



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters	127
Saincheisteanna Tráthúla - Topical Issue Debate	128
Telecommunications Services	128
Broadband Infrastructure	130
Water Quality	133
Post Office Network: Motion [Private Members]	135
Ceisteanna ó Cheannairí - Leaders' Questions	163
Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation	171
Proposed Approval by Dáil Éireann of the Technological Universities Act 2018 (Section 36) (Appointed Day)	
Order 2021: Motion	181
Ceisteanna - Questions	182
Cabinet Committees	182
European Council	189
Citizens' Assembly	193
Education (Student and Parent Charter) Bill 2019 [Seanad]: Second Stage	195
CervicalCheck Tribunal (Amendment) Bill 2021: Second Stage.	217
CervicalCheck Tribunal (Amendment) Bill 2021: Committee and Remaining Stages.	239
Workplace Relations (Miscellaneous Provisions) Bill 2021: Committee and Remaining Stages.	247
Companies (Rescue Process for Small and Micro Companies) Bill 2021: Committee and Remaining Stages	255
Gender Pay Gap Information Bill 2019: From the Seanad	269
Air Navigation and Transport Bill 2020: Report and Final Stages	271
Finance (Covid-19 and Miscellaneous Provisions) Bill 2021: Committee and Remaining Stages	271
Planning and Development (Amendment) (No. 3) Bill 2021: Committee and Remaining Stages	293
Ban on Rent Increases Bill 2021: Second Stage (Resumed) [Private Members].	299
The Post Office Network: Motion (Resumed) [Private Members]	302

DÁIL ÉIREANN

Dé Céadaoin, 7 Iúil 2021

Wednesday, 7 July 2021

Chuaigh an Leas-Cheann Comhairle i gceannas ar 9.10 a.m.

Paidir.

Prayer.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 37 and the name of the Member in each case: (1) Deputy Darren O'Rourke - to discuss the growing trend and need to address scam phone calls; (2) Deputy John McGuinness - to discuss broadband in Castlecomer, County Kilkenny, and in rural Ireland generally; (3) Deputy Holly Cairns - to discuss the environmental implications of the granting of a licence for a salmon farm in Bantry, County Cork; (4) Deputies Mattie McGrath, Carol Nolan, Michael Collins, Danny Healy-Rae and Richard O'Donoghue - to discuss a full financial review into taxpayer funding through various Departments and agencies of An Taisce; (5) Deputy Pádraig O'Sullivan - to discuss the lack of water and waste water infrastructure in rural areas of Cork North-Central; (6) Deputy Jennifer Whitmore - to discuss unresolved water quality issues at Barndarrig, County Wicklow; (7) Deputy Thomas Pringle - to discuss the Brandon report, the HSE response or otherwise to it, and its implications; (8) Deputy Paul Donnelly - to discuss the current status of the Danu Community Special School in Dublin 15 in respect of its move to Riversdale Community College; (9) Deputy Jackie Cahill - to discuss with the Department of Housing, Local Government and Heritage the blanket ban on peat harvesting for the horticulture industry and the delay in issuing a licence for harvesting for summer 2021, as previously committed to; (10) Deputy Martin Browne - to discuss with the Minister for Housing, Local Government and Heritage the budget available to local authorities for the housing adaptation grant; and (11) Deputy Kieran O'Donnell - to ask the Minister for Finance for an update on plans to review and expand the living city initiative scheme.

The matters raised by Deputies Darren O'Rourke, John McGuinness and Jennifer Whitmore have been selected for discussion.

