all do in our different communities, they would say that we need tighter restrictions and regulations and that we must also talk to parents about how in God's name they think it is sensible to hand a dangerous machine

to a child. We must go a little bit beyond that as well, however, and talk about what is happening in these communities as to why young people feel that the power they get from making this noise makes them feel important. There must be a space for that conversation.

I take the opportunity to speak about the commitment of the Government and the assistant commissioner to establish a Garda station in the Dublin 13 and Dublin 17 area. I still feel strongly about that issue and want to work with the Minister to ensure it can be built. It will not solve every problem. We cannot put a Garda station in every area of disadvantage and expect that to solve all the issues. It would, however, give that hugely expanding area of Dublin 13 and Dublin 17 a sense that community infrastructure is being put in place, which most communities of that size would expect.

We support this motion and tough action against scrambler and quad bikes, but we must have a deeper discussion on what the motivation is behind young people needing to feel empowered by this type of activity. That type of conversation is worthy of us.

**Deputy Duncan Smith:** I thank Sinn Féin and Deputy Paul Donnelly for bringing forward this motion. I know he is not new to this issue. I shared a seat on Fingal County Council with Deputy Donnelly for nearly six years before coming to this House. He also raised this issue, as I did, on the floor of that chamber. When I was growing up, Santa Claus would have brought bikes and skateboards on Christmas morning, and they were the sounds and noises one would have heard. Deputy Shortall, who will speak after me, is in the constituency I grew up in and I am sure she could attest to that. I am sure it is also the same in the constituency I now represent, from Swords to Balbriggan. That is not the case now and we know that many of us who live in these areas and in these constituencies will wake up on Christmas morning to the close or distant sounds of these scramblers or quad bikes causing absolute havoc and tearing around in our public parks, on our open spaces, and in our residential roads.

There is no reason to have a quad bike or scrambler other than for reasons of work, or for an organised quad bike race taking place in an organised fashion on private grounds. There is absolutely no other reason for anybody to have one unless it is in those circumstances. We need to take them away.

Deputy Ó Ríordáin spoke very eloquently and passionately about the desire or need behind having these bikes, and he needs to be listened to. We need to have that conversation. We also need to take them away right now. The motion speaks very well to that. We would not tolerate an individual with a gun licence going into an open park or an open space and discharging it at a flock of birds. It is the same principle with a quad bike or a scrambler. The bikes have the capacity to cause as much damage and it is like giving a loaded gun to somebody who is untrained. They are then going into our public parks and open spaces to use them. Communities are not divided on this. It is not a contentious issue and 99.9% of people want to see these bikes totally removed from their communities.

Let us be straight that this disproportionately affects working-class communities. Again it is working-class communities that suffer from the actions of a reckless minority. Any powers that could be given should be given to the Garda. I know its members have huge difficulties in that they cannot go into a public park in a squad car and chase after them. We know this. The motion does not speak to that. It speaks to the reality that we face with quad bikes and scramblers. Working-class communities need to be protected from a number of things, I know because I grew up in one, and this is one of those things. What is most frustrating is that we can see the

quad bikes, we can see who is on them, and we know who owns them and the addresses where they live. We need to go and get them.

There have been great pilot schemes such as the scheme in Finglas, of which I am very proud, where 40 quad bikes were taken off the road. This was fantastic. Deputy Ó Snodaigh also mentioned another project in Cherry Orchard with Superintendent Tony Twomey, formerly the superintendent with Balbriggan Garda in north County Dublin, who is a fantastic superintendent doing great work. I am delighted to hear that this project is happening but we need to see more of it.

As I said earlier, people are united on this issue throughout the State, and especially in working-class communities. We need to take the danger out of our open spaces and we need to take it out of our parks. We need to ensure that, as much as we can, on Christmas morning we hear the sound of proper, normal gifts of bikes, skateboards and safe gifts. Santa Claus does not want to bring scramblers and quad bikes to children, so stop asking for them, and stop facilitating them being bought. It is absolutely intolerable and it must stop. I commend the motion and I ask the Minister, Deputy McEntee, on behalf of the Government, to take back its reactive amendment. I think we are actually all on the same page on this.

**Deputy Róisín Shortall:** I commend Sinn Féin on the motion. This motion and its sentiment have been expressed many times in this House, including in the current Dáil, the previous Dáil and the Dáil before that. Unfortunately, we have yet to see any kind of serious action being taken on it at Government level.

I respect that the Minister, Deputy McEntee, is a new Minister in this portfolio. The Minister came in and in all sincerity she delivered that speech tonight, but there is really nothing new in it at all. I would have to refer to it as the same empty promises we have heard for years in this House. Irrespective of who the Minister is, I believe there is a mindset behind that, which probably comes from the Department and from senior people in different State agencies who simply do not understand this problem. Some of us have been raising this matter here until we are blue in the face. We just cannot understand why we cannot have action from Government.

For years it has been the case in my constituency and, I am sure, in many other constituencies, especially in urban constituencies, that the issue of quad bikes and scramblers is the single most common issue raised at residents' meetings. It is standard practice, be it at joint policing committees, residents' associations or safety forums, that the number one issue is the same: the law is being totally disregarded by the tolerance of the use of these very dangerous vehicles. Gardaí are left there to try to defend what they are doing, but they cannot. They know that they do not have the backing of the Department or their senior superiors in doing what they want to do. Public representatives, Deputies, and councillors, are left sitting at these meetings impotent and powerless. We have been listening to these complaints for years. We understand the nature of the complaints. We understand what has to be done.

There is no defence of the fact that the Government will not take action in this area. We have been here on umpteen occasions pleading with the Minister of the day to please do something. I am not holding the Minister, Deputy McEntee, responsible at this point because she is a new Minister, but the kind of stuff that was in her speech means nothing to people. We have been hearing this for years. I make a very earnest plea to her to listen to what Members of this House are saying and have been saying for donkey's years. There is a huge problem here and it is a very significant social problem. It is symptomatic of much deeper problems, and I agree

with the points that have been made in that regard. That the establishment and official Ireland seems impotent and incapable of addressing this issue brings everybody into disrepute: the law, Government, public representatives and the Garda. The elements who are determined to drag areas down and to create the kind of lawlessness in which anti-social behaviour and much more serious crime can flourish are delighted with the neglect of this issue by the establishment. I plead with the Minister not to allow that neglect to continue.

We regularly have to stand up and say to people that we know and understand the problem, that we have raised it in the Dáil umpteen times, but that unfortunately nothing is being done. There is no defence of that. We put it to the Minister that she has a responsibility, as the Minister for Justice, to take the issue seriously and to listen to what people are saying. Members do not come in here and make up stories about this. We have been identifying this as a serious social problem for at least ten years. It is infuriating that the powers that be continue to ignore it.

The issue has posed a threat to life and limb for many years but it also causes that sense of devastation in many communities, working-class communities in the main. Let us be clear about this. If this problem was going on in middle-class areas, it would have been solved long ago. It is a terrible reflection on Government that when issues affect working-class communities, they do not rate the way middle-class issues rate. This is at the heart of the failure to address this problem.

The point has already been made that this is not something working-class communities want to continue. The vast majority living and working in working-class communities want this issue tackled. They are crying out for the authorities to deal with it. They are pleading with public representatives and with the Garda to tackle it. If the Garda is not empowered to step in and address this very pressing social problem, then it is inevitable that somebody else will sort it out. I put it to the Minister that she has a responsibility to take the appropriate action that is needed to address the issue. Of course, local people in working-class communities are the most impacted by this issue. At certain times of year or in certain areas, young people and old people are afraid to leave their homes. They are afraid to go to parks and to use them. They are afraid to allow their children to go out and play in local housing estates because of the threat posed by the widespread use of quad bikes and scramblers.

Like most problems, it started very small. It was a tiny thing and we hardly noticed it when it began but because of the neglect of this issue, year on year, it has now gotten to a point where it is exceptionally hard to deal with. However, it desperately needs to be dealt with. It is all very well to talk about diverting young people into other activities and we need more funding for youth services and sports activities. There is nothing worse and more soul-destroying for football teams than arriving for a match or training on a Saturday morning and discovering that their pitch has been churned up by this kind of activity. There is nothing worse than parents who want to take their kids out to local parks to play being afraid to do so because of the imminent threat of someone coming along on one of these bikes and posing a danger to them. Deaths and serious injuries have been caused by these vehicles.

The Minister cannot continue to ignore this. We spent years begging her predecessors to establish an interagency forum, which was finally set up a number of years ago. We waited for meetings to be held and occasional quarterly meetings occurred. We were then told that a decision had been made that the law was strong enough and that the Attorney General had recommended that we did not need a new law. Meanwhile, we hear from gardaí in our constituencies that their hands are tied and that the law does not equip them to tackle this problem. It was only

when we kept on raising that with the Garda and advised it to move it up the line to the Garda Commissioner that there was finally an admission that the law is not adequate in this area. Now we are waiting. Is there any possibility that we might get action on this or that the Minister will listen to what people are saying and produce the necessary legislation? The Garda's hands are tied as regards enforcing the law in parks and other public off-road places because the traffic legislation does not apply there. There is also a complete failure to enforce the law on tax, insurance and driver licences for people over 16 who are using these vehicles, not to mention those who are underage. A complete blind eye is being turned to this huge problem and it can only get worse if the necessary action is not taken. I am pleading with the Minister to take this issue seriously, unlike her predecessors, before more people are killed and more communities are alienated by the failure of the establishment to tackle this. I urge her to take action.

**Deputy Gino Kenny:** I thank Sinn Féin for this motion. It is quite comprehensive and deals with all the substantial issues in this situation. I was thinking about what to say today and the irresponsible use of these vehicles, which are very dangerous, is a huge issue in the area I come from in Clondalkin. There are parallels between this and the epidemic of stolen cars in the mid-1990s. I am not going to go in-depth into how that was tackled but there is a wider societal issue when it comes to why young people need to do these activities. The law needs to change because there is ambiguity about the laws around off-road vehicles, but we could change the law tomorrow and there would still be a societal issue. Why do people engage in these activities, particularly in working-class communities? They are a huge danger to themselves, as these vehicles are not meant to go on tarmacked roads. They are off-road vehicles. If someone comes off one of those bikes, and these lads do not wear helmets, they will die or kill someone else. There have been deaths and people have suffered serious, life-changing injuries over the past few years. We definitely need clarity on the law because, as far as I can see, there is ambiguity and the law on these vehicles needs to change.

Some people who use these vehicles use them very irresponsibly, although a huge number of people use them very responsibly. I am aware of two motocross clubs in Dublin, one in Mulhuddart and one in Dublin city. They engage with young people and give them responsibility around vehicles such as quad bikes or motorbikes. That shows them how dangerous these vehicles can be, but also how enjoyable they can be because once they are used in a controlled manner, they can be a very enjoyable hobby. The vast majority of people who use these vehicles use them in a safe and controlled environment. That is important.

The current legislation is unfit for an urban environment. This issue has been raised many times, not only here but in council chambers or at joint policing committees, JPCs, and working-class communities want to see some sort of action. That action should be a change of law but it should also involve giving young people alternative things to do. Local authorities are trying to address these issues. It is not a panacea by any means but we should give young people an alternative in order that they can go from anti-social behaviour, although I hate using the term, to pro-social behaviour. We can give them the adrenaline rush young people sometimes want in a safe and controlled environment where they can show responsibility, not only for themselves but for their peers as well. It is vitally important that we engage with young people and look for alternatives to these vehicles. As I said, they can bring immense joy but they can also bring immense misery if they are used irresponsibly.

The law needs to change as the police are confined to certain things that cannot be done in public parks but we should go back to the societal issue as to why these vehicles are used in a way that can be extremely negative and irresponsible for the communities where most of these

people live. We need to change the law and look for an alternative. As well as the clubs in Dublin, there are many clubs across the State that use motocross vehicles in very responsible manner. We must look for alternatives and work with local communities and young people. We will not get through to everybody. There is an element of people who use them for other purposes, such as dealing drugs and so forth, but we have to look for alternatives. If we can look for alternatives, we can in some way address the issue.

**Deputy Paul Murphy:** I listened to the Minister's speech and I was struck by how out of touch the Government is as regards seeing how significant an issue this is. That is nothing personal. This is a huge issue for working-class communities. The dangerous, irresponsible and unsafe use of scramblers and quad bikes is a scourge for working-class communities. It should be a major political issue but it is not treated that way by the Government and was not treated that way by the Minister in her response. I agree with Deputy Gino Kenny that the term "anti-social behaviour" is often overused but this is the definition of anti-social behaviour because it turns public spaces, which are social spaces to be used by communities for sports, walking, kids playing, and whatever else, into areas where people feel scared and do not feel able to use public facilities for what they are meant to be used for. People are genuinely in fear of their kids going out to play on the green or in the playground because they might be hit by a scrambler or a quad. Older people who go for walks are genuinely in fear that they cannot go into the park, which at this time with Covid is more necessary for people than ever. The point has been made about sports teams having their facilities and their pitches ruined. None of that even touches what Deputy Paul Donnelly referred to with the tragedy of six people who have died over the past five years and 60 people who have been seriously injured by these bikes.

Communities feel deeply frustrated by the general response of the authorities to this problem. I spoke to a woman earlier who is involved in organising her community to stop this activity. She said she goes to the Garda which tells her to get on to the parks department of the council. When she does, the parks department tells her it is the Garda she should be talking to. People feel nothing is done to address it.

The majority of young people who are engaged in this anti-social behaviour are not bad or evil people. They need to be brought face to face with the impact of what they are doing. They need to understand that because of what they are doing, other people are scared or do not feel comfortable to use the parks that they should feel able to use. We need a programme of education around that, aimed at young people and making them realise the consequences of their actions, as well as aimed at parents who might be considering buying scooters or quads. In some cases, these can be very young children and it should be made clear that it is not an appropriate present.

We must look at the broader societal context. The point is being made repeatedly, and it is clearly accurate, that this is a problem that particularly exists to a much greater extent in working-class communities than in better-off communities. Why is that? Is there something inherent in the genes of working-class young people which makes them far more likely to want to get on a quad or scrambler to fly around the local park? Obviously there is not. It is linked to wider disadvantage, lack of opportunity and a lack of facilities. In my opinion, it cannot be separated from the kind of brutal cuts that we saw across the board throughout the course of the crisis, in particular to youth facilities. Between 2007 and 2015, youth services were cut by 31%. Even now, after some element of restoration, they are still down 15% than when before the crisis hit.

Actually investing in and giving people facilities, opportunities and so on is vital. I agree with Deputy Gino Kenny that part of that can actually be investing in motocross facilities, making it a safe, enjoyable sport for people to participate in as opposed to it being an anti-social action. These are the kind of alternatives that we need to provide for young people, as well as educating them and so on about the impact of their actions.

**Deputy Michael Collins:** The unlawful use of scramblers and quad bikes must be extremely difficult, especially in city places and highly built-up communities. I can well imagine the frustration, upset and dangers this is causing for residents in those areas.

The main users of these scramblers and quad bikes are young people. We need to focus on the positive things that young people do. Unfortunately, with this situation, that is not what we are doing. If there is wrongdoing, then it is right. However, I look at situations where we tried to turn things around in my constituency with our young people and Garda youth awards. This encouraged young people to keep away from mischievous behaviour or crime. It turned their lives around in some ways. Some of those kids were going in the right direction but more may not have been. Garda Damian White and others in west Cork have been strongly pushing this initiative. It has succeeded each year, with 20 young people getting a youth award and focusing their minds more positively. If that is the way that these communities could travel, they should certainly look at it.

I am in a community alert group in Schull. We have a young person of the year award aimed at encouraging young people to do right in their communities. Unfortunately, some go wrong and end up in unlawful situations with scramblers and quad bikes, which sometimes leads to drugs and so forth. There are facilities for them. However, such a facility in west Cork, Cara Lodge in Enniskeane, was closed recently. It was a treatment centre for young people who needed help with addiction and other issues in their lives. They would probably have been well able to turn it around if they had had that little bit of encouragement. Sadly, the Government – I raised it here with the Taoiseach - refused to intervene. Unfortunately, the HSE refused to give the funding and the centre for young people in Enniskeane in west Cork is now closed. That is an indictment of where we are going. We are taking our eye off the ball and easily criticising young people here.

**Deputy Richard O'Donoghue:** I grew up around quad bikes and scramblers. Now they are faster and people buy them as Christmas presents but do not think of the consequences. Many people, however, use quad or scrambler bikes responsibly in a controlled environment, wearing the proper gear. I have great friends who are still doing it. We have a minority, however, who do not respect those around them when they are on their quad bikes.

The Minister can fix it. If people were playing hurling on the road, hurling pitches would be made available, the same for soccer. The Minister has to give those using quad bikes and scramblers the facilities in which they can be trained like in any other sport. If that is done, it can be regulated and people shown how to use them safely. If we want people to drive vehicles properly, we have to give them a facility where they can be taught. That comes back to the Minister.

Mondello Park is a facility for racing cars. However, a person living where I come from has to travel nearly two hours to get there to race his or her vehicle. The Minister must look at other sports and put facilities in place where children and adults can learn properly. If they need to drive their quads and bikes, they should be able to do so in a safe environment and be taught

how to do it properly. Everyone is entitled to their sport. It is up to the Minister to provide the facilities in which they can do it. The Minister should not close this down because of a minority who are being disrespectful. Instead, it should be enhanced with systems put in place and facilities where people can drive these bikes responsibly.

**Deputy Mattie McGrath:** I support this motion and compliment the movers of it. This is the second time recently we have debated this issue. I could not agree more with the previous speaker. Mol an óige agus tiocfaidh siad. We have to praise our young and they will come. There is a song, “Teach Your Children Well”. I do not know who sang it but I love it as it has a nice tune and rhyme. We have to train the people and give them support in the communities. I am not for locking them up and throwing away the key. We need to bring them on and train them.