Saincheisteanna Tráthúla - Topical Issue Debate

Telecommunications Services

Deputy Darren O'Rourke: I thank the Minister of State, Deputy Robert Troy. I want to raise the growing problem of scam phone calls and text messages, which have become widespread in the past few weeks, as he will no doubt be aware. Fraudsters who claim to be from State agencies, for example, An Garda Síochána and the Department of Social Protection, are pestering people with calls that seek personal and sensitive details, such as personal public service numbers, PPSNs, and bank details. While most people identify these calls as fraudulent and do not engage with them, the convincing nature of some of the newer scams is leading people to lose money. One noticeable development that these criminals have now deployed is the appearance of Irish phone numbers on incoming calls and texts. While most people would be suspicious of an unsolicited call that shows up from a random foreign jurisdiction with which they have no connection, when it appears as a local number it unfortunately gives the call more credibility. This is also happening with landlines that are linked to offices, such as the Office of the Attorney General, or what appears to be a text from a bank. The more sophisticated ones appear in line with legitimate texts from the bank.

I have been in touch with the major mobile phone operators here asking if they can take action to stop the use of their phone numbers and-or network. Unfortunately, some operators have advised that these criminals are not utilising Irish phone numbers or networks but, instead, are using a method called “spoofing”. Even though the call originates from abroad, it appears as an Irish number. This tactic used to require a knowledge of complex telephony, but now open source software that is widely available means that anyone with access to the Internet can spoof calls with minimal cost and even less effort.

The purpose of this criminality is very simple: to exploit people, particularly older people and the vulnerable, and to steal sensitive information and money. There is no data available for the number of people who have been scammed here or, indeed, the average financial loss to people. I wonder if the Minister of State has that information. I fear that this is a hidden problem, as few people want to admit they have been a victim of a scam, and, therefore, we just do not hear about it. However, just because we do not hear about it, it does not mean that it does not happen on a daily basis. Only this week, I heard about one lady in my constituency, Meath East, who lost more than €1,000 to a scam like this. It appears that nothing can be done to recover this money, which is understandably distressing for people. Is that the case? Can anything be done to recover money lost in these scams? What can be done to address this? I have engaged with mobile phone operators. Something needs to be done to address this. Surely, the increase we have seen in recent weeks is not a sign of things to come. Surely, we will not live with this into the future on an increasing level. Are the Government and the Department aware of this? What efforts have they made to ensure that this is stopped in the first instance, and that there are protections in place for victims of these crimes?

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Robert Troy): I thank the Deputy for raising this issue. I am taking this matter on behalf of the Minister for Environment, Climate and Communications, Deputy Eamon Ryan, who sends his apologies. It is well recognised how vital telecommunications are to citizens for so many aspects of their daily lives, including remote working, studying and staying in touch with family members. These services have proved essential since the beginning of the Covid-19 pandemic and restrictions imposed nationally. They will continue to provide critical support in accelerating digitalisation and to be part of economic recovery from the pandemic. I am aware of phone

7 July 2021

customers in Ireland recently experiencing an escalated level of such nuisance scam calls. They can cause considerable distress and anxiety, in addition to causing some customers to incur some additional charges. It is very serious. The Deputy mentioned one of his constituents who lost €1,000. The increased frequency and volume of fraudulent attacks over electronic communication networks includes both “smishing”, or SMS phishing and “vishing”, or voice or VoIP phishing. Fraudulent texts masquerade as texts from banks and smishing frauds are targeted at deploying malware. The phishing activities recently reported are spoof calls, and-or phishing, particularly where numbers appear to be from the HSE or other public bodies.

Several State bodies and agencies, including An Garda Síochána, Revenue and the Department of Social Protection, and other sectors, such as financial institutions, and, indeed, the mobile network operators, have run public awareness campaigns to warn their customers about smishing, phishing and the need to remain continually on alert in assessing and reviewing suspicious messages. The National Cyber Security Centre, NCSC, additionally publishes comprehensive advisories and alerts on scams, attacks, or vulnerabilities, engaging users and the public through its website and social media feeds. The telecommunications regulator, ComReg, has also advised that it has published a consumer information notice on its website which provides advice urging vigilance at all times on the part of consumers and lists suggestions for the proactive steps to be taken by those receiving scam calls.