Community policing is the essence. With your indulgence, a Leas-Cheann Comhairle, I was late today as I was at a sochraid. Garda Sergeant Niall O’Halloran was laid to rest today at 47 years of age. He was an excellent community garda. He, along with his team, was the essence of community policing. I want to pay tribute to him and his colleagues who came together for their fallen hero while observing social distancing. The community police are all important. They must know their community, stand in the kitchens, know the people and visit the schools. Sergeant Niall O’Halloran would bring the national school fifth and sixth classes gach bhliain on a turas go dtí Templemore and the Garda headquarters there to show them, to give them an enthusiasm for the uniform and for all the aspects of Garda life.

*8 o’clock*

That is what we have to do. We should not create an “us and them” mentality by chasing them with a squad car whenever there is an issue. I know how dangerous these vehicles are and how serious it is to be hit by one. I have a quad for use on a hilly sheep farm. I know how dangerous they are. They have to be used properly. We can never beat this behaviour out of young people. We have to encourage them and give them tracks to use. A new track for cars is being developed near Duneske in Cahir. It is to be hoped people will be able to use it to train. Planning permission has just been granted by An Bord Pleanála. I compliment the Buttimer family on this project. It is to be hoped young men and women will be able to drive their cars and get experience there. There is nothing like experience.

I pass on my sympathies to Sergeant O’Halloran’s wife, Sandra, his young son, Richard, the Garda community and the Garda Representative Association. Ní bheidh a leithéid ann arís. He came into our community ten years ago. He got to know the people, lived for them, had their backs and was available to them. We need that kind of interaction. Gardaí should get out of the squad cars and the offices and be with the people. If An Garda stands with the people, the people will stand with An Garda. Mol an óige agus tiocfaidh siad. Measaim gurb é sin an scéal.

**Deputy Michael Healy-Rae:** I thank Sinn Féin for bringing this very sound and worthwhile debate before the Dáil. Sinn Féin is trying to do what we would all like to do, that is, protect people’s peace, quiet and safety. In turn this would help to ensure the safety of the people partaking in this nuisance behaviour. If they are not capable of ensuring their own safety, we have to do so by encouraging legislation. I do not welcome every new law or restriction because we can sometimes tie ourselves up in knots, but this is sensible.

We do not call these vehicles scramblers. The quads I am talking about are used as work

vehicles similar to tractors. A lot of the people where I come from have quads. They are a terribly important part of their working life. We can be sure that they are not for pleasure or leisure. Just like a tractor, a quad is used for getting to places, carrying goods, maintaining wiring and doing all the work that needs to be done around a farm. Of course there is a place for other types of scramblers or motorbikes. As has already been soundly stated, that activity is fine if it happens in the places where it is supposed to.

Many years ago our local authority, Kerry County Council, was very proactive in adopting bylaws to protect the safety of its beaches, as I am sure many other local authorities were. We did not want people driving onto our beaches with motorbikes, scramblers or any similar four-wheeled vehicles that might upset or endanger children or people enjoying the surroundings. Now we have to protect public parks and other places. Of course, if people want to do this they can do it. If they want to buy vehicles for these purposes and they have the money to do so, God bless them. We want them to do it somewhere where this activity is safe and regulated and does not upset or interfere with anybody else.

**Deputy Michael McNamara:** I very much agree with the previous speaker on the use of quad bikes. It is important to recognise that they can be essential work vehicles but they can also be a complete nuisance. I commend Sinn Féin on putting this motion before the Dáil. It is important that we discuss the serious injury and death as well as the mere nuisance that quad bikes and scramblers can cause when inappropriately used.

I wish to bring to the attention of the Dáil one other thing which I think should be included in this category, namely, jet skis. I do not know anybody for whom a jet ski is an essential work vehicle. They are a nuisance which I encountered throughout this summer. There were a lot more people in the water in Clare than in previous years. As a result, jet skis were used in lakes throughout the county. I urge the Minister to look at the nuisance jet skis cause. The last Minister to look at this and propose a licensing regime was the former Minister for State at the then Department of the Marine and Natural Resources, Deputy Hugh Byrne, a Fianna Fáil member from the Minister's part of the world.

I know that general boating is not subject to licensing in Ireland and I do not think it should be. There is a long tradition of lake boating where I come from in Clare, and I am sure it is the same in most counties with lakes. However jet skis are very different from a young lad doing a bit of fishing in a boat on a lake. He can ramp up the outboard engine as much as he wants but he will not cause much nuisance. However, one of my earlier childhood memories is of someone wrapping a jet ski around a pier. The rider was going at full throttle and simply did not know how to stop. Apparently a jet ski will stop if one drops it, but this person did not know it and ploughed straight into a pier. They were brought to hospital by an ambulance. Luckily they survived, though the jet ski did not. The nuisance continues in that same spot year after year.

I refer again to the increased number of people on the water this summer because of the lockdown and the initial good weather. Jet skis were used on lakes where they had never been seen before. I spoke to a constituent about it yesterday. She told me of an incident on her family farm, which adjoins a lake. A cow was so panicked by jet skis on the lake that she threw a calf.

There can be no doubt that jet skis are a nuisance. I am not suggesting for a moment that all jet skis are a nuisance. There is a time and a place for jet skis, just as there is for quad bikes and scrambler motorcycles, as Sinn Féin fully recognises in this motion. Those vehicles are

appropriate in properly fenced and secured mountain biking areas. However, jet skis on the water and motorbikes in parks are potentially very dangerous vehicles. We are all very aware of the very sad story of the Armenian couple which might have partly inspired this motion. Other people have come close to very serious harm because of the inappropriate use of motorcycles and quad bikes.

I urge the Minister to keep jet skis in mind when dealing with this issue because they pose a particular threat. They also pose a threat to people who just want to go about their lives and enjoy a tranquil and scenic day on Lough Derg or Lough Corrib. Someone wishing to do some quiet and contemplative fishing can be confronted with an idiot on a jet ski. Not every jet ski owner is an idiot. Many are highly responsible, but unfortunately not all of them are. Some kind of regime must be put in place to differentiate between those who use jet skis in appropriate places and those who do not, and thus break the peace and tranquility of the area and endanger human and animal life on quiet lakes, frequently frightening cattle.

**An Leas-Cheann Comhairle:** That was a lenient interpretation of the motion.

**Deputy Michael McNamara:** They pose a similar problem.

**Deputy Michael Fitzmaurice:** I welcome the opportunity to speak in support of this motion. We were all young and we all tried to have a go on the first engine we saw. Everything is fine until something goes wrong. There is a wild streak in every youngster. Young people need opportunity as well. The one thing we have not done in this country is provide a safe environment where youngsters who want to use these vehicles can do so responsibly. We do not seem to want to do that. This activity is a torment in a lot of cities and areas.

Unfortunately, what is a great bit of craic sometimes ends up in someone losing a limb or a life, which is regrettable. We have to start regulating them. It is as simple as that. We have to make sure we put a person's life or limbs ahead of everything and make sure that this activity takes place in a safe environment. The message that needs to go out is that when doing one thing, a person needs to be doing something else in parallel. We need to give them the facility to express and enjoy themselves but in an environment operated by people who ensure the proper precautions are taken and, above all else, in an environment that is safe. This activity is a problem in many large cities. In the country, we do not see much of it. A person might see a quad bike quicker than he or she would see a scrambler. In the cities or the large towns, this activity gathers a crowd. There is no point in saying otherwise. It is great craic going up hills until something goes wrong.

There is one thing we could do in regard to quad bikes. I recall that years ago when we had a problem with very old tractors turning over and, unfortunately, people were being killed, a safety bar was put around them. Similar to the safety bar that was developed for the tractors which years ago had no cabs. We should look to that in regard to quad bikes. Unfortunately, the statistics show that a lot of people get caught when a quad bike tumbles over. I am not suggesting a safety bar is the be-all and end-all and that it would resolve everything but it could help. We need to make sure quad bikes have indicators for road use. To be honest, I think the cost of road tax on a quad bike is scandalous, especially for the farming community.

I will not labour and talk all night. I support the motion. We need to do it. In terms of recreation and sport and youngsters, they have had little to do over the past eight or nine months. The media sometimes likes to show them on television doing this or that wrong, or to show

them outside some place in Dublin, Limerick or Galway and so on. In general, they can take a bow for the effort they have made in this country over the past seven or eight months. For people in our age group it is not as tough as it is for young, energetic people who want to go out and break free. We should be giving them the option to enjoy themselves safely and putting in place the facilities to enable them to do that.

I have spoken many times about Mondello Park. Last Sunday night week I spent time with a person aged 74 whose licence had expired. What have we become as a society that a person of 74 years of age who is well able to drive but whose licence has expired had to retake a theory test? Could we not have a bit of cop-on and bring them into the likes of Mondello Park, put up the signs and see whether they are fit to drive or not. This is what we are doing. As a society we tend to apply the hammer. We do not seem to have a sweet at all to try to bring people with us. We should look at that.

**Minister of State at the Department of Justice (Deputy James Browne):** I thank all the Deputies who have contributed this evening. I think we all agree on the importance of ensuring this issue is effectively addressed. It is an issue of serious and genuine concern that makes our public and social spaces unsafe for others and creates a sense of real fear among the public. Anti-social behaviour in any form negatively impacts on the quality of life of our communities and it is an issue that as Minister of State I am keen to address.

Those who engage in the reckless or dangerous misuse of these vehicles require support from the whole of government. Raising awareness of the dangers inherent in the misuse of these vehicles is key in helping to reduce the number of young people engaged in this type of behaviour. The Garda and Road Safety Authority, RSA, launched a new public awareness campaign on 23 October to highlight the dangers quad bikes and scramblers pose to children and to urge parents not to gift these as Christmas presents.

The Road Safety Authority reports that three of the six people who died in Ireland as a result of an incident involving a quad bike or scrambler in the period 2014 to 2019 were aged 18 or under. The casualty figures also show that between 2014 and 2019, 60 people were injured in collisions involving a quad bike or scrambler on a public road. Of those killed or injured between 2014 and 2019, 41% of casualties were 18 years of age or under. These collisions occurred on public roads, were reported to An Garda Síochána and involved a vehicle specified as being a quad bike or scrambler.

The public awareness campaign includes a national and local radio advertising campaign, which is fronted by Mr. Keith Synnott, consultant orthopaedic and spine surgeon of the national spinal injuries unit in the Mater hospital. This campaign also features the Minister of State, Deputy Naughton. As stated earlier by the Minister, Deputy McEntee, the seriousness with which the Government takes this issue is reflected in the programme for Government commitment to enhance powers available to An Garda Síochána to limit the use of scramblers and quads by those engaged in anti-social behaviour and to enact legislation to add to those powers if needed. Legislation is just one part of the solution and we will not hesitate to look at new legislation if it is required. The Department of Transport is responsible for road traffic law, road safety and road traffic enforcement, but the Department of Justice will do whatever it needs to do.

Clearly, the issues underlying anti-social behaviour of whatever sort cannot be addressed entirely through new legislation in this area alone. Public awareness of the dangers posed by

the misuse of these types of vehicles is a key element of tackling any such misuse and my Department has agreed to consider and develop actions to increase awareness of the dangers of these vehicles. The intention is that this work will be carried out in conjunction with affected communities, community groups and other stakeholders affected by the misuse of scramblers. It will also explore how best to engage with young people who are drawn to this behaviour.

Deputies will also be aware that a draft new youth justice strategy was published by my Department earlier this year to facilitate a public consultation process. Implementation of the youth justice strategy will make a valuable contribution to ongoing efforts to combat anti-social behaviour, including the misuse of scramblers and quad bikes. Issues such as the need for early intervention and family support, coupled with collaborative working by agencies and community partners, are central to the approach contained in the youth justice strategy. The importance of the strategy is endorsed by and prioritised in the programme for Government. Acting on the issue of anti-social behaviour will not be solved by stand-alone interventions. It will need a cross-governmental approach to tackle the causes of anti-social behaviour as well as the actions that are being carried out. It means also creating opportunities and will involve, I believe, restorative justice, requiring face-to-face interaction with the victims and their communities by those carrying out these activities.

The strategy has been developed in light of the experience of State agencies and community partners who work with the comparatively small number of children and young people who come in contact with the criminal justice system. This work has built on the 2008 youth justice strategy and the subsequent Youth Justice Action Plan 2014-2018, and it tries to deal with many of the gaps that remain, as well as new challenges which have emerged. It is intended that the new strategy will align with successor frameworks to the current National Policy Framework for Children and Young Adults 2014-2020, which is overseen by the Department of Children, Equality, Disability, Integration and Youth. It will also align with a new community safety strategy which my Department is preparing. The Minister, Deputy McEntee, recently announced locations for new community safety pilot projects which will inform the development of that strategy.

It is intended to bring the finalised youth justice strategy to Government later this year for approval. In terms of supports and programmes currently available, there are 105 Garda youth diversion projects throughout the State. The intention is to develop this service further so that it is available to every child in the State who could benefit from it through an ongoing expansion of existing services and, where necessary, the foundation of new projects. The projects are being developed to provide family support to the parents of young people participating in the projects and are undertaking early intervention and preventative work. The role of the projects in respect of harder to engage young people is being enhanced and extended as part of the evolving youth justice system.

My Department is supporting ongoing development of practice in Garda youth diversion projects through the action research project led by the University of Limerick. The project works directly with front-line youth justice workers from local projects to develop interventions and best practice. Based on initial outcomes from the project and evaluations of several pilot projects, it is intended to develop proposals to expand existing services to ensure national coverage and a strong focus on difficult issues such as the hard to reach cohort.

More broadly, the programme for Government also contains a commitment to convene an expert forum on anti-social behaviour. This will provide a key focus for further development

of policy and engagement with stakeholders on the issue. The commitment in the programme for Government to establish the forum refers not only to Garda enforcement powers but also to the provision of parenting supports. As Minister of State, I convened the initial meeting of the new forum on anti-social behaviour on 27 October.

It is through collaboration across Government, the public service and community stakeholders that the issue of the misuse of scramblers and quad bikes, and anti-social behaviour in general, can be tackled and our communities can be made safer. In the interim, I commend the work of An Garda Síochána on the issue. Targeted enforcement measures have been introduced in several areas where quad bikes and scramblers were causing difficulties. I am informed that An Garda Síochána will continue to pursue enforcement through the implementation of appropriate local plans and policing strategies. The Garda has advised my Department that it responds to all reports of anti-social behaviour and conducts operations on an ongoing basis to target anti-social activities of persons using scramblers, mopeds or quad bikes in parks and green areas. I ask the House to support the counter-motion and the ongoing work to tackle this issue.

**Deputy Thomas Gould:** Many of the communities I represent in Cork North-Central, like other communities nationally, have been ravaged by scramblers and quad bikes. I commend my colleagues, Deputies Paul Donnelly and Ellis, on bringing forward the motion. They did so because Sinn Féin is committed to supporting communities and ending this scourge.

As the Minister of State said, in October the Garda, along with the Road Safety Authority, launched a campaign pleading with parents not to purchase these bikes or scramblers for their children for Christmas. In my constituency, several clubs have had their pitches destroyed by these bikes. These clubs cannot afford the thousands of euro needed to repair the pitches because they are run by volunteers in working-class areas who are doing their best. There is a green space close to where I live. Cork City Council has done brilliant work to make it an amenity with walkways and pitches for young people, older people and everyone else to enjoy, walk on and use to get out of the house. However, time and again it has been destroyed by quad bikes and scramblers driven by people who do not care about their neighbours or communities. We need action and the motion outlines the action we need to deliver.

I know some people who are really interested in bikes and quads. For young people, it would be a great initiative to provide facilities and places they can go to and enjoy themselves in a safe manner and be educated. What Sinn Féin is proposing are solutions for young people who are genuinely interested and for their friends as well as stronger measures to tackle those who wish to engage in anti-social behaviour and destruction. The noise that is generated by these bikes can be deafening for some people. Last Saturday, I drove through an area where I saw five or six young boys who were no more than 13 years old or 14 years old and were racing two scrambler bikes through a green space in the middle of a residential area. No disrespect to the Minister of State, Deputy Browne, but if communities have to wait on what he offered in his speech, they have no hope. I ask him to please support the motion. It makes sense and it will deliver now.

**Deputy Ruairí Ó Murchú:** In Dundalk and elsewhere in County Louth I have dealt with countless constituents, as have many other Members in their areas, who are worried about the issue of scramblers and quad bikes racing through streets and community green spaces at all hours of the day and night. I refer to estates in Dundalk, council land, parks, private land and even farmland on the edge of town where crops were destroyed by scramblers.

Yearly, we are told by An Garda and the Road Safety Authority of the serious safety hazard of these powerful machines. They have the potential to injure people severely or fatally. Reference was made to the six people who died between 2014 and 2019 as a result of these machines. That is six families too many who have had their world turned upside down. That is why gates and bollards are erected to make it more difficult for scramblers to get into particular areas.

The Garda is often powerless and unable to chase people driving these bikes. That is understandable from a safety point of view. There have been instances when they have chased and seized some of these vehicles and generally that has been impactful. However, the legislation ensuing from the motion will give the Garda the legal powers and the necessary resources to tackle this issue.

I accept that some people use quad bikes and scramblers for essential work and for sport. I get that young people are lured to adrenaline sports. I would be the first to try out one of these bikes. As many would attest, I would also be the first to fall off the bike and do myself an injury. The use of these bikes for sport must take place in a controlled environment with rules, regulations and checks. Facilitating that needs to be explored, but that will not really happen until we deal with the serious issue of the underfunding of youth services and local authorities and the significant issue of insurance. Every summer, I have received calls regarding groups of kids in fields with scramblers and quads, drinking and doing whatever else and causing havoc for hours on end. I refer to parents with autistic children who are sensitive to noise and have to go through what, for them, is an absolute nightmare.

We need to ensure we do all we can do deal with this issue. Reference was made to the anti-social behaviour element and even to scramblers being used in drug runs. Later this week, Sinn Féin will deal with the issues of the lack of addiction services and interventions and the need for more community policing. The motion before the House deals with an issue that is impacting on communities. We need to facilitate them. I am calling on Members across the House to find a solution to this problem. I urge the House to support the motion and the ensuing legislation.

**Deputy Paul Donnelly:** I thank Deputies for their contributions, particularly those who have supported the motion. I am really disappointed by the response of the Government. I am not talking about the remarks of the Minister, Deputy McEntee, or the Minister of State, Deputy Browne, which, to be honest, I take with a pinch of salt. The amendment tabled by the Minister, which I will go through, speaks volumes regarding where this Government is at. It states, “An Garda Síochána pursue appropriate policing strategies with due regard to the need to ensure that responses to the misuse of vehicles do not lead to increased and exacerbated public safety risks”. It is obvious that the Minister of State, Deputy Browne, who is present, has not listened to a single word uttered by any of the contributors to the motion. There is no strategy or training in place and the Garda does not have the resources to tackle this issue. How do I know that is the case? I know because that is what they have told us. That is what Deputies have been saying all night. That is the situation is on the ground.

The amendment claims that “the existing legislation requires the safe use of vehicles as well as compliance with conditions for driver licensing, motor taxation and insurance, and the relevant legislative provisions have already been subject of close examination by Government departments”. If that is the case, why have we heard Deputies speaking on the motion tell story after story of parks and open spaces being completely destroyed and how people, including older people, are afraid to walk down the street and parents are afraid to let their children out onto green spaces? I only have to look out my front door to know what the situation is on the

ground. There is a green space in my area where there can be up to ten quads and scramblers driving up and down, especially in the summer, but also at all other times of the year. That is how I know that the strategy is not working.

The amendment further states that “Gardaí already have significant enforcement powers in relation to dangerous misuse of vehicles”. If that is the case, why were two Fianna Fáil Deputies saying on social media this week that they will bring in legislation to change the situation around quads and scramblers? Why did Deputy McAuliffe say in the Chamber today that he is bringing forward a Bill to change the legislation? This is in the Minister’s amendment so why was he saying that, if this is okay and we do not need extra legislation? This flies in the face of the experience of every community I represent.

I wish to refer to one comment, as it is important that we hear from ordinary, local people. The person concerned lives in the estate next to me and we were tortured over the summer, and particularly during lockdown, with quad bikes and motorbikes in our community. When the woman rang the Garda station, after days of torture, the garda said he would send a car up when one became available, but said there was not much more the Garda could do. That was said directly by the garda. The call was in the middle of the day. The person was working from home because she was told to do so, but she could not work. She had to go somewhere else to work because of the noise.

Finally, the Minister of State said that the Garda successes in the seizure of vehicles underline the need to support An Garda Síochána to respond to local situations and to provide appropriate resources and technical support. He then went on to speak about the response to drug dealing and intelligence-led approaches to counter the activities of drug gangs. That is out of touch with the reality of what is happening with quad bikes and scramblers. The reason the gangs use these vehicles for drug dealing is that the Garda has a policy not to follow or chase them, not to deal with them and not to seize the vehicles. As Deputy Ward said earlier, that is why younger people are now being sucked into these gangs.

We put forward a very detailed motion. It does not tie the Government to a legislative process, but it certainly charts a way forward. I am very disappointed with the Government’s response. The message will go from the House to every community in urban areas living with this daily nightmare that the Government has no intention of dealing seriously with this scourge in those communities.

Amendment put.

**An Leas-Cheann Comhairle:** In accordance with Standing Order 80(2), the division is postponed until the weekly division time on Wednesday, 18 November 2020.

*Sitting suspended at 8.33 p.m. and resumed at 8.53 p.m.*

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

## Housing Provision

**Deputy Denise Mitchell:** The Minister of State, Deputy Malcolm Noonan, is aware that the majority of Dublin city councillors last night voted against the disposal of the Lawrence Lands site to a private developer. Let us be clear: the councillors voted for public housing on public land. The proposal that was put forward by Dublin City Council, DCC, was not acceptable to local councillors. The price of the so-called affordable houses ranged from €325,000 to €380,000. This is completely unacceptable. In what world is that affordable? People in the area are paying enormous rents and are waiting for up to 15 years on the housing list. They cannot afford to wait any longer.

Sinn Féin fought for the development of this site. Local communities want to see this site developed but want to see the right type of housing. It needs to be social, affordable and it needs to be cost rental. We also want to make sure that facilities are provided for the community, such as schools and local services. We have only one chance to get this right and the development needs to deliver for people in dire need of housing. Last night was a signal of the type of housing people in my constituency need and want and the council must deliver that. The Minister of State knows what councillors want to see built on this site. They want public housing on public land. Will he commit to meet them to progress this further?

**Deputy Eoin Ó Broin:** I thank the Minister of State, Deputy Noonan, for his attendance. As he knows, the funding mechanism for this project is something called the housing land initiative, which predates the formation of this Government. It is wholly inappropriate for delivering good quality public housing on public land. There is an alternative, which the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, can put on the table straight away. He can meet Dublin City Council management and offer the council exactly the same financing it has already received for the St. Michael's Estate, Inchicore. That would be to secure a European Investment Bank loan for approximately 70% of the financing and to provide the serviced sites funds for the remainder, something he was already going to do for the housing land initiative deal with Glenveagh.

The value of using the St. Michael's Estate model is that we can deliver social rental, affordable cost rental and genuinely affordable purchase homes for working families on this site. It is interesting that the Government parties on Dublin City Council last night voted three ways. The Minister of State's own colleagues did the right thing and they voted against a very bad deal and I genuinely welcome that. Fine Gael councillors, because the land initiative was really their policy framework, voted for it. Fianna Fáil voted three ways: some voted for it, some voted against and some abstained.

I will take the liberty to make a point, given that the Minister of State's party leader and one of the three heads of the Government is sitting beside him, and say to Deputy Eamon Ryan that we have a real chance to get this right if the three Government parties come together and work with the majority of councillors on Dublin City Council and put the St. Michael's Estate funding package in place. Then we can very quickly move towards planning permission by DCC next year and be on-site to commence construction of much-needed social, affordable rental and genuinely affordable homes next year. This can be done, and while I know the Minister of State, Deputy Noonan, and the Minister for the Environment, Climate and Communications, Deputy Eamon Ryan, will support the principle of that, we need them to convince their colleagues around the Cabinet table, in both Fianna Fáil and Fine Gael, to work with the majority

of councillors in DCC and do the right thing and get the right kind of deal in Oscar Traynor Road.

**Minister of State at the Department of Housing, Local Government and Heritage (Deputy Malcolm Noonan):** I thank both Deputy Ó Broin and Deputy Mitchell for raising this issue and for putting forward constructive proposals regarding it.

As we are all aware, last night Dublin city councillors voted by 48 votes to 14 not to transfer lands at Oscar Traynor Road as part of a development agreement to deliver 853 homes on the site. That was a democratic decision of the local authority members. If I may, I would like to provide the House with some context on this matter, as I understand it. This site has been vacant since the late 1970s and had long been prioritised for housing development by the council via its housing land initiative, as was mentioned by Deputy Ó Broin, together with sites at O'Devaney Gardens and Emmet Road, Inchicore.

The approach and tenure mix for the delivery of homes on the site had been progressed by the council on the basis of 50% of the homes being private, 30% social and 20% affordable, that is, 428, 253 and 172 homes, respectively. This approach had been agreed by the council's housing strategic policy committee in 2016 and by the full plenary council in January 2017 by 58 votes to four. The council executive confirmed its view to the council members, in advance of its vote last night, that an exhaustive process has been undertaken in recent years and the delivery model, itself agreed by councillors, was considered the most effective way to develop the site, both in terms of mixed tenure and from a financial perspective. The executive outlined the complexity of bringing such a large-scale site to this point given the specific resources and expertise required, which the council does not have on an in-house basis. It also pointed out the substantial legal, planning and, above all, financial risks associated with undertaking a development of this scale.

The council's executive confirmed that, using the leverage afforded by State-owned lands, it proposed entering into a comprehensive development agreement with the preferred bidder. In addition to the value of the land being reflected in the reduced cost of the works, Dublin City Council would have received payment of the sum of €14 million from the developer as part of the public procurement process, with strict conditions around planning and development, including a commitment to facilitate local employment. This money would be invested in the city with a significant portion of it ring-fenced for the Oscar Traynor Road environs.

In deciding not to progress with this proposal, the council executive has suggested that the delivery of homes in Oscar Traynor Road may now be set back for quite some time. There was a comment from Mr. Brendan Kenny reported in today's edition of *The Irish Times* that the delay could perhaps be up to eight years. This would be most regrettable, especially in view of the fact that this area has the highest social housing waiting list in the State. One point on which we can all agree is that given the time spent by the council on progressing this site to date, it is critical that it is developed for housing as soon as possible.

Five months ago, we launched the programme for Government, which includes a range of commitments, including the prioritisation of increased supply of public, social, and affordable homes; to increase the social housing stock by more than 50,000, with an emphasis on new builds; to progress a State-backed affordable home purchase scheme to promote home ownership and; to ensure that local authorities are essential to the delivery of housing.

*9 o'clock*

The Government has since backed these objectives in budget 2021, with €3.3 billion being made available for the delivery of housing programmes. This overall investment will see the social housing needs of over 28,500 households being met in 2021. This includes 12,750 new social homes to be delivered through build, acquisition and leasing programmes. Capital funding of €468 million was specifically provided to cover affordability measures including: a new national affordable purchase shared equity scheme; a new cost-rental equity loan facility to help deliver cost rental homes; and services sites funding.

My Department is working with local authorities, approved housing bodies and other key stakeholders towards the expansion and acceleration of delivery of social and affordable housing. My Department has consistently supported Dublin City Council's efforts to advance proposals, including funding the cost of all the 253 social homes on the site. In addition, at up to €50,000 per home, serviced site funding of up to €8.6 million was made available to the council to help subvent the delivery costs of the more affordable homes. My Department remains ready to support the council to deliver this important strategic site.

**Deputy Eoin Ó Broin:** The land initiative was only ever used as a financing mechanism because central government would not give local authorities the funds required to develop sites themselves. It was partly because funding was slashed after the recession of 2008 and then after the recovery because Fine Gael did not want to invest. It makes no sense to allow 50% of the homes on public lands to be sold at unaffordable open-market prices and then allow a developer to extract the full market land value from the affordable homes so that they are priced at between €325,000 and €380,000. Not even the Department of Public Expenditure and Reform's economic and evaluation service thinks this is a good way to deliver homes. The report two weeks ago confirmed that the most cost-effective way to deliver public homes is through direct delivery by local authorities.

We all now have an opportunity. The vote has been taken and it is not being reversed. If the Government and Opposition along with councillors of Dublin City Council sit down together to ask how we can get this site up and running as quickly as possible, we can move the project forward. That can only be done if the Minister for Housing, Local Government and Heritage decides to take the reins on this. As he did with St. Michael's Estate, he should guide Dublin City Council to a European Investment Bank loan and provide matching service sites funding.

Dublin City Council does not have the capacity because we have starved it of staff and resources for decades. I know the Green Party agrees with this, notwithstanding the Minister of State's reply. The only way the council will ever get the capacity is if we trust it, fund it and staff it to deliver these projects. In the interests of the community of Coolock and the Oscar Traynor Road, and the city overall, let us treat last night's vote as a wake-up call. Let us get around the table urgently, put the funding mechanism in place and send a clear signal to the housing manager in Dublin City Council that we want Part 8 planning applications for a mixed-use social affordable rental and affordable sale development on Oscar Traynor Road to be progressed next year. Finances will be secured and work should commence on site in 2022 to deliver the best-quality public housing development on public land the citizens of the city deserve.

**Deputy Malcolm Noonan:** I reiterate that the advice of the council's executive to council members was that an exhaustive process was undertaken in recent years and the proposed delivery model, which was agreed through Dublin City Council, was considered the most ef-

fective way to deliver the site both in terms of mixed tenure and from a financial perspective. Notwithstanding this, I note the decision of the council, which will now, no doubt, take some time to consider its next steps. My Department will endeavour to support the council with any future developments, which is the commitment the Deputy is seeking this evening, with plans that might be under consideration over coming months. Our Department remains willing to explore options and avenues available to work with local authorities, approved housing bodies and other key stakeholders towards social and affordable housing delivery objectives.

I take on board the point the Deputy made in the context of opportunity. We need to seize this opportunity because of the urgency of the housing crisis, and we will do that.

### **Wastewater Treatment**

**Deputy Steven Matthews:** I draw the attention of the Minister of State to the most recent Environmental Protection Agency, EPA, report on waste water discharges highlighting non-compliance in many waste water treatment plants and their impact on receiving waters. It is a disgrace that in 2020 a total of 35 towns and villages are discharging raw sewage into nearby watercourses. It is equally disappointing that so many plants are failing to meet EU pollution standards.

I welcome the opportunity to raise this serious matter. It is a long-running and extremely worrying situation that we see every year when the EPA produces its report. We see similar annual reports on water quality from the EPA and we are all aware of the degradation of aquatic ecosystems, the loss of biodiversity and the overall decrease in water quality scores. We are failing to meet a commitment under the water framework directive to achieve good status for our water bodies. The main impacts on our water system are from diffuse agricultural run-off and point source waste water treatment plants. It is well researched and well reported. There are also issues with combined sewer overflows in the urban networks and unauthorised tappings into urban surface water drainage networks. Forestry practice in many locations is contributing to acidification of water. The presence of excessive organic matter is creating trihalomethanes in our drinking water supplies. There are also cases of excessive nitrates in our water. Both of these chemical imbalances have serious impacts on human health, the latter of which is particularly harmful to infants. There are issues with the management of septic tanks and their impact on groundwater.

Many of the locations with poorly performing waste water plants have been subject to development growth, but our water services upgrades do not keep pace with that development. This is the fallout from poor planning and urban sprawl. All of this points to decades of under-investment in the water network, some of which dates back to Victorian installations. I have followed the water services investment programmes over the years and no Government has ever shown sufficient attention or committed to providing adequate investment to maintain and improve the water network to the levels required. We have been careless with our precious, finite and life-supporting resource.

As water quality and our sources of supply decline and degrade, our health, biodiversity and environment suffer, as do investment in our economy and our international tourism reputation. This Government needs to be the one to halt the decline and address the infrastructural deficit to provide clean and reliable drinking water supplies. When that water is abstracted and used for domestic, business or industrial purposes, it needs to be treated to a very high degree before

being discharged into the receiving waters. Last week's report shows that the treatment process is substandard in many places.

The EPA report also covers areas where Irish Water has made improvements, which is to be welcomed. In Wicklow, Irish Water recently carried out a major upgrade to the Victorian Vartry water supply at Roundwood, which is vital to Dublin and north Wicklow supplies. I understand that the construction of the Arklow waste water treatment plant is soon to commence following the granting of the foreshore licence.

I ask the Minister of State to outline the level of investment required to allow Irish Water to get these 35 towns to meet tertiary treatment or adequate treatment standards and the estimated timeframe to construct or upgrade at these locations.

**Deputy Malcolm Noonan:** I thank the Deputy for bringing this important issue to the attention of the House.

I welcome the comprehensive report from the EPA showing that, while many serious challenges remain, Irish Water is continuing to make progress and is improving the performance of our waste water systems. The Deputy will appreciate that, since 2014, Irish Water has taken on the full statutory responsibility for all aspects of water services planning, delivery and operation at national, regional and local level. In turn, the EPA, as environmental regulator, is responsible for monitoring and enforcing compliance with the necessary quality standards for the collection and treatment of waste water discharges. Today's report shows that Irish Water has reduced the number of priority waste water sites listed by the EPA. It has increased the number of large towns and cities that now meet the required EU standards for waste water discharges, and it continues to reduce the number of towns and villages discharging untreated waste water.

The EPA appreciates and acknowledges the long and complex programme of work that lies ahead for Irish Water. The Minister, Deputy Darragh O'Brien, and I, like the EPA, are eager to see faster progress on the delivery of each of these projects wherever this is feasible. The Minister spoke to officials from Irish Water following publication of the EPA report. The company has quite serious challenges, and while we all know that it will not be possible to fix all our infrastructural deficits overnight, this work requires very significant and sustained capital investment. These are complex projects and must be carefully planned in consultation with communities as well as designed to meet future needs.

The programme for Government includes firm commitments that will ensure Irish Water is funded and is structured to fully meet this challenge. The Government is supporting Irish Water through delivering the balance of the €8.5 billion funding package committed to in Project Ireland 2040. As part of budget 2021 we increased provision for the Irish Water capital programme by €100 million over this year's initial allocation, from €592 million to €692 million. The Government also provided an additional €87 million in capital funding to Irish Water this year as part of the July stimulus package and the budget.

The discharging of untreated sewage directly to the environment is clearly not a tenable situation and is one that I earnestly wish see addressed as soon as possible. When Irish Water was established in 2014, it inherited a system in need of very significant improvement. The company has set about this task but was possibly overly ambitious in some of its plans. However, the company has halted the discharge of raw sewage from the equivalent of 100,000 people in 15 towns across Ireland, removing half of all the raw sewage discharged. Over half of the

remaining discharge will end with the completion of the Cork lower harbour project and the construction of the Arklow waste water treatment plant. The company expects to start work in 2021 on 12 further areas where raw sewage is being discharged, with the work in the majority of the remaining areas due to start in 2022 and 2023. A new treatment plant for Avoca is being designed at present, with a planned construction start date of 2023 and a completion date of 2024. The current estimated cost is €8.5 million.

As the Deputy will know, the provision of a sewage treatment plant for Arklow has a long and complex planning history going back as far as 1988. It is one of the largest areas left without a treatment plant, with a population equivalent of 36,000 people. A site has now been secured and planning permission has been granted. I understand a contractor has been selected and construction is due to start in 2021. Irish Water has informed the Department that the construction will take three years.

I note comments on the EPA report from the Sustainable Water Network concerning our commitments under the EU water framework directive. I also note that Coastwatch Ireland is calling for a ban on wet wipes because of their impact on our storm water overflow discharges. This is something the Government should seriously consider. In terms of waste water treatment generally, we are making significant progress although that progress cannot come fast enough.

**Deputy Steven Matthews:** I thank the Minister of State for his response. I acknowledge that Irish Water has been making progress and that it inherited a system that was not invested in for many years because investing in waste water treatment plants, or pipes in the ground, was not headline grabbing. We have neglected a very precious resource and the result of that neglect is that we have been discharging substandard water into our watercourses, our rivers and the marine environment for many years.