However, fraudulent activity, such as smishing and vishing, is generally not a telecoms network security or resilience issue as it is part of the traffic transiting the networks, which generally does not cause any network operational issues. Where fraudulent activity becomes an operational issue on the network, such as leading to an overload on the SMS system for example, this impacts on the security and resilience of the telecoms networks and ComReg will have a role to play. The fraudulent traffic from criminals that can be carried out on the networks, such as for smishing and vishing, and the investigation of such criminal activities, remain strictly within the remit of An Garda Síochána. However, as the impact of fraudulent activities is complex in nature, no one agency can address the full scope of the impact and, as such, it requires a multi-agency approach.

There is no single technical or other solution to the problem of scam calls, but through the co-operation of State bodies and a continuing raising of public awareness, and I thank the Deputy for using this opportunity to generate public awareness on this issue, it is hoped fewer people will fall victim to this activity. The more public awareness we and relevant State agencies can generate to ensure people are vigilant to what is going on, the better.

Deputy Darren O’Rourke: The Minister of State mentioned the need for awareness-raising and bringing people’s attention to these issues, and that is important. I accept it is complex and involves a number of agencies. I would add there is a possibility this could continue, increase and get worse. It is a frustration and a nuisance outside of anything else. I would encourage those agencies to work together to try to address it, stop it, reduce it, and minimise it as best they can because it will be a growing problem if it continues, and people are getting one or two nuisance phone calls daily out of a handful of phone calls per day. The effort of calling back those missed numbers would be frustrating for people and it does not need to be a sign of things to come. I encourage those agencies to come together, include the phone operators and seek to minimise this activity. They should tackle it and reduce it to as close to zero as is possible. Otherwise, it will be increasingly frustrating for people.

I would also ask the Minister of State to come back to me on the assessment of the level of

this activity. How often is it happening? Is it on the increase? Does it look like it will be on the increase? What protections are there for people who have been adversely affected by it in terms of losing money?

Deputy Robert Troy: I cannot answer the Deputy's question today on the assessment of the level of activity that is ongoing but I will bring that query back to the Minister, Deputy Ryan, and ask him or his office to revert directly to the Deputy. The advice to the public is people need to be vigilant as to what is going on. If individuals are receiving persistent missed calls from an unknown number, they are advised in the first instance to contact their service provider and follow the code of practice, details of which are available on the various service providers' websites. In addition, some phones are capable of blocking a nuisance number. Individuals are advised to check their phone manual to see if this is a feature of their particular handset, and if it is, they should use that feature and block the number.

ComReg's consumer information notice on its website provides advice, urging vigilance at all times on the part of consumers and lists suggestions for the proactive steps to be taken by those receiving scam calls. In particular, it advises people to keep a careful watch and not to answer or call back any number which they do not recognise or where there is a bland or automated message or no voicemail left. It also provides a phone number for consumers to contact and the regulator offers a text callback service and other facilities to assist consumers.

Unfortunately, it is not possible to identify scam callers in advance, which can resemble normal familiar geographical or international numbers encountered daily. An Garda Síochána's advice has also recommended that people receiving unsolicited and suspicious calls should hang up the call, not engage with the call or return calls, not follow any automated instructions, and not transfer any money or disclose any personal or financial information.

Broadband Infrastructure

Deputy John McGuinness: I want to draw the Minister of State's attention to the fact that rural Ireland is still being left behind in the provision of a proper broadband network. In doing so, I recognise the amount of money that has already been invested by Government in this area but a far greater efficiency in delivery has to be achieved. Beyond Covid, people will work from home a lot more, bigger companies will establish in rural Ireland a lot more, and there will be an expansion of the use of technology and the Internet for doing business and doing it swiftly.