I welcome the programme for Government's commitment to retaining Irish Water in public ownership as a national, stand-alone, regulated utility. The Government has also committed to ensuring that Irish Water is sufficiently funded to make the necessary investment in drinking and waste water infrastructure. The programme also mandates Irish Water to develop plans to ensure security of supply and sufficient capacity in drinking and waste water networks to allow for balanced regional development. We must ensure that we match those commitments with adequate funding. It is important to recognise that the treatment of both drinking and waste water is expensive and complex. It requires investment and constant maintenance and our health and the health of our country is at stake if we do not adequately fund the commitments made in the programme for Government.

**Deputy Malcolm Noonan:** I thank Deputy Matthews for making those very important points about Irish Water and the capital investment programme required. It will take a nationwide approach to prioritising planning and investment. The company has developed a long-term investment perspective in order to address the deficiencies in public water and waste water systems. The company is closely regulated by both the EPA and the Commission for Regulation of Utilities, CRU. I noted the Deputy's comments in the *Wicklow Times* today. He referred to our commitments under the water framework directive, marine protected areas and biodiversity, all of which are interrelated. I also note that the Avoca waste water treatment plant was raised by a former Green Party councillor, Ms Nancy Quinn, as far back as 1988, which is astonishing. That plant is finally being delivered and while it is very late in the day, it is happening now which is most welcome.

17 November 2020

The task here is enormous. As the Deputy quite rightly pointed out, we have not seen significant investment in this area for decades because these are not projects that many people perceive as necessary but they absolutely are. I reiterate the Government's commitment to ensuring that Irish Water is tasked with and supported in continuing to work to address infrastructural deficits all over the country to bring our water and waste water infrastructure up to modern European standards and make it fit for purpose for the Irish economy and country.

### **Heritage Sites**

**Deputy Cathal Crowe:** I thank the Minister for taking this very important Topical Issue this evening. Bunratty Castle in my constituency of Clare is almost 600 years old and King John's Castle in the neighbouring Limerick City constituency is almost 800 years old. These castles have withstood sieges, burnings and many battles waged outside their walls over the years. However, despite their physical bulk and durability, these castles and the beautiful folk park that adjoins Bunratty Castle do not, like many sectors of our economy, have the resilience to withstand the ravages of Covid-19.

Management of the Shannon Group that runs these sites through the Shannon Heritage company plans to close these sites early in January. It cites a massive downturn in international tourism, continuous loss-making since the onset of Covid-19 and the inability of the Government to underwrite the operational losses of a semi-State commercial company as the key reasons behind the imminent closure. These were the very same reasons that were to the fore last summer when the Shannon Group announced that from the end of August right up to the end of this year, Bunratty and King John's castles would be closed. Thankfully the Government intervened in late August and subsidised the incremental losses, thus keeping both sites open. This averted closure and prevented job losses. It is vital that the Government once again works with the Shannon Group to ensure that these sites do not close. They were once of strategic military importance to our ancestors and now they are of strategic tourism importance. The closure of both sites would be a massive blow to workers employed by Shannon Heritage and the domino effect on hotels, bars, restaurants and many others involved in the supply chain would be immeasurable. I call on the Minister to intervene urgently to save these sites from closure in January.

**Deputy Willie O'Dea:** Deputy Crowe and I have already explained to the Government the central importance of these sites to the economy of the entire region. Thankfully, the Government listened and decided last August to provide funding to enable the sites to remain open. What is quite mysterious to me is the fact that the Government decided to allocate €2.4 million to keep those sites open but it has only been able to spend €700,000, which is about one quarter of what was originally allocated, for reasons that I do not have time to go into this evening. Seeing as there is €1.7 million unallocated, as it were, surely resources are available to the Government to keep those sites open and to preserve continuity of service on those sites which have acquired iconic status.

The Government must also be cognisant of the situation facing the workers at Shannon Heritage. Up until August, the prospect of being thrown on the unemployment scrapheap was hanging over their heads but due to political intervention, they got a reprieve. Now they are being told that come 30 December, the reprieve ends and the prospect of unemployment again looms large. Surely it would be better to have those people employed, providing a service and

maintaining continuity on those sites rather than sitting at home, existing on social welfare payments. Where is the saving to the State in that? Those workers regard their jobs as a vocation more than a job and they are being treated in a very shabby way. I appeal to the Minister to give those workers some solace as the Christmas period approaches. I ask him to give them a reassurance that they will not be thrown onto the unemployment scrapheap in January and that the service being provided by Shannon Heritage at those sites will continue.

**Minister for Transport (Deputy Eamon Ryan):** I am very pleased to respond to Deputies Cathal Crowe and O’Dea on this matter on behalf of my colleague, the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, Deputy Catherine Martin.

The management of Shannon Heritage sites, including their opening arrangements, is an operational matter for Shannon Heritage and Shannon Group plc, which is a commercial State body under the aegis of the Department of Transport. Shannon Heritage has a commercial mandate to manage a portfolio of tourism and heritage attractions in the mid-west region and Dublin. As Shannon Group operates in both the aviation and tourism sectors, it has been severely impacted by Covid-19.

Budget 2021 includes a number of substantial measures to support and strengthen the tourism sector. Those measures are supplemented by economy-wide business supports and social welfare measures. The total funding for the tourism sector will increase in 2021 by more than €59 million, or 36%, over the initial 2020 allocation in budget 2020, to €220.9 million. Combined with other measures such as the Covid restrictions support scheme, CRSS, and the rates waiver, the Government is helping to sustain businesses that have been most severely affected by the necessary public health restrictions. As part of the budget package of measures, €55 million has been provided for business continuity schemes for strategic tourism businesses to help them survive through the pandemic and contribute towards driving the recovery. This funding will be administered by Fáilte Ireland and focused on strategic businesses. Fáilte Ireland is currently engaging with the tourism sector in the design of funding schemes, taking into account the effect of other horizontal funding measures.

In addition, the VAT rate for the sector has been reduced to 9%, which will improve the competitiveness and viability of businesses. Funding of €5 million has been provided for focused upskilling training to support business survival and recovery in the sector and the improvement of the digital presence and e-commerce capability of tourism businesses. Investment in the tourism marketing fund has been maintained to ensure that Ireland is in a position to recover quickly, when it is safe for tourists to return from our key markets.

In response to the impacts of Covid-19, the Government has put in place a range of supports to help business and citizens face the challenges presented by the global pandemic. I understand that Shannon Group, including Shannon Heritage, has benefited from these horizontal supports, which include the employment wage subsidy scheme, EWSS, its predecessor, the temporary wage subsidy scheme, TWSS, the rates waiver and VAT warehousing. The tourism recovery task force undertook a comprehensive analysis of the impact of Covid-19 on the sector and drew up a recovery plan containing more than 30 recommendations across a number of areas designed to help the sector to survive and recover from the crisis out to 2023. Its short-term recommendations informed the sector-specific measures adopted in the budget. To help inform our ongoing response to the pandemic, the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media will shortly appoint an oversight group to monitor the implementation of the recovery plan and the recovery of the tourism sector in general.

17 November 2020

In regard to Shannon Heritage specifically, a commitment was made by the Minister of State, Deputy Hildegard Naughton, to provide funding to ensure that Bunratty Castle and Folk Park and King John's Castle, which were due to close at the end of August, could remain open to the end of 2020, subject to public health measures. It is open to Shannon Heritage to explore further the various support mechanisms now available. I encourage it to liaise with Fáilte Ireland on the State supports of which it may be able to avail.

I thank the Deputies for raising this important matter. The tourism industry in its entirety has been decimated by the Covid-19 crisis and the sector will take the longest to recover. Overcoming the challenges faced by the sector as a whole will be instrumental in driving economic recovery, particularly in rural areas.

**Deputy Cathal Crowe:** One of the Shannon Heritage employees to whom I spoke today said, "We want to work". The employees are hungry to work and everything should be done to save jobs and keep the heritage sites in the mid-west open. I want to know whether the Government will offer a continuance of the supports it made available to Shannon Group and Shannon Heritage last August. The Minister's response suggests that this mechanism may be open once again and I ask that he offer clarity in this regard. In addition, will the Government consider applying to the EU for a damages schemes for the heritage sector in order that specific ring-fenced supports may be put in place for the likes of King John's Castle in Limerick city and Bunratty Castle and Folk Park in County Clare? Furthermore, I ask that the Minister look at ways of funding the considerable obligations Shannon Group has in maintaining old castle buildings at a high annual cost. Shannon Group has advanced plans for a major capital project for Bunratty Castle and Folk Park costing €40 million. The hope is that State supports from Fáilte Ireland to the tune of approximately 75% of the cost will get the project over the line. I hope the Minister and the Government will do everything possible to ensure it can be delivered.

I conclude by saying that there will be life after Covid. The country is about to turn a corner. Vaccines are imminent and the economy has been supported throughout the past few months. In the meantime, when Bunratty Castle and Folk Park, King John's Castle and all the people working there and in the supply chain need our support more than ever, I ask the Government to have their back.

**Deputy Willie O'Dea:** The Minister's response indicates that we are in the same position now as we were last August. At that time, the Government was prepared to allocate €2.4 million to ensure the continued operation of the sites in question. Only €700,000 of that has been drawn down, which brings us up to Christmas. What is the problem with allocating some more of that money now to keep those sites going from January until April, when they would usually open? Is it more desirable to lose continuity and have people sitting at home drawing social welfare rather than providing a service in King John's Castle, Bunratty Castle and Folk Park and other sites? As I said, the treatment of these workers has been quite indefensible. They have been buffeted from pillar to post, with redundancy looming one day, followed by a reprieve. Now redundancy is looming for them once again. Can the Minister provide some solace for these workers as we approach Christmas?

**Deputy Eamon Ryan:** I hope I can do so. The key solace is, first, that we hope to get out of level 5. King John's Castle has been closed since the level 3 restrictions were introduced. Bunratty Castle and Folk Park has some limited outdoor activities but it also had to close once level 5 restrictions were introduced. Those restrictions, more than anything else, have been a significant factor in the closures over recent months. We do not know what will happen in the

new year but we hope, please God, as Deputy Cathal Crowe said, that we will start to see our way out of this pandemic. That is the first and key source of solace.

I absolutely agree with the Deputies on the importance of these two sites for the regional tourism sector. I am taking this matter on behalf of the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media but it seems to me, in reading the response, that the €55 million fund that Fáilte Ireland will be managing for specific key, strategic tourism businesses may well be the best avenue in terms of getting support funding for operations as we start to recover.

As Minister for Transport, I have a keen interest in this area because both sites are operated and managed by Shannon Group, which is connected to enterprises at Shannon Airport and the industrial estate. Most Deputies will be aware that it is not just the workers in Shannon Heritage who are in real difficulties. The wider group, because of what has happened to the aviation sector, is in significant trouble. We have to look at this in the round. In that context, I encourage the Deputies, as I know they already are, to engage with Shannon Heritage on the best strategic response as well as in respect of the immediate support mechanisms which the Government is willing, and has been willing at every stage, to provide in order to support businesses. I would argue that one of the issues we need to think about right now is the wider strategic future for the likes of King John's Castle and Bunratty Castle and Folk Park, which we want to see thrive again. We must give thought to the best structural way of doing that, given the ongoing difficulties with the entire group as a consequence of the Covid-19 crisis.

### **Greenways Provision**

**Deputy Brendan Griffin:** I thank the Minister for Transport for being in the Chamber for this debate. I welcome the significant funding that was granted last week for greenway projects throughout the country and, in particular - being parochial about it - the fantastic funding given for my own constituency of Kerry. It is good that the Minister for Public Expenditure and Reform is also here. The funding is very much appreciated and builds on work in recent years to get the network going in north Kerry, between Tralee and Fenit and between the Limerick border and Listowel. Funding was also allocated for the south Kerry greenway. On Thursday, we saw the fantastic decision by An Bord Pleanála to grant permission for that project to proceed. We hope it will now go ahead, after many years of planning, design, hearings and everything else.

I have no doubt that it is going to be a world-class, iconic greenway. This is going to be extraordinarily special. It is a 32 km route from Glenbeigh to Reenard, which overlooks Valentia Island. It follows part of the Farranfore to Valentia Harbour railway line which initially opened in 1885, when it reached as far as Killorglin, before being extended to its full length in 1893. It ran until 30 January 1960. The line has now been closed for almost as long as it was open. I hope the great renaissance this greenway represents will be symbolic of a great future for that part of Iveragh and of Kerry. From where I live on the Dingle Peninsula, I can look across to Castlemaine Harbour and Dingle Bay, where the railway line used to run. The scenery is beautiful and outstanding. There are a number of outstanding features along the line such as way covers and brilliant viaducts, including the one at Gleesk in Kells and the one over the water in Cahersiveen. There are also wonderful tunnels that weave in and out of the mountainside overlooking Dingle Bay. It really will be world class.

We have now completed the phase involving An Bord Pleanála. I hope there will be no fur-

ther reviews of the project or any judicial reviews sought. I call on everybody to unite behind this project for the greater good. The next challenge will be to find the funding to complete the project. More than €5 million of Government funding has already been committed, comprising more than €4 million in 2014 and the further €1.4 million which was announced last week and which is most welcome. Approximately €15 million more will be required to ensure the project is completed. With regard to the timeline, if that funding is provided very soon, the project could be fully completed by the end of 2022. That would be very welcome because this area of south Kerry really needs help.

When the railway line was completed back in the 1890s, it was a massive economic catalyst for the area. In a similar way, this greenway will be a great economic catalyst for that part of Kerry. I am not overstating the case when I say that it will be world class and iconic. It will be extraordinarily special. There does not seem to be funding available immediately for this particular project, however. It is so special that it requires a response and specific funding from Government as a one-off. It is that unique and world class. I ask the Minister to do everything he can to ensure the funding is provided as soon as possible so that the project can begin as soon as possible, and with it, the recovery in that part of south Kerry.

**Deputy Eamon Ryan:** I thank the Deputy for the opportunity to address this issue. I very much welcome the decision of An Bord Pleanála to grant permission for the south Kerry greenway as, I am sure, does the Deputy, who worked very hard on this issue. It has been a long time coming as funding was first allocated to this project back in 2014. One only has to have seen some of the footage that was included in news reports over the weekend following the decision to acknowledge just how iconic this greenway will be when built. Most greenways are lucky to have one iconic feature whereas the south Kerry greenway will have a number of them, including the mountain pass with views over Dingle Bay, the Gleesk viaduct, the Drung Hill tunnels and the Cahersiveen railway bridge, all of which will contribute to what will be one of the finest greenways in Europe.

Of course, there are some elements of the board's decision that will need to be examined in further detail. I understand that Kerry County Council is looking at the implications of these conditions, particularly the non-approval of the section from Cahersiveen to Reenard Point. I expect to see some options submitted in the new year as to how that missing link may be handled. It may be the case that it makes more sense to bring the route through the town of Cahersiveen and to provide an on-road highly segregated route that would bring users to the heart of the town before going towards Reenard Point and onwards to Valentia.

I am sure the Deputy will have seen our recent press release on funding for greenway projects in 2021. Some €1.4 million is remaining from the original allocation of €3.9 million from 2014 and this is available for Kerry County Council immediately to spend on this project next year. Kerry County Council will need to evaluate the impact of the changes to the project arising from An Bord Pleanála's decision and submit an updated and revised business case that includes costs and which complies with the public spending code to my Department. We will then examine it and decide what funding can be provided over the coming years.

I am sure the Deputy will have appreciated the additional €4 million in funding that I was able to allocate to two other projects in Kerry, the Listowel to the Limerick boundary and Tralee to Fenit sections of the great southern greenway. I understand that Kerry County Council will be bringing the Tralee to Listowel section to planning in 2021 and I would expect to see an application from it for construction funding for this section next year or the year after. I also hope

that Limerick County Council will bring forward planning for its sections of the route over the coming years and that we will eventually have the entire great southern greenway constructed between Limerick and Fenit.

As part of the programme for Government, we achieved a commitment to spend €360 million per annum on cycling and walking infrastructure across government. The south Kerry greenway will form part of that expenditure over the coming years, along with a large number of other greenways that are under construction or in planning at present. I was delighted earlier this year to allocate funding of €4.5 million to 26 different projects around the country that will provide a pipeline of projects to be considered for funding. As we have seen with the south Kerry greenway, it can take considerable time for projects to secure planning permission and that is why we are pre-funding feasibility, planning and environmental studies for a large number of projects so that they are shovel-ready when they are funded for construction.

I look forward to cycling the south Kerry greenway in the near future. I took a break in Valentia this summer and the Deputy is right; it is the most spectacular location. I will never forget going on a cycling holiday in the same area as a young child. We headed off from Valentia along that dramatic cliff road and down into Ballinskelligs on the other side. I will never forget it and anyone who has cycled it or walked it would feel the same. Continuing on after getting this route all the way from Limerick to Valentia or Reenard Point makes sense. It is part of the Ring of Kerry and of a much wider regional greenway. It will make a huge difference to towns like Cahersiveen and Glenbeigh and every other place on the route. I will very much support the Deputy in making this happen as quickly as possible.

**Deputy Brendan Griffin:** I thank the Minister for his very positive response. It is very encouraging to see the enthusiasm with which he approaches this project. If I had never been a Dáil Deputy, this is something about which I would still have personally been passionate. I remember talking about the potential for a cycleway on this old railway line in geography class when I was in secondary school. This was back in the 1990s when cycling tourism was not considered to be a money-spinner. It inspired scenes in the children's novels I wrote a number of years ago. I really want to see it happen. There are beautiful books written about the old railway line by Patrick O'Sullivan. We owe it to the great engineers and workers who have gone before us and who sweated blood and tears to build this fantastic infrastructure back in the 1880s and 1890s to make the most of it for future generations. That is why what is happening now is so positive and encouraging and, as I have said, could be symbolic of a renaissance for this part of the county.

As the Minister will know, however, money talks. We require the funding to get his project going and to make it happen now. I see this as part of an overall integrated network which we can complete. The parts of the jigsaw are now starting to come together. I remember writing a little piece called "Why Greenways should be called Goldways" back in 2013 after cycling the Westport-Achill line. The point I made in this piece was that there are many opportunities in Kerry to develop a linked-up network. At the time, people told me that I was crazy and that the route between Tralee and Fenit would never happen but it is now under construction. The Limerick border to Listowel route is also under construction. The linking of Tralee to Listowel is now one step closer after the funding that was received last week. There is no reason the south Kerry greenway from Glenbeigh to Reenard could not extend further in the future and link up with those other routes.

I call on the Minister to do everything he can to find the funding. I also commend all the

supporters of this project over many years, particularly the people in Kerry County Council who never lost faith and many others in the south Kerry area who helped us to get to this point. We are not over the line yet and there may be a long way to go but last Thursday's decision was certainly very positive. The funding is the next step.

**Deputy Eamon Ryan:** There is money in cycling tourism. I know it. I spent 15 years in our family business, which my sister and her husband still run and which is involved in cycling tourism. I have to declare that background. One of the attractive things about cycling tourism is that it tends to slow people in a region down. Some of the places people want to go cycling in are the more out of the way places so this disperses funding down to the local level of bed and breakfast accommodation and local pubs, restaurants and shops. It is a good form of tourism and it is low impact in a range of different ways.

My experience in this is in international marketing. I am a former chairman of the walking cycling Ireland business group, a national organisation. It is brilliant that we have these routes connecting up to become part of an extended network because we can go to Germany or America and say we have these high quality routes. This is not just greenway routes as there will be other areas where we will not have a rail line or a completely segregated route. There are good areas for cycling where we can use our existing road network. This could be part of some of the routes we are suggesting. The Ballaghbeama Gap through the centre of the Iveragh Peninsula is a stunning road which is not dangerous to cycle. The volume of traffic is low and there is a good line of sight. I have brought thousands of people on some of those back roads. In my experience of cycling around the Beara Peninsula, which is the next peninsula down from Iveragh, this could be done without necessarily always having segregated routes. We have to start thinking about this type of tourism as a major part of our tourism potential, which it is and people know that in the area. When I am cycling on a road and I receive a one-finger signal from a driver to say hello, I always take that as an indication that the road is safe enough to cycle on because people can see each other, the speeds are not so fast and there is a culture of connection and respect. We have that across rural Ireland but particularly in Cork and Kerry in my experience.

While these projects are for tourism, particularly in areas such as Kerry, they are also local infrastructure for local people. They are there to make it easy for a local child to get to school or for a local person to get to the shops, to work or to use in an everyday way. They are not disconnected from local use and must be for local use first and foremost in my view. My understanding is that the difficulty with the section from Reenard Point to Valentia and back to Cahersiveen relates to coastal erosion. It was not a planning difficulty or a compulsory purchase order problem. The alternative is for us to provide infrastructure in the fine and stunning town of Cahersiveen that enhances the town and makes it easier for local people to get a good public realm and a well-designed main street. We should use this as a mechanism to reimagine Cahersiveen. I mention what we have done in Clonakilty with the good public realm there. Let us do that in Cahersiveen at the same time as we put the greenway through. That would turn the town around and make it a tourism Mecca.

### **Ceisteanna (Atógáil) - Questions (Resumed)**

## **Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions**

### **Public Sector Pay**

85. **Deputy Mairéad Farrell** asked the Minister for Public Expenditure and Reform the status of the negotiations for a new public service stability agreement, PSSA; the date formal negotiations took place; and the expected date for their completion. [36717/20]

**Deputy Mairéad Farrell:** The PSSA, the current public sector pay deal, is due to run out at the end of this year. I have raised concerns with the Minister previously about what appears to be a lack of progress on a new deal. This must be prioritised by the Minister and the Government. Will the Minister advise what the status of these negotiations is, the date on which formal negotiations took place and the expected date of their completion?

**Minister for Public Expenditure and Reform (Deputy Michael McGrath):** The current system of collective agreements has been in place in the public service since the Croke Park agreement was negotiated back in 2010. These collective agreements have helped to ensure that public pay is managed in a sustainable, affordable and orderly manner. These agreements have also enabled significant reform of public services and changes to work practices.

The current public service agreement, the Public Service Stability Agreement 2018-2020, has provided for benefits to different income groups, ranging from 6.2% to 7.4% over three years, and up to 10% for new entrant members of the single public service pension scheme. At the end of the agreement, financial emergency measures in the public interest pay reductions were reversed for all public servants earning up to €70,000, which equates to almost 90% of public servants. In addition, an agreement under the framework of the PSSA was reached with the Irish Congress for Trade Unions, ICTU, in 2018 to deal with the issue of new entrant pay. The final pay adjustment of the current agreement was implemented as planned on 1 October last, with pay for public servants increased by 2%. Also on 1 October, fixed allowances were increased by between 5% and 8% as part of the unwinding of pay reductions set out under the Public Service Pay and Pensions Act 2017.

The Government was determined to ensure the current agreement was honoured in full, not least in recognition of the contribution that public servants have made in supporting the country through this unprecedented Covid-19 pandemic. As the Deputy is aware, I have instructed my officials to engage in exploratory talks with the public services committee of ICTU to establish if there is a basis for a successor agreement to the PSSA that would ensure pay stability, industrial peace and the delivery of quality public services. These exploratory discussions are ongoing. As the Deputy will appreciate, it would not be appropriate for me to comment on the detail of those talks, which should remain confidential to the parties. These are difficult discussions taking place against a difficult backdrop but there is real value for both sides in having a deal and I sincerely hope one can be agreed.

**Deputy Mairéad Farrell:** I completely agree with the Minister. It is extremely important for both sides that we have a deal of this nature because it will provide stability in the delivery of public services in the first instance. Of equal importance is that it will provide a level of justice for workers. Public sector workers have been a significant part of the front-line workforce during this pandemic, as we have often mentioned in this Chamber, and they cannot be left behind. They deserve to have economic security and to know their jobs are not left in a precari-

ous position. I hope the Government does not let this matter slide as it would be neglectful to do so. In this instance, the State is the employer and it needs to deal with it in a timely fashion. My other concern is that during this pandemic, we are greatly relying on the public services and I would hate to see unrest as a result of a failure to reach an agreement. Is the Minister giving a commitment to do everything in his power to ensure a deal is reached?

**Deputy Michael McGrath:** What I can commit to is that the Government will do all it can to reach agreement. There are significant discussions under way and I am describing them as exploratory in nature. As the Deputy knows from experience, the way these things work is that if the parties feel there is a possible landing zone, they will enter into a more formal set of negotiations. I hope we can get there quite quickly. The current agreement expires at the end of the year. We need to strike a balance in this. We must recognise the immense value of the work of our public servants, and I echo the Deputy's comments in that regard. However, there is also an economic reality and a difficult backdrop that we are all living with. That has clearly impacted on the economy and our public finances. There is, however, real value in having a deal. The public service pay bill for next year of close to €22 billion amounts to approximately 30% of overall expenditure. I want to achieve an agreement and I hope one can be achieved in the weeks ahead.

**Deputy Mairéad Farrell:** I hear the Minister referring to “an economic reality” but the State is the employer in this instance and it is important that it gives some security to these workers. I would also be concerned if a deal is reached at the eleventh hour because we know that such a deal needs to be debated and voted on by all the public sector workers across this State. This is a lengthy process in normal times and it is an even more difficult process in these times. I am wary that we will have a scenario where a deal is done at the last minute when there was time to work on this issue months ago. We have known for years that this agreement would run out at the end of December 2020. I understand that the Minister was only appointed in the summer but he will have been acutely aware that this was coming down the line. It should have been a priority for the Department. These agreements are usually agreed with months to spare because they may not be ratified initially, which means that parties have to come back to the negotiating table. It also means that everyone gets a fair turn of hearing exactly what the situation is. If there was to be a second round of negotiations, it would be unfair for the employer to leave these workers, who have given so much during the pandemic, in such a precarious position.

**Deputy Michael McGrath:** The State is a good employer, and the State has been a good employer during the Covid-19 pandemic. That is, of course, a reflection of the work our public servants have been doing. We now have a public service with around 346,000 people working within it. As part of the budget which we brought forward last month, we have provided for an increase in the number of people employed across the public service of the order of 22,000, with the majority of those being in the area of health, given the decision we made to permanently increase the capacity in our health service.

These are not, however, normal times. It requires two parties to negotiate and, ultimately, reach an agreement. I am conscious that time is tight between now and the end of the year. As the Deputy is aware, just last month we honoured the final leg of the public service stability agreement, PSSA. The exploratory talks are at a pretty intensive stage. It will become clear reasonably shortly, hopefully, as to whether there is a basis for meaningful and formal talks at official level. If those talks do take place they can, potentially, be concluded quickly. Then, as the Deputy said, a process of ratification is required, and I am conscious of that. I am also

factoring that into the timeline.

### **Lobbying Regulation**

86. **Deputy Ged Nash** asked the Minister for Public Expenditure and Reform when he plans to introduce legislation to enhance section 22 of the Regulation of Lobbying Act 2015; his views on whether a breach of the section by former Ministers or relevant public officials should be made an offence; his further views on whether sanctions proposed in legislation (details supplied) should be included in any legislation proposing to deal with the matter of public policy; and if he will make a statement on the matter. [36579/20]

89. **Deputy Mairéad Farrell** asked the Minister for Public Expenditure and Reform the further measures being planned in terms of amendments to the Regulation of Lobbying Act 2015 in view of his recent statement that he was planning fines and criminal sanctions for Deputies and Ministers that breach the cooling off period and become lobbyists shortly after leaving political life. [36719/20]

**Deputy Ged Nash:** This day two weeks ago, I introduced the Regulation of Lobbying (Post-Term Employment as Lobbyist) Bill 2020. It was heartening to see the Minister, in *The Sunday Times* two Sundays ago, publicly endorse all the measures contained in that Bill, including the proposal to introduce fines of €2,500 and the threat of imprisonment for former Ministers or senior officials who may be found in the future to be in breach of section 22 of the Regulation of Lobbying Act 2015. We know that lobbying and advocacy is a fact of life and a feature of democracy and good decision-making. The test is how transparently, openly and accountably that is to be done. Given that the Minister now seems committed to reform in this area, when can we expect to see the package of reforms which he intends to bring to this House?

**Deputy Mairéad Farrell:** As Deputy Nash mentioned, there were reports recently that the Minister is planning on working on legislation relevant to this situation, and that he is planning on having fines and criminal sanctions for Ministers and Deputies who would breach this legislation and become lobbyists shortly after leaving political life. What other measures are being considered in respect of amendments to the Regulation of Lobbying Act 2015?

**Deputy Michael McGrath:** I thank Deputies Nash and Mairéad Farrell for their questions. I propose to take Questions Nos. 86 and 89 together.

Section 22 of the Regulation of Lobbying Act 2015 provides that certain designated public officials, the lobbied, are restricted from being engaged in lobbying in certain circumstances for a year after they leave their employment or office, unless they have obtained permission from the Standards in Public Office Commission, SIPO. In effect, they are subject to a one year “cooling-off” period.

The general purpose of section 22 is to manage the potential for conflicts of interest between the public and private sectors and to place restrictions on what is often referred to as a “revolving door” between the public and private sectors. The Taoiseach outlined in the Dáil recently that section 22 of the Act should be reviewed by my Department and this review is under way. The review will include: seeking and considering the advice of the Office of the Attorney General on a range of possible enforcement provisions to be applied in respect of section 22; consultation with, and consideration of, the views of the SIPO; review of recent Bills

published regarding the matter, including that published by Deputy Nash; and reflection on relevant proposals already made in public submissions to the Department of Public Expenditure and Reform in the context of either the first review, in 2017, or second statutory review, in 2020, in respect of the Act.

This is a complex matter. Any amendment to section 22 must factor in issues such as the rights of a person to work and the proportionality of any sanctions that may be imposed. Sufficient time is required to allow for full consideration and deliberation, prior to any decision and subsequent actions being taken. The Deputies have identified the key issue. It is the lack of enforcement provisions regarding section 22, and I am committed to acting on that issue. I look forward, once the review is complete, to bringing proposals to Government and then to the House.

**Deputy Ged Nash:** That needs to be done urgently. Time and again, SIPO, in its annual reports, has pointed out the lacuna that currently exists in section 22 of the Act. SIPO needs the power to initiate investigations. A range of things must be done to ensure confidence and trust in politics, and that involves empowering SIPO, reforming the organisation and giving that important watchdog sufficient teeth.

My party, as the Minister will know, back in the 1990s and between 2011 and 2016, made great strides to take big money out of politics. We see now, however, that those laws are being sidelined by some parties which are moving money from one jurisdiction to another, and side-stepping Irish law. That is deeply unfair and it is an issue that must be addressed. We must look at ethics and the conduct of politics in this country in the round and holistically.

I propose that when we are reviewing ethics legislation that we need to do that in concert with the establishment, for example, of the electoral commission. Those issues need to be looked at side by side. This is an urgent matter. We must have a level playing field in respect of how politics is conducted. We do not have that now, and the Minister must be conscious of that when he is crafting new legislation to address all these urgent issues facing this polity.

**Deputy Michael McGrath:** I thank Deputy Nash for those points. The direct issue which has been raised in these priority questions concerns section 22 and the fact that a breach of that section is a breach of a statutory provision in the Act, but it is not currently sanctionable. I believe that is an issue which requires change. In working on this issue in recent weeks, I have gone back to look at why there was no provision for that within the legislation originally. I have seen remarks from the then Minister, Deputy Howlin, when he brought in this legislation.

He stated at the time:

The imposition of restriction on post-term employment as a lobbyist on relevant designated public officials must be proportionate and practical because people have constitutional rights. One of the most difficult things is to narrow or circumscribe people's right to work, which is what this provision does.

Advice was given at that time by the then Attorney General. I have gone back and looked at that advice, and I have got my own advice as well. I am working my way through that now. We want to have a scenario where people can come into politics or public service, and then leave politics or public service and carry on with their careers. That must not be in a manner, however, where one day a person can be lobbied and then the next day he or she can be the lobbyist in respect of the people for whom he or she worked for previously. That is not something

which I want to see happen and I am committed to addressing that situation.

**Deputy Ged Nash:** I thank the Minister for the comprehensive response. I am very aware of the advice the then Minister, Deputy Howlin, received back in 2015. That is important, and we need to balance those rights when we are approaching this legislation. The Minister, however, is absolutely right. We have seen, on far too many occasions, the revolving door system in play and that affects and impacts on trust and confidence in politics and in these institutions. The Minister is absolutely right about that aspect. Confidence and trust in politics and the political system is absolutely imperative now. It is always important, but it is particularly important now when we see movements, right across the world, challenging politics and challenging how we do politics. There must be trust in our institutions. Our laws need to be updated to reflect some modern-day realities.

I thank the Minister for his response again. We must be mindful as well that all of this must be done holistically. I accept that we cannot simply just cherry pick certain aspects of our ethics legislation. This must be looked at in the round. I also ask the Minister to look at this area in the context of the work ongoing regarding the programme for Government commitment on a new electoral commission. All these issues must be looked at in their totality.

**Deputy Mairéad Farrell:** The Minister will be aware that his predecessor conducted two reviews in respect of the Regulation of Lobbying Act 2015 and found that no changes needed to be made, despite SIPO raising 22 amendments in 2016 and 2019.

*10 o'clock*

SIPO clearly stated earlier this year that it was deeply disappointed by this and that it needs greater enforcement powers. I welcome that the Minister mentioned these powers. Realistically, in this year this matter really has come to a head. Public confidence is at an all-time low. We need to very clearly and categorically state that we are closing the door between Government and vested interests. It is extremely important that we do this. Will the Department of Public Expenditure and Reform look at the previous recommendations from SIPO when making these amendments?

**Deputy Michael McGrath:** I have read all of that material already and I am of course going to take it into account. I have been looking at what the record has been in the context of how many people have been applying to SIPO for exemptions from section 22. The numbers are quite low, but that does not mean they are insignificant. They relate primarily to special advisers. In 2020, there were six applications. In 2019 there were two applications for special advisers. In 2018, there were two applications for special advisers. In 2017, there were five applications received, three of which were for special advisers, one was for a senior civil servant in a Department and one for an official in a Department. In 2016, two applications were received, one of which was for a special adviser and one for an official on a local authority. As it happens, none were from former public representatives. This is not to say that some should not have, an issue on we are all very much aware given recent developments.

On Deputy Nash's point, there is a need for a wider review of ethics legislation. The Deputy will be aware that SIPO has responsibility for: the Ethics in Public Office Act; the Electoral Act 1997, which deals with the key issue of political financing, political donations and election expenses; the Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2014 in the context of the use of public funds by political parties and independents; and the Act we have

been discussing here, the Regulation of Lobbying Act 2015. We are committed to a complete review of ethics legislation and I want to engage with all parties on that.

**Deputy Mairéad Farrell:** As I mentioned, since I have been elected - but I am not saying that the two things coincide - we have seen public confidence damaged by the events surrounding golfgate, the case of a former Minister and with the recent leaking of a confidential document. All of these instances have had a real impact on public confidence in politics.

I am glad to hear that the Minister is genuinely concerned about the weaknesses in our lobbying legislation. My colleague, Deputy Pearse Doherty, and I will also bring forward a Bill which will give expression to many of the requests for extended powers that SIPO has made over many years with regard to lobbying. I hope the Minister will support that legislation. This country really needs a new departure when it comes to standards and ethics in public life. I believe that our Bill will be the first step on that journey.

**Deputy Michael McGrath:** I look forward to reading the legislation the Deputies intend to bring forward. Two statutory reviews of the 2015 Act have been conducted. A decision was made not to bring forward any legislative amendments in response to those reviews. In reviewing this particular issue, it is important to look back at the statutory reviews and the other information in the public domain, as well as the advice from the Attorney General. There is a need for balance. We need to have a situation whereby people feel they can enter politics or take on a role on a short-term basis as a senior public official and have the capacity to return to their former lives in the private sector, or whatever it may be, and continue with their careers. People can make a contribution at different stages of their life and this mobility enhances politics. It cannot be done in a way whereby people are using the position they very recently held to exercise influence over the system they were part of. That is the issue I will deal with.

### Departmental Offices

88. **Deputy Róisín Shortall** asked the Minister for Public Expenditure and Reform when the error on the part of the Office of Public Works, OPW, in calculating the rent for the Department of Health facility at Miesian Plaza was discovered; when the rental payment was revised; the reason for any gap between discovery and revision; the steps that will be taken to recoup the rent; the reason for delays in recouping the overpayment of €10 million; and if he will make a statement on the matter. [37048/20]

**Deputy Róisín Shortall:** I wish to raise the issue of the exposure of the State to a potential overspend or overpayment of rent for a complex, Miesian Plaza on Baggot Street, which has been rented for use by a number of Departments, and the failure to date to recoup the overpayment of rent. Perhaps the Minister of State could provide an update on exactly what action is being taken.

**Minister of State at the Department of Public Expenditure and Reform (Deputy Patrick O'Donovan):** Miesian Plaza provides modern, efficient, headquarter office accommodation for the Departments of Health and Children, Equality, Disability, Integration and Youth, as well as ancillary accommodation for the Departments of Finance and Public Expenditure and Reform. At approximately 14,000 sq. m, Miesian Plaza is one of Dublin's most significant Government accommodation locations and one of the first leadership in energy and environmental design, LEED, buildings in Ireland, which is a third-party verification system for green

buildings meeting best international energy efficiency and environmental standards. Miesian Plaza provides modern, energy-efficient, fourth generation office space for almost 950 workstations. It has allowed the occupying Departments to move from a cellular working environment to one that is modern and collaborative.

The rent being paid by the OPW in respect of the offices at Block 1, Miesian Plaza is in accordance with the terms of the lease and therefore has not been revised since the lease commenced. An ambiguity around the measurement standard used as a basis for the rent calculation at Miesian Plaza was first identified during the course of an internal OPW review and, subsequently, in an examination by the Comptroller and Auditor General of the lease process in early 2018. Since the issue was identified, the Commissioners of Public Works in Ireland have continued to engage with the landlord regarding the measurement standard applied. At the most recent meeting, the landlord requested some time to consider the matters discussed and undertook to revert to the OPW. It is expected that communication with the landlord will be ongoing to enable final resolution of any outstanding matters.

**Deputy Róisín Shortall:** That response is quite unsatisfactory. The potential exposure for the State as a result of a mistake that was made in measuring the floor space at that complex is €10 million. The Minister of State indicated that this is one of the most significant developments, which it may be, but it is also one of the most expensive. It is utterly unacceptable to have a situation where a mistake was made, that this was identified by the Chief State Solicitor's office in 2016 and that the lease was subsequently signed in January 2017. That is very difficult to understand and we need an explanation for it. More than anything, we need to ensure that negotiations are being actively pursued in respect of this overpayment.

The Minister of State said that there was a meeting with the landlord and that this company was to come back to the State in January. Ten months later, this has not happened. What is the current state of the negotiations?

**Deputy Patrick O'Donovan:** It is important to point out that we are dealing with a 25-year lease. From the very start, the OPW has said that a mistake was made. The OPW has never, to any degree, stated that it has not acknowledged that a mistake was made. It is important to put on the record of the House that the total amount in question of the difference, when calculated over a 25-year period, is €8.6 million. The VAT on top of that it would be €1.9 million. The OPW is anxious to point out that this is a 25-year lease. We estimate that the discussions we are having with the landlord would allow for an opportunity for recoupment to be made.

As Deputy Shortall pointed out, there continue to be discussions, the most recent having taken place with chairman of the OPW, and he referred to this at the meeting of the Committee of Public Accounts last week. Ongoing dialogue in this area will continue. I have spoken to the commissioners in respect of the matter. To be honest, it is not satisfactory and we do not accept that it is satisfactory. We have put new protocols in place within the Department to make sure that a subsequent error of this nature cannot happen again. I accept what Deputy Shortall said.

**Deputy Róisín Shortall:** With all due respect, for the Minister of State to say that it is not satisfactory is quite an understatement in light of the amount of public money involved. The Minister of State indicated that the OPW has acknowledged the mistake. It had no choice but to acknowledge the mistake. The OPW made the mistake. I am concerned about the €10 million of taxpayers' money for which the Minister of State has responsibility. It is the case, as I understand it, that the developer is ten months late in responding to the request to renegotiate.

What is the current situation? Has there been any contact with the owner and landlord of that premises since last January? What recourse does the State now have if the landlord does not come back within a reasonable time? How does the Minister of State intend to safeguard that €10 million of taxpayers' money?

**Deputy Patrick O'Donovan:** It is important to point out that the landlord has done nothing wrong here.

**Deputy Róisín Shortall:** He has accepted the overpayment.

**Deputy Patrick O'Donovan:** This was a mistake that was made on the State's side. The State has acknowledged that but it also acknowledges that this is a long-term lease and we are hopeful that, by negotiation, the liability to the State will be minimised. We have also acknowledged that it is a 25-year lease and there is no duty upon the landlord to come back to us at the moment. It is not a matter of negotiation. It is a matter of looking at this in the round of 25 years to see how we can come to an accommodation with our landlord. It is not in our interests or the landlord's interests not to do that, given that the Government may very well have additional office accommodation requirements over the next while that will need to be facilitated. I am hopeful that by negotiation and over the 25-year period we are talking about, the maximum liability to the State as it currently stands, which is €8.6 million plus VAT of €1.9 million, can be reduced to a satisfactory amount. It is not satisfactory as it is and I am not here to make any excuses. The Chairman of the OPW has not done so either. We admit that there was a serious mistake here and we have put protocols in place to make sure it does not happen again. We cannot undo the mistake and I cannot say that the landlord has done anything wrong. He absolutely has not. This is a liability that accrues to the State and we are trying to make sure we minimise it through negotiation and dialogue.

**Deputy Róisín Shortall:** That is shocking.

**An Ceann Comhairle:** We must go back to Deputy Mairéad Farrell's question-----

**Deputy Patrick O'Donovan:** I am sorry but Deputy Shortall said my response was shocking. My response was factual.

**Deputy Róisín Shortall:** The Minister of State said he was hopeful. Being hopeful is not enough when €10 million is involved.

**An Ceann Comhairle:** Deputy, please. The Minister of State has responded and that is it. As we missed Deputy Mairéad Farrell's Question No. 87, we will now go back to it.

### **National Development Plan**

87. **Deputy Mairéad Farrell** asked the Minister for Public Expenditure and Reform the measures that will be taken by the review to renew the national development plan, which will look to incorporate an independent peer review at two key points in the life of a contract worth over €10 million in order to ensure that successful tender bids are coming in on cost. [36712/20]

**Deputy Mairéad Farrell:** The Aire recently launched the Review to Renew consultation on the national development plan, NDP. I understand that this will incorporate an independent peer review at two key points in the life of a contract worth over €10 million, to ensure success-

ful tender bids are coming in on cost. As cost overruns have been something of a problem in large public procurement contracts, can the Minister please advise what measures will be taken as part of this independent peer review to ensure contracts come in on cost?

**Deputy Michael McGrath:** In order to ensure programme for Government priorities are achieved and to respond to the unprecedented impact of Covid-19, it is timely now for the Government to bring forward the previously planned review of the NDP and to consider the most important challenges facing us, including climate action, housing, balanced regional development, healthcare, social welfare policy, transport, education, and the associated resourcing requirements.

As one of the work streams of the review of the NDP, the national investment office in my Department is developing a new governance and assurance process for major projects with an estimated cost of over €100 million. Delivering greater value for money in the expenditure of public funds is a key element of all public capital investment policy. The majority of capital projects are delivered on time and on budget and there is a high level of professionalism across the sectors.

Following last year's update of the public spending code, and in line with the principle of proportionality, the process for smaller projects in the public spending code has been streamlined and the process for larger projects supports a better consideration of options, risks, costs and deliverability. However, that update, combined with lessons learned from domestic projects and international best practice, highlighted the need for more structured scrutiny of major public investment projects, particularly in the areas of planned delivery, costing and risk.

Major public investment projects are considered to be those with an estimated project cost in excess of €100 million and there are over 40 projects in this category in the NDP. All the evidence shows that the greatest impact on improving project outcomes comes from careful project preparation and that external reviews from an independent party can be instrumental in enabling good project and investment governance.

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

The new process is being informed by international practice and consultation with public sector stakeholders. It will involve an independent peer review of two key stages in the project life cycle for major projects, specifically, when the preferred delivery option is chosen and before approval is given to go to tender. The reviews will be conducted by experts in infrastructure delivery and will draw on international expertise where relevant.

The reviews will consider key issues, including robustness of planned delivery, accuracy of cost forecasts, consideration of risk and appropriateness of procurement strategies. External reviews of major projects will mean the Government making decisions with a full picture of the proposal, including its costs, risks and benefits. The detail of the process and arrangements for implementation will be delivered by summer 2021 with the review of the national development plan.

**Deputy Mairéad Farrell:** Gabhaim buíochas leis an Aire. That is interesting. Getting value for money is very important in the area of public procurement. We often hear talk of the supposed cost efficiencies of the market relative to the public sector, yet many of the large cost overruns come from large public procurement capital projects. The national children's hospital is a noteworthy example but 35 out of 38 health and education projects nationwide ran over

the agreed contract price, which is an issue the Minister raised during his time in opposition. Given that price is generally the deciding factor in the awarding of contracts for large capital projects, will this review examine abnormally low contract bids or lowball offers with a view to ascertaining whether there is a relationship between successful low-cost tenders and large cost overruns? If such a relationship were shown to exist, this would indicate that increased regulation is also required for low-cost contracts, as such bids could be a precursor to cost overruns.

**Deputy Michael McGrath:** The key objective is to introduce a degree of external assurance for major projects. As part of the review of the NDP, we are producing a range of research and technical papers, which will be published before the end of this year or early next year. That will feed into the process of adopting a revised NDP in the second quarter of next year. In essence, we are proposing an independent peer review of two key stages in the project life cycle for major projects, specifically, when the preferred delivery option is chosen and before approval is given to go to tender. These reviews will be conducted by experts in infrastructure delivery and will draw on international expertise where relevant.

**Deputy Mairéad Farrell:** Again, that is interesting and I would like to get more information on it so perhaps the Minister can send that on to me. How will the independent peer review process itself, and the Government's interaction with it, be decided? As the Minister has stated it could involve people from different countries and so on, how will the make-up of the independent peer review be decided? Where will the reports from the review process be sent or made available? Will they be sent to the chief procurement officer and if so, will he have powers to intervene? What will the Minister's role be in all of this? If companies had a track record of abnormally low tender bids and cost overruns, would they be excluded from future tender processes? That may be a separate point.

**Deputy Michael McGrath:** There will be a specific paper on this issue, which will be one of the outputs from phase 1 of the review of the NDP. In broad terms, I am a strong believer that time spent at the project preparation stage is time well spent, by ensuring the project has been comprehensively appraised and assessed, that the potential pitfalls have been identified in advance and that the design work is essentially complete. We are proposing that, at key decision points in the process and before we press the final button and commit significant public funds to a project, we ask outside parties and external people with expertise in this area to have a look at projects and make sure that the process has been robust. They will feed that into the final decision, which will be ultimately be made by the Government, on projects with a cost in excess of €100 million.

*Question No. 89 answered with Question No. 86.*

## **Ceisteanna Eile - Other Questions**

### **Flood Relief Schemes**

90. **Deputy Aindrias Moynihan** asked the Minister for Public Expenditure and Reform the flooding projects to be undertaken by the OPW, in County Cork for 2021; the estimated cost of same; the drainage projects to be undertaken by Cork County Council with financial assistance from the Office of Public Works; and if he will make a statement on the matter. [36701/20]

109. **Deputy Aindrias Moynihan** asked the Minister for Public Expenditure and Reform when flood defence construction works will advance in the upper Lee area for Inchigeelagh, Ballingearry and Ballyvourney; and if he will make a statement on the matter. [36702/20]

**Deputy Aindrias Moynihan:** Flooding is a real concern for locals in a wide range of areas in Cork including in Ardcahan, Crookstown, Curraheen, Ballingearry, Ballyvourney and Inchigeelagh. While Cork County Council and the OPW have been advancing different works, there is so much background work that not much has been seen delivered on the ground in many places. People in these areas are worried that they will be facing flooding despite plans being in place for some time. Will the Minister of State outline the plans for advancing defences in these places?

**(Deputy Patrick O'Donovan):** I propose to take Questions Nos. 90 and 109 together.

There is much work going on in Cork in this regard. I spent most of my summer, unfortunately, with flood victims there.

The OPW has undertaken a study of 80% of Ireland's major sources of flooding across 300 communities in the most comprehensive study of flood risk ever undertaken by the State. The findings from the catchment flood risk assessment and management programme, CFRAM, are set out in a series of flood risk management plans. These plans identify and describe the flood risk assessed in each of 29 river basins and set out the proposed measures to address that flood risk.

The plans were launched in May 2018 and include 119 new flood relief capital works projects. These works will be funded as part of the national development plan which includes a total investment of €940 million. There are currently 11 projects at construction and a further 82 at various stages of design with a further 58 to be progressed in the coming years.

With regard to schemes under way in County Cork, the lower Lee flood relief scheme with an estimated cost of €140 million at exhibition stage will provide protection from fluvial and tidal flooding.

The Blackpool and Glashaboy flood relief schemes, with estimated costs of €20.5 million and €14 million, respectively, have been submitted by the OPW under the provisions of the Arterial Drainage Acts, accompanied by an environmental impact assessment report and a Natura impact statement to the Minister for Public Expenditure and Reform for formal confirmation. The procurement and appointment of a contractor will be progressed for this schemes following formal ministerial confirmation.

The Douglas flood relief scheme, estimated cost of €22.6 million, is being carried out in the following three phases. Phase 2 is complete with phase 1 currently under construction with the tender for phase 3 to issue shortly.

The Clonakilty flood relief scheme which will provide protection from fluvial and tidal flooding with an estimated cost of €27 million is currently under construction. The Midleton flood relief scheme with an estimated cost of €50 million is currently in the final stages and expected to move to the planning stage by the first quarter of 2021. A second public participation day was held on 7 March 2020.

The Ballyvourney and Ballymakeera flood relief scheme is at outline design stage. The pre-

ferred options of the scheme are now nearing finalisation. The OPW is aware of the high water quality status of the respective water body in the area around Baile Mhic Íre and Baile Bhúirne. The project team is assessing the potential impact of any proposed flood relief measures in that respect. It is engaging with the project's environmental consultants in order to ensure that suitable mitigation requirements are implemented, as well as ensuring appropriate processes to comply with statutory provisions are followed. This is obviously an important consideration. Resolving some outstanding issues is taking longer than originally anticipated.

Bantry flood relief scheme - unfortunately the people of Bantry have been inundated again this week - is due to be implemented as part of the first tranche of 60 new schemes that have been prioritised for implementation nationally. Cork County Council has agreed to be the lead authority in the delivery of the scheme. Potential viable flood relief works, at an estimated cost of €6.7 million, to be implemented as appropriate after project-level assessment and planning, will include fluvial flood defences comprising walls and embankments with tidal flood defences comprising sea walls. Tender documentation is currently being finalised for the procurement of engineering consultants.

The proposed schemes for Ballingeary, Inchigeelagh, Inishannon, Castlemartyr, Castletown Bearhaven, Kanturk, Rathcormack, Schull and Youghal are not in the first tranche of projects to be progressed. The OPW and Cork County Council are working closely to ensure that the programme of flood relief projects identified for County Cork is kept under review. They will also work to ensure all projects will be commenced as soon as possible within the ten-year time-frame for the programme of investment. In addition, feasibility reports for proposed schemes at Macroom, Carrigaline and Ballinhassig are under review.

The OPW also manages a minor flood mitigation works scheme to provide funding to local authorities for small for localised schemes. Over €3.9 million has been approved to Cork City Council and Cork County Council under this scheme since it began in 2009.

The above schemes will bring the investment in the city and county areas of Cork to approximately €500 million when completed. Together with the completed operational schemes in Mallow, Fermoy, Bandon and Skibbereen which provide flood protection to over 1,100 properties, the other schemes in the programme will offer flood protection to approximately 4,100 properties when completed.

**Deputy Aindrias Moynihan:** There is an extensive plan outlined for a wide range of areas across Cork. The Minister of State outlined the back and forth with the Ballyvourney and Ballymakeera plan. Is there a fast-track approach available to advance it through the planning process once the design is finalised? The work in that area is very much needed.

There were hopes to advance works in Ballingeary and Inchigeelagh. It has been moved to a tranche 2 scheme and, in the meantime, some smaller remedial works are being conducted. Will the Minister of State clarify when this will be advanced?

**Deputy Patrick O'Donovan:** On the specifics of the schemes the Deputy identified, some of them are minor works which could be done by Cork County Council. I will get him more specific times on them.

Deputy Aindrias Moynihan raised this issue in the previous Dáil. There was a long debate in the House last week on flooding with another in the Seanad tomorrow. I would like to be able to tell Deputy Aindrias Moynihan that we can fast-track places that have been flooded. Unfor-

tunately, we cannot. My hands are tied by legislation outside of my control, most of which is environmental and planning in nature, as well as a lot of it which is of European consequence. We are bound by many regulations that, unfortunately, we have to contend with in order to make sure we can bring the schemes to construction.

The Cork city situation has been 16 years in development, with others equally as long.

**Deputy Aindrias Moynihan:** While there is much prestige and more money involved with the larger schemes, the smaller schemes have huge impact in areas such as Crookstown, Curraheen and Ardcahan Bridge. One of the key roads into west Cork is via Crookstown, the R585. When that floods, it shuts out a significant flow of traffic from west Cork. The council is awaiting approval from the OPW. Will the Minister of State give an indication if the OPW can give the council the go-ahead?

Funding for the Ardcahan Bridge works is available from the Department of Transport but waiting for the OPW to give the go-ahead. Will we get an indication that the works there can proceed?

Works on the Curraheen River in Curraheen village had been progressed by Cork County Council. It was moved into the city and it seems to be now dropped. Is there any indication that the OPW has maintained plans and is advancing them for Curraheen village?

**Deputy Patrick O'Donovan:** The three projects in question are in discussions between the OPW and Cork County Council. I will revert to the Deputy on each of them individually.

I know the Crookstown one well. I have a brother and sister living in Bandon. Indeed my brother has been flooded on several occasions in Bandon, so I know the value of the flood relief scheme there. I also know the village of Crookstown has often been cut off by flooding.

Flooding is getting worse. It is getting to a situation where many communities are now seeing it not once every five years but once a year. Regardless of the specifics raised by the Deputy, I have asked for the House's co-operation on this. We are going to have to respond to this issue, not case by case or village by village, but on a whole-of-government basis. I hope to bring, with my colleague, the Minister, Deputy Michael McGrath, by the end of the year a memorandum to the Government which will detail where we are with the roll-out of CFRAM and where I believe we need to get to.

## **Covid-19 Pandemic**

91. **Deputy Jim O'Callaghan** asked the Minister for Public Expenditure and Reform the likely impact of the move to level 5 on public expenditure for the rest of 2020. [36663/20]

**Deputy Jim O'Callaghan:** The pandemic has had a significant impact on people's health and lives. It also has had a significant impact on the economy. Since we have gone to level 5, there are obviously much greater calls upon the resources of the Department. Will the Minister set out the impact of the country moving to level 5 and the impact it will have on public expenditure for 2020 and beyond?

**Deputy Michael McGrath:** I thank the Deputy. Covid-19 has had a profound effect on our citizens and the Government has taken significant steps to cushion the impact of the crisis

on households and businesses. Expenditure Report 2021 outlined the significant additional resources allocated to Departments in response to Covid-19. At that time, gross voted expenditure of €87.1 billion was estimated for 2020. This represents an increase of €16.7 billion relative to the allocation set out in the 2020 Revised Estimates published last December. This was primarily driven by additional expenditure to support our key front-line services in responding to Covid-19 and support workers and businesses devastated by the impact of the virus.

The Government's response has been driven by the overarching need to protect our citizens from the virus and to ensure that our health service can respond effectively to meet demand for services while dealing with the impact of the pandemic. As the Deputy will be aware, the Government introduced the Covid restrictions support scheme, enhanced the employment wage subsidy scheme and reinstated the top rate of the Covid-19 pandemic unemployment payment.

Gross voted social protection measures amounting to just over €30.3 billion were set out in Expenditure Report 2021. Taking account of the impact of the Christmas bonus, this would have brought social protection expenditure to just over €30.7 billion, reflecting the position of the labour market at that time. However, the Further Revised Estimate for 2020, presented to the Dáil on 4 November, set out expenditure of over €31.5 billion, an increase of more than €800 million relative to the position on budget day in October.

This increase from budget day reflects the increase in recipients of the Covid-19 pandemic unemployment payment, the reintroduction of the €350 weekly rate, the cash flow impact of the change in the frequency of employment wage subsidy scheme, EWSS, payments and the increase in the rates of same. Finally, I note that the move from level 3 to level 5 has added approximately €40 million per week to the cost of the Covid restrictions support scheme, CRSS.

**Deputy Jim O'Callaghan:** I thank the Minister and commend him on the measures he has introduced. It was very appropriate for the Covid-19 pandemic unemployment payment to go back up in light of the imposition of level 5 restrictions. The Covid restrictions support scheme is also very appropriate and is much needed. However, this all costs money. There was a question around whether we would move to level 5. It is the most severe level of restrictions and the cost to the State is quite considerable. I do not know whether the Minister can state the cost of moving to level 5. He introduced a very successful and well-received budget, but ten days later, a decision was made to go to level 5. That has obviously had an impact on the country's budgetary outlook. If we move out of level 5 at the end of this month, we must be very careful about going back to it. The amount of money available is limited. We can borrow at present but borrowing may not be as cheap in the future.

**Deputy Michael McGrath:** I thank the Deputy. Moving to level 5 has had a significant impact on the public finances. The number of people on the Covid-19 pandemic unemployment payment has increased by more than 100,000 in that period and currently stands at 350,000. The weekly payment rate has gone from approximately €66 million per week at level 3 to €104 million per week under level 5. Some of that is accounted for by the reinstatement of the €350 per week rate, but the move to level 5 and the extra 100,000 recipients have had an impact. That number could increase further because of a time lag, though we certainly hope and expect to be out of level 5 in two weeks.

The cost of the CRSS has increased by €40 million per week because of the move from level 3 to level 5. These are significant sums. They have an impact and, alongside the overarching objective of keeping our people safe, they are a factor in Government decisions.

**Deputy Jim O’Callaghan:** I thank the Minister. The real effect of level 5 is its significant impact on the domestic economy. An overview of the effects of the restrictions on the economy’s performance shows that the multinational sector has performed well. The difficulty is that when we impose level 5 on the country, we effectively close a large part of the domestic economy down. We close non-essential retail outlets, hairdressers and restaurants. It may be a difficult thing to say, but we need to be careful if pressure is put on us to go back into level 5 at some point next year. We have seen that level 3 can be very effective. It had an effect in bringing down the numbers in the last three weeks. When the Government comes under pressure to go to level 5 again, it will be perfectly legitimate for the Minister to express the concern that if we start spending significant amounts again, we may not be able to afford other services.

**Deputy Michael McGrath:** I thank the Deputy. As he has rightly said, the impact on various sectors of the domestic economy has been acute. A breakdown of the profiles of recipients of the Covid-19 pandemic unemployment payment shows that the largest number of workers comes from the accommodation and food service sector, which accounts for approximately 103,000 people. It is followed by wholesale and retail trade, accounting for approximately 57,000. Other sectors such as hairdressers, beauty salons and so on account for approximately 31,000 recipients.

This is not a direct competition between health and the economy. The job of the Government is to weigh up competing considerations. Our first priority has to be helping to keep our people safe and investing in our public health service. We must only impose restrictions where we believe they are absolutely necessary. The Government’s response, focused on supporting businesses and incomes and protecting employment where we can, has been noteworthy. The Deputy has been good enough to acknowledge that. A lack of confidence in public health can also impact the economy. We need to get both right.

## **National Monuments**

92. **Deputy Cormac Devlin** asked the Minister for Public Expenditure and Reform the engagement by the OPW with the Cherrywood strategic development zone, SDZ, and relevant stakeholders since January 2018. [36661/20]

**Deputy Cormac Devlin:** Will the Minister of State provide an update on the engagement between officials in his Department and the OPW and relevant stakeholders on the Cherrywood strategic development zone, SDZ, particularly since January 2018? As he will be aware, I have raised this issue previously. It is very important not only to the constituency of Dún Laoghaire but to the State overall.

**Deputy Patrick O’Donovan:** The OPW’s engagement with the Cherrywood SDZ since the start of 2018 has been primarily focused on the measures to be taken in respect of protecting the Tully church national monument site and its associated crosses. This engagement has been carried out in close partnership with the former Department of Culture, Heritage and the Gaeltacht, now the Department of Housing, Local Government and Heritage. This is because that Department is the owner of Tully church on behalf of the State and the archaeological protection team within the Department is key to any discussions about the future of the site.

Throughout the past two years, officials from the OPW and the Department of Housing, Local Government and Heritage have maintained regular contact with the developer team at

Cherrywood regarding the treatment of the heritage assets in the area that need to be protected. Officials have held a series of discussions with the developers, both formally and in bilateral engagement, on how various aspects of their plans, as outlined in chapter 8 of the Cherrywood SDZ planning scheme, are to be implemented, with particular reference to the monument site.

The OPW's engagement with the Cherrywood SDZ has been managed by the OPW heritage service's senior conservation architect responsible for the east region, which includes the Dublin area. The Department's representative has been the corresponding senior archaeologist responsible for that area of the country. The Department has also committed up to two additional archaeologists, who are regularly involved with various aspects of the engagement.

**Deputy Cormac Devlin:** I thank the Minister of State. I raised this issue in July. There was a changeover in the Minister of State's Department at the time. There has been a much clearer response this evening, which I welcome. My main concern is the overall development of the 360 ha SDZ, which is one of the largest in the State. The Minister of State referenced Tully church and the other nearby monuments. Because of the rich history and the artefacts in the area, chapter 8 of the SDZ plan is of paramount importance in the developer's work all around that site. It is important that the Minister of State's Department continues that good dialogue with the developer and with all stakeholders, including Dún Laoghaire-Rathdown County Council. This is a once in a lifetime opportunity to safeguard those artefacts and ensure that when the development is complete they are protected as much as possible.

**Deputy Patrick O'Donovan:** I, again, thank the Deputy for raising the issue. I have been invited to Cherrywood. When the level 5 restrictions are lifted and we are allowed to take the opportunity to visit constituencies, particularly for non-essential work, it is my intention to visit the site. I am sure at that stage I will have a better understanding, along with my officials in the OPW, as to what is at stake in terms of the protection, management and care of the monuments, not only of the church but the crosses as well. I know there has been discussion on how the most appropriate care for those crosses and monuments can be provided into the future. I am sure that if the Deputy has any suggestions in that regard the OPW will be more than anxious to hear them.

**Deputy Cormac Devlin:** I thank the Minister of State. I want to put on record my appreciation for the work of the officials since July. I know that other meetings have taken place, more than likely virtually, but nonetheless there is good engagement on this site. The chairman of the OPW and others appeared before the Committee of Public Accounts last week. I thank them for their engagement. Given the historic nature of the Tully church and its surrounds, it is important that we get this right and that we afford those protections. Going forward, between now and when development is complete, the Minister of State might keep me informed of plans during and post-construction. If there is a site visit, I would be more than willing to participate.

**Deputy Patrick O'Donovan:** We will, of course, engage with the Deputy in advance of any visit to the site.

### Flood Relief Schemes

93. **Deputy Dara Calleary** asked the Minister for Public Expenditure and Reform the position regarding the flood alleviation scheme for Crossmolina, County Mayo. [36650/20]

**Deputy Dara Calleary:** Five years ago last weekend, the town of Crossmolina suffered a major flooding event. We were told it was a one in 100 year event. Three weeks later, the town was utterly destroyed in the Storm Desmond flooding event. I know a great deal of work has been done on the flood scheme since then but I want to know where it is at and when we can give certainty to the people of Crossmolina.

**Deputy Patrick O'Donovan:** I thank the Deputy for raising this issue relating to the Crossmolina flood relief scheme as I know it is an issue that he has raised previously. I wish to advise that the OPW has submitted the scheme, along with the required environmental assessments, to the Minister for Public Expenditure and Reform for confirmation.

The scheme to be constructed includes a new grass-lined diversion channel; a new reinforced concrete intake structure and spillway on the banks of the River Deel at the upstream end of the channel; a new river flow control structure downstream of the intake structure; an earthen embankment; two new road bridges; and realignment of the Lake Road.

The scheme requires formal confirmation from the Minister for Public Expenditure and Reform to proceed. This is a statutory requirement under the Arterial Drainage Acts, which now, under the recent European Union (Environmental Impact Assessment) (Arterial Drainage) Regulations 2019, also requires the Minister to carry out an environmental impact assessment, EIA, of the proposed scheme, which is separate from the OPW. This will involve, among other things, a formal review by the Minister for Public Expenditure and Reform of the EIA report, along with a Natura impact statement as part of the formal confirmation process.

To assist the Minister in making an informed decision to confirm the scheme, the EIA will require, under the 2019 regulations, a public consultation for a period of 30 days, and a detailed independent technical review of the scheme, the EIA and the Natura impact statement, by environmental consultants appointed by the Minister. I am advised that the current position on the confirmation process is that a request for tender of services for environmental consultants is currently being progressed by the Department. The public consultation phase is also due to be commenced by the Department shortly. The Department will progress the formal confirmation process, having due regard to the detailed requirements of the 2019 regulations.

There is always a possibility that further information and revision of the scheme's design may be required, as provided for under the confirmation process and, therefore, it is impossible at this stage to give a specific date for the commencement of the works, which I know is a cause of frustration to the Deputy and others.

The project team has launched a new website where all scheme updates will be posted as they arise. Any further information that I can provide to the Deputy, I will provide in due course.

**Deputy Dara Calleary:** I thank the Minister of State for the detailed reply. He has added many complications that were not previously advised. We were given timelines. I acknowledge the work of the former Minister of State, Kevin Boxer Moran, to move this project on and also the work of Councillor Michael Loftus from the Crossmolina flood action group. Since 1989, there has been four what were called "one in 100 year flood events." People in Crossmolina will spend from this weekend until next April or May with sleepless nights, watching *waterlevel.ie*. Every time there is a flood warning, they will worry for their houses, their business, their livelihoods and their health. This scheme has been beset with delays previously, including

environmental delays. I also acknowledge the work of the local OPW team based in Ballina, which have moved this on as well. We cannot allow another winter to pass without giving some indication that this scheme will move to construction. This is a €13.5 million scheme in respect of which the OPW is going to carry out the work. I ask the Minister to take on board what the Minister of State said in terms of this being on his desk.

**Deputy Patrick O'Donovan:** I thank the Deputy. To be fair, I have not added any new complications that were not previously advised. It would not be a fair reflection on the response that has been given either. I share his frustration. We are equally frustrated by the lengthy time that these things take but they have always taken time to address. It is terrible whether it is in Cloonlara or Springfield in County Clare, Bantry, Cork city or any of the towns in Wexford. As I said earlier in response to a previous question, we had a debate in the House last week on where this country needs to get to in respect of flood management, flood delivery and flood mitigation. At the moment, climate change is running faster than the process is changing. We need to have a long adult-like conversation in this country on the timeframe for the delivery of major infrastructural projects of this nature. The difficulties to which the Deputy alluded are nothing compared to the difficulties that will be encountered when we come to coastal erosion and coastal flooding. Any support that the Deputy can give me and my Department in regard to ameliorating those delays would be welcomed.

**Deputy Dara Calleary:** I am happy to give the Minister of State my support. I do not mean any blight on his response. I am expressing the anger and frustration that will be felt tonight in households across Crossmolina as they look at rising tides and they face into another winter of worry and stress and of not knowing if they will wake up in the morning to feet of water in their houses. We need to move this on. I ask the Minister, Deputy Michael McGrath, to also push this on in the Department. We need, once and for all, to give the people of Crossmolina a bit of decency and peace as they live their lives.

**Deputy Patrick O'Donovan:** It goes without saying that the OPW knows the people of Crossmolina very well. They have dealt with them over a lengthy period in terms of the development of this scheme and would know at official level, through the local design team that has been in place, what has been endured by the people of Crossmolina and every other town that has flooded. I am being honest in the House tonight. Whatever has been said in the House previously regarding indicative dates, I will not do that because those dates will not, in many cases, be met and then the Deputy and other Members will be in here looking to lynch me over dates not being met. I will not do that because that is not fair to the people of Crossmolina, Cork, Cloonlara, towns in Wexford, Bantry or any of the other towns that are facing the reality of flooding. As I said, a difficult conversation has to be had in this country fairly soon in regard to the advent of climate change and the impact it is having on our ability as a country to protect people from flooding. The sooner we do that, we will do a greater service to the people of Crossmolina and every other town in the country in danger of flooding.

## Budget Process

94. **Deputy Ged Nash** asked the Minister for Public Expenditure and Reform his views on a recent report by the Oireachtas Committee on Budgetary Oversight, which suggests that parliamentary oversight in the budgetary cycle may be suboptimal; his plans and proposed timeframe for reforms of the budgetary process to improve parliamentary oversight in view of

increased public expenditure during the Covid-19 crisis; and if he will make a statement on the matter. [36582/20]

**Deputy Ged Nash:** The Committee on Budgetary Oversight published a report this month entitled *An Overview of Comparative Parliamentary Engagement in the Budgetary Cycle*. The report notes that despite some improvements that have been made since the previous financial crisis “parliamentary involvement in the budgetary cycle may still be suboptimal”, which is code for terrible and it really is terrible. I want to hear from the Minister what plans he has in regard to enhancing the robustness of our parliamentary democracy and our parliamentary oversight in terms of how we allocate resources in this country.

**Deputy Michael McGrath:** I thank the Deputy for the question.

With a view to increasing the transparency of the budgetary process and to facilitate meaningful dialogue on key elements of the budget, over the past number of years, a range of reforms have been implemented to enhance the budgetary framework and ensure that expenditure is managed in an efficient and effective way. These reforms feed into a year-round budget cycle, which allows for ongoing scrutiny of the budgetary process supported by the provision of useful information. Adopting a whole-of-year budgetary framework is a key component of this process. It ensures that consideration of budgetary priorities can occur throughout the year and is not confined to focusing on the measures announced on budget day.

The impact of Covid-19 has necessitated very significant additional spending in 2020, with an expenditure response beyond anything that has been seen in Ireland before. I should acknowledge that some of the information documents that we aim to provide to inform budget scrutiny have been impacted during the crisis response. Notably, as the Deputy is aware, the mid-year expenditure report was not produced in July as normal. Instead, my Department produced a pre-budget expenditure update after the summer and in advance of the presentation of the October budget.

Looking forward, from 2021 onwards, the programme for Government commits to continuing reform of the budgetary process. This includes a commitment to the development of a set of well-being indices to create a well-rounded, holistic view of how society is faring. It is intended that these well-being indicators will be used to highlight inequalities and ensure that policies are driven by a desire to do better by people.

Throughout this process of reform, I and officials in my Department will continue to be available to engage with the Committee on Budgetary Oversight in exploring ways to build on the expenditure reforms that have been put in place and to further enhance the opportunities for the Oireachtas to make a meaningful impact on the budgetary cycle.

**Deputy Ged Nash:** Of course, the Committee on Budgetary Oversight is now in place, as is the Parliamentary Budget Office. They are two very important innovations in terms of robust oversight of expenditure and budget planning in terms of the parliamentary process. Those innovations were introduced in response to the previous financial crisis and deficits identified by international organisations in terms of best practice in this country.

To boil it down, a small number of approximately 15 individuals, with the Minister, Deputy McGrath, and the Minister for Finance, Deputy Donohoe, at the top of that tree if I can describe it as such, are responsible for the allocation of resources. That is suboptimal. It is nowhere near best practice. In my view, this Parliament needs to be empowered and provided with the

resources, organisational capacity and financial authority to ensure that the allocation of the resources we have are targeted in the best and most democratic way possible. There is much more we can do to make that a reality. We have a lot of work to do in this space. I am only too willing to work with the Minister in that regard. I am pleased to see his commitment around the introduction of well-being indices, which are an important feature of budgetary planning.

**Deputy Michael McGrath:** I wish to acknowledge the tremendous work of the Committee on Budgetary Oversight. In the previous Dáil, I was a member of the committee and really enjoyed that role. It is a great opportunity to get one's teeth into various issues. I also commend the work of the Parliamentary Budget Office. The quality of material it produces for all Members is very high and that should be acknowledged. If there are any issues around resources and so on, I am sure that is a matter for the Houses of the Oireachtas Commission. However, great strides have been made. It was a very important reform for Deputies across the House to have access to that resource.

This was my first budget and I learned a lot. On coming into office, I was immediately into the process of almost a mini-budget in the form of the July stimulus process. I genuinely want to work with the Deputy and other members of the committee to improve budgetary performance and introduce performance and equality budgeting, as well as working with them on the outcome of the spending review process in which my Department is continuously engaged.

**Deputy Ged Nash:** I hope the Minister will agree that, constitutionally, the Dáil has a very important function in terms of the allocation of resources. It behoves the Executive to provide a more balanced approach to budget planning and to ensure not just that resources are made available to the Dáil in our consideration of budgets and financial matters, but that the political will is there to provide the House with the ability to do that and to work collectively in terms of targeting resources where they are needed most. That is a job that would greatly enhance our democracy. As I stated, I am glad the Minister has agreed that well-being indices should be a feature of the process going forward. He will be familiar with legislation developed by my colleague, Deputy Howlin, which was published and passed Second Stage in 2017. I will be bringing forward legislation in that space to constructively enhance the function of the Parliament in developing budgets going forward.

**Deputy Michael McGrath:** On the process in 2020, it has been a truly extraordinary year, the like of which we hope we will never see again. It certainly had a dramatic impact on the budgetary process. I have acknowledged that the mid-year expenditure report was not published at the normal time. In addition, the Oireachtas did not have the normal summer economic statement setting out the overall macroeconomic and fiscal projections. That was certainly missed as well. The truth is that events unfolded extremely quickly through the year. Certainly since I came into office there have been very rapid changes in circumstances and the Government has had to respond in an equally rapid manner. There are improvements that can be made to the process, even to the normal process which we did not have this year. I will engage with the Committee on Budgetary Oversight to bring about further enhancements to the budgetary oversight process because the Oireachtas should have an advanced role in that regard.

**An Ceann Comhairle:** If I may comment, insofar as the Oireachtas has a heavy responsibility in this particular area, I was really interested in this question because I took a key and active interest in the establishment of both the Parliamentary Budget Office and the Committee on Budgetary Oversight during the previous Dáil. The question states that parliamentary oversight in the budget cycle may be suboptimal. That suggests to me that we need to be looking

into our own hearts, not challenging the Minister. I am no apologist for any Minister. As the Minister, Deputy McGrath, stated, we may need, within the Houses of the Oireachtas, to look at the resources that are available for the committee and its work.

*Questions Nos. 95 to 97, inclusive, replied to with Written Answers.*

### **Flood Prevention Measures**

100. **Deputy Mairéad Farrell** asked the Minister for Public Expenditure and Reform his plans for a flood defence program in Clifden, County Galway; and if he will make a statement on the matter. [36714/20]

102. **Deputy Mairéad Farrell** asked the Minister for Public Expenditure and Reform if the OPW plans to install river gauges on the Owenglin River, County Galway in locations in which none currently exist. [36716/20]

115. **Deputy Mairéad Farrell** asked the Minister for Public Expenditure and Reform when the trial for the new simulation system for advance warnings will be put in place on the Owenglin River, County Galway. [36715/20]

**Deputy Mairéad Farrell:** I know the Minister of State, Deputy O'Donovan, is aware of the flooding in Clifden at the beginning of September and the very serious impact it has had on the people of Clifden. I am seeking a statement on the plans for a flood defence programme in Clifden.

**Deputy Patrick O'Donovan:** I propose to take Questions Nos. 100, 102 and 115 together. I thank the Deputy for raising this important issue for the people of Clifden and those living along the Owenglin River.

I can confirm that a potential flood relief scheme was recommended for Clifden as part of the national flood risk management plan published in 2018, from which 119 new projects nationwide are to be progressed under the national development plan. Following the launch of the plan, the Office of Public Works, OPW, confirmed to Galway County Council that it would fund the cost of developing and implementing a scheme for the town which has an initial cost estimate of more than €500,000. I am advised that both Galway County Council and the OPW have been working on a design brief for the project. I am pleased to confirm that the council intends to go to tender shortly for consultants to further develop the scheme for the town.

I visited Clifden in the immediate aftermath of the flooding there in early September and I met residents and business people who were directly affected by the unprecedented event, including residents of the Clifden Glen estate who were evacuated from their homes. I witnessed at first hand the damage to the town and to properties in the Riverside and Low Road areas. The data collected from that recent flood event will inform the design of a future scheme.

Although it is not possible for me to confirm at this stage when flood relief works will be carried out, I can assure the House that both the council and OPW are committed to ensuring that progress will be made as quickly as possible to bring forward a flood relief scheme for the town in order to prevent a similar flooding event occurring.

*11 o'clock*

The Deputy referred to the possibility of developing an early flood warning system for the town in one of her questions. The development of an early warning system will be a matter for consideration for the consultants designing the scheme. However, I am advised that, in this instance, it would be technically challenging to design such a system due to the small, steep nature of the river catchment and the localised nature of the rainfall. These factors result in very rapid onset of extreme flows, which means there is very little warning time of an impending flood, as witnessed last September. The OPW has advised that there is already one hydrometric gauge in operation on the Owenglin river. While it is envisaged that additional hydrometric river gauges may need be installed on the river, the necessity and location of such gauges, if required, will be identified by the consultants designing the scheme.

**Deputy Mairéad Farrell:** I am aware that the Minister of State visited Clifden at the time and took in how difficult it was for the people there. Some 17 houses were flooded and six roads were blocked, so what happened had a significant impact on the people of Clifden. We have heard from previous speakers about the worry and concern families have about flooding. It can have a great impact in terms of insurance and all kinds of things, but its impact on the family home is deeply concerning. The Minister of State said this has gone to procurement stage or the tendering process in the council. Can he advise how long he thinks it will take to be completed?

With regard to the simulation trials, I might have missed an update on those trials for a programme of development through Met Éireann's new national flood forecasting and warning services. I understood that this had been mentioned previously.

**Deputy Patrick O'Donovan:** I was in Clifden and it was horrific to see the damage. The television pictures often reflect what flooding means to a community, but this was just unbelievable. There were front yards ripped asunder, boulders half as big as where I am sitting were just hurtled onto people's front lawns and houses were devastated. There are houses on the Galway road - the Deputy would be more familiar with them than me - from which people were taken in boats. I had seen the impact of severe flooding in my town of Newcastle West, but this was horrific. The issue was that it was monsoon-type rain. The water level rose as quickly as it went down. By the time I arrived there that evening, aside from a roar from the river, one would not have anticipated that this town had an issue with flooding.

There are a number of outstanding issues between the OPW and Galway County Council. It is a smaller scheme so, ordinarily, it would be carried out by the council. It will be up to the council to do it, but the OPW has committed to guide the council through that because it has the resources in terms of its engineering and technical expertise. If there are issues, we have asked Galway County Council to revert to us. If the Deputy wishes to relay specific issues to me, she can bring them directly to my attention.

**Deputy Mairéad Farrell:** I appreciate that, and I appreciate that the Minister of State has outlined how horrendous it was to see. What he outlined was the reality that faced the people of Clifden at that time. As he said, it came and left out of nowhere. It was a massively shocking incident for the people of the area. I appreciate that the OPW will ensure it will work as closely as possible with Galway County Council on any issues the council may have. I hope this will be prioritised by the Government and the council. I gather that the Minister of State fully understands the serious nature of this issue.

**Deputy Patrick O'Donovan:** I do not wish to bore the Ceann Comhairle. I have already spoken on this matter several times tonight. When one looks at the Question Paper, one can

see how relevant an issue this is for the House, given the number of Deputies from all over the country who have raised it. The problem is getting worse. Previously, it was confined to places such as Clonmel, towns on the Suir and low-lying parts of the east of the country. Now it is everywhere. It is happening out of the blue as a result of monsoon-type rain. There are two more storms due between now and the end of the week. I find myself looking at weather alerts every weekend, dreading what will happen to communities that I know, based on mapping, are in serious difficulty. The House will have to do a very serious body of work, and we must de-politicise it. There was no attempt to politicise it tonight, but we will have to grapple with this issue quite rapidly because time is running out for towns and communities across the country. They cannot keep pace with the amount of flooding that is occurring. They need us to change rapidly in order that we can bring the infrastructure they need to them.

**An Ceann Comhairle:** Will the Deputy give way to Deputy Doherty for Question No. 98?

**Deputy Mairéad Farrell:** Sure.

### **Legislative Programme**

98. **Deputy Pearse Doherty** asked the Minister for Public Expenditure and Reform his plans to amend the Regulation of Lobbying Act 2015; and if he will make a statement on the matter. [36720/20]

114. **Deputy Paul Murphy** asked the Minister for Public Expenditure and Reform if it is planned to review existing lobbying legislation. [36608/20]

**Deputy Pearse Doherty:** I appreciate the Deputy giving way. Due to the Covid-19 restrictions, we have been monitoring proceedings from our offices, and a number of questions before No. 98 were not dealt with so I was not here in time.

This question relates to the Minister's plans for a wider regulation amendment to the Regulation of Lobbying Act 2015. There has been discussion about section 22. Earlier today, the Minister brought forward a motion, without debate, which is unprecedented. Debates have occurred in the House about appointments to the Standards in Public Office Commission, but the Minister decided to appoint somebody who was a National Association of General Practitioners, NAGP, lobbyist. Can the Minister tell the House if he was aware that Ms Geraldine Feeney was a lobbyist on behalf of the NAGP when he made the recommendation, and did he inform the Cabinet of it?

**Deputy Michael McGrath:** I propose to take Questions Nos. 98 and 114 together, although Deputy Paul Murphy is not present.

Section 22 of the Regulation of Lobbying Act 2015 provides that certain designated public officials are restricted from being engaged in lobbying in certain circumstances for a year after they leave their employment or office, unless they have obtained permission from the Standards in Public Office Commission. In effect, they are subject to a one year cooling-off period. The general purpose of section 22 is to manage the potential for conflicts of interest between the public and private sectors and to place restrictions on what is often referred to as being a revolving door between the public and private sectors.

The Taoiseach recently outlined to the House that section 22 of the Act should be reviewed

by the Department of Public Expenditure and Reform. This review is under way in my Department. The review will include the following: seeking and considering the advice of the Office of the Attorney General on the range of possible enforcement provisions to be applied in respect of section 22; consultation with, and consideration of the views of, the Standards in Public Office Commission; review of recent Bills published on the matter - Deputy Nash has published a Bill on this and Deputy Mairéad Farrell has indicated that Sinn Féin intends to do likewise; reflection on relevant proposals made in public submissions to the Department of Public Expenditure and Reform in the context of either the first, 2017, or second, 2020, statutory reviews of the Act.

This is a complex matter. Any amendment to section 22 has to factor in issues such as the rights of a person to work and the proportionality of any sanctions that may be imposed. Sufficient time is required to allow for full consideration and deliberation, prior to any decision being made and subsequent actions being taken. The commitment I have given in respect of this Act is that section 22 will be reviewed. That is taking place and I will bring proposals on that issue to the Government.

**Deputy Pearse Doherty:** This Act deals with the regulation of lobbying and the requirements for lobbyists. I am revisiting this issue again because the Minister forced through a vote that did not allow debate on the motion earlier. The Minister brought forward a name for the approval of the House - Ms Geraldine Feeney, with whom I served in the Seanad. Ms Feeney is also a lobbyist and she lobbied on behalf of the NAGP, the organisation that is in the middle of the controversy about the Tánaiste, and then Taoiseach, Deputy Varadkar, leaking a confidential document to his friend. Was the Minister aware that Ms Feeney was a lobbyist and that she only lobbied on behalf of the NAGP? That was the question before he put the proposal to the House. Did the Minister get an opportunity to talk to Ms Feeney about whether she had a role in the lobbying activity that took place in the audiovisual room on 21 March? If she did, was she required to submit a return to the Standards in Public Office Commission? Why did the Minister break precedent and shut down debate on this issue? It is a fundamental issue regarding appointments to the Standards in Public Office Commission, which has been seeking changes to the law for many years and which successive Governments have ignored.

**An Ceann Comhairle:** The Deputy is going beyond the terms of the normal level of questioning that takes place here, in bringing up an individual issue that was very well aired this morning and that is not really relevant to the question that he has asked.

**Deputy Michael McGrath:** The proposed appointment to SIPO is not being made under the Act cited by Deputy Doherty in his question tabled for oral answer. The Deputy is entitled to ask the question. The appointment is being made under the Standards in Public Office Act. The former Senator Geraldine Feeney is a qualified person for that role. As a former Member of the Oireachtas I think she has the skills and the experience necessary to perform the functions to a high standard.

I am aware of the material that is on the *lobbying.ie* website in terms of her former role lobbying for the NAGP. I have been assured that there has been full compliance with the legislation at all times, including the legislation cited by the Deputy in the question. The returns have been made and published in an open and transparent way, as is the norm in these matters.

**Deputy Pearse Doherty:** Perhaps the Minister would answer why he broke precedent and shut down debate, because there was not a debate. There was an objection-----

**An Ceann Comhairle:** That is not relevant to the question the Deputy asked.

**Deputy Pearse Doherty:** With respect-----

**An Ceann Comhairle:** In fairness now-----

**Deputy Pearse Doherty:** Let me articulate the question. This is about the register.

**An Ceann Comhairle:** Deputy Doherty has articulated it well enough.

**Deputy Pearse Doherty:** I am very familiar with this, and Deputy Mairéad Farrell and I have drafted legislation that is with the Bills Office for seven weeks.

**An Ceann Comhairle:** I am very familiar with the questioning process and Deputy Doherty is going beyond his remit. Anyway, go on.

**Deputy Pearse Doherty:** I respect your view in regard to that, a Cheann Comhairle. This relates to the Regulation of Lobbying Act, which is policed, if one likes, by the Standards in Public Office Commission. I do not think it was ever envisaged that somebody who was a registered lobbyist up until three weeks ago would be appointed by these Houses as one of only two of the appointees to the Standards in Public Office Commission. The other four are automatic appointees. There is a serious breach here. The Government has run away from accountability and has shut down debate and we only have an opportunity to raise it under these type of questions with the Minister. Why did the Government avoid the debate on this issue?

**Deputy Michael McGrath:** Of course I have looked at the returns and I did receive a letter from Deputy Doherty's colleague, Deputy Mairéad Farrell, to which I responded. I read the returns, which are available online, primarily relating to lobbying in the early part of 2017, which is what is defined under the Act. It essentially involved setting up a number of meetings within the Oireachtas. If memory serves me correctly, the last entry I saw online relates to a meeting with the then Minister of State, Finian McGrath, on 1 February 2018, and concerned asking him to speak at a healthcare conference. I do not believe that former Senator Feeney had any involvement whatsoever in the issue that became controversial in recent weeks.

In my view she is qualified and well capable of fulfilling this role. When she served in the Seanad she had a reputation for fairness and decency. She is somebody of integrity and her good name should be protected at all times.

**An Ceann Comhairle:** I thank the Minister.

## **Public Sector Pay**

99. **Deputy Paul McAuliffe** asked the Minister for Public Expenditure and Reform his plans to negotiate a new public sector pay deal; and if he will make a statement on the matter. [36594/20]

107. **Deputy Pearse Doherty** asked the Minister for Public Expenditure and Reform the status of the negotiations for a new public service stability agreement, PSSA; and if he will make a statement on the matter. [36721/20]

**Deputy Paul McAuliffe:** I was in the waiting room with Deputy Doherty so I apologise for

17 November 2020

being late. I wonder if the Minister could tell the House his plans in regard to negotiating a new public sector pay deal.

**(Deputy Michael McGrath):** I propose to take Questions Nos. 99 and 107 together.

The present system of collective agreements has been in place in the public service since the Croke Park agreement was negotiated in 2010. These collective agreements have helped to ensure that public pay is managed in a sustainable, affordable and orderly manner. These agreements have also enabled significant reform of public services and changes to work practices.

The current public service agreement, the Public Service Stability Agreement 2018-2020, has provided for benefits to different income groups ranging from 6.2% to 7.4% over three years, and up to 10% for new entrant members of the single public service pension scheme. At the end of the agreement, the financial emergency measures in the public interest, FEMPI, pay reductions were reversed for all public servants earning up to €70,000, which equates to almost 90% of public servants. In addition, an agreement under the framework of the PSSA was reached with ICTU in 2018 to deal with the issue of new entrant pay.

The final pay adjustment of the current agreement was implemented as planned on 1 October last with pay for public servants increased by 2%. Also on 1 October, fixed allowances were increased by between 5% and 8% in accordance with the unwinding of pay reductions set out under the Public Service Pay and Pensions Act 2017. The Government was determined to ensure the current agreement was honoured in full.

As the Deputy is aware, I have instructed my officials to engage in exploratory talks with the public services committee of ICTU to establish if there is a basis for a successor agreement to the public service stability agreement that would ensure pay stability, industrial peace and the delivery of quality public services. These exploratory discussions are ongoing. As the Deputy will appreciate, it would not be appropriate for me to comment on the detail of those talks, which should remain confidential to the parties but I do hope that in the weeks ahead it will be possible for an agreement to be reached because there is value for both sides in having a new public service pay deal.

*Written Answers are published on the Oireachtas website.*

The Dáil adjourned at 11.16 p.m. until 10 a.m. on Wednesday, 18 November 2020.