In north Kilkenny, for example, and this is the best way to explain it, there are quite a number of businesses, ranging from large and medium businesses to pharmacies, and they all give good employment to people. However, their potential is being hampered by the fact they cannot get reliable and sound broadband. National Broadband Ireland and Eir will give out some information on specific cases, but much more needs to be done to give proper dates and timing to those who are waiting for broadband so that they are able to plan their businesses. The same can be said in Kilkenny city, where you would imagine that broadband would be available generally, particularly fibre-optic, but it is not. Fibre-optic comes, for example, to the boundary of the IDA Ireland business park in Kilkenny but no one seems to want to take on the task of bringing it to each and every business on that estate and there is significant employment being provided in that area. Likewise, you could take Tinnahinch in Carlow and Graiguenamanagh in Kilkenny. Their pathways were recently dug up but no effort was made to lay the ducting

7 July 2021

for all of this fibre, which is much needed in that rural location. Carlow has a digital strategy for 2021 to 2024 but many companies there complain to me about the availability of proper high-speed broadband. It is affecting their delivery of services or goods and the potential they have for expansion.

There is a need for someone to take ownership of the areas that fall between National Broadband Ireland and the other providers. Every effort must be made to assist companies with grants or whatever other means possible to ensure they get high-speed broadband to their businesses as quickly and efficiently as possible. As we deliver, the world will again pass us out in the speed of fibre with next-generation technology. We are lagging behind badly in rural Ireland, and this is having a huge effect on business people and individuals who are working from home and who find it very difficult even to engage in meetings on Zoom or Microsoft Teams. They have breakdowns all the way through. It is not good enough. Given what the Government is spending on this roll-out it should be getting far greater value for money.

Deputy Robert Troy: I thank Deputy McGuinness for raising this issue and for his constructive input. There is no doubt that this is an issue that affects businesses and people working from and studying at home. It is an issue on which the Government is focused on delivering. The national broadband plan contract was signed with National Broadband Ireland in November 2019 to roll out a high-speed and future-proofed broadband network with an intervention area which covers 1.1 million people living and working in an area of over 544,000 premises, including almost 100,000 businesses and farms along with 695 schools.

The national broadband plan will ensure that citizens throughout the entire country will have access to high-speed broadband services through a combination of commercial investment and State-led intervention where the State has had to step in as no commercial investment is planned. The national broadband network will offer users a high-speed broadband service with a minimum download speed of 500 Mbps from the outset.

I am advised by National Broadband Ireland that as of 1 July 2021, over 230,000 premises across 26 counties have been surveyed. The next step is for it to develop network designs to deliver the new fibre to the home network to these premises. Substantial design work is under way. As of 1 July, over 19,000 premises are available for order or pre-order through local broadband service providers.

There are 48,761 premises in total in County Kilkenny, of which 30,345 are served by commercial operators. Some 18,416 premises will be provided with high-speed broadband through State-led intervention. Government investment in County Kilkenny under the national broadband plan will amount to €72 million.

Surveying has been completed and is still under way across a number of areas in County Kilkenny including Grovine, Cuffesgrange, Creenkill, Castlewarren, Cellarstown, Bennettsbridge, Brownstown, Drumerrin, Kilcreen, Lyrath, Tullowglass, Tullaroan, Dicksborough, Sheepstown and Templemartin. I am advised that some premises located in Castlecomer are part of the intervention area and will be provided with access to high-speed broadband under the national broadband plan while other areas are served by commercial operators that are currently active in the area.

Extensive investment plans are in place by a range of commercial operators active in the blue areas. These plans will see improved high-speed broadband access across the country.

A number of commercial operators have announced further investment plans in high-speed broadband.

In Kilkenny, approximately 7,300 premises have been passed as part of Eir's roll-out to 300,000 premises. I understand that over 300 of these premises are in the Castlecomer area. In addition, some 9,000 premises have been passed by SIRO in County Kilkenny in recent years. Furthermore, I am advised that some 12,600 premises are passed by Virgin Media in County Kilkenny. Further details on specific areas within County Kilkenny are available through the National Broadband Ireland website.

While substantial progress has been made to date, the Covid-19 pandemic has had an impact on the delivery of the fibre network, resulting in delays of a number of months in the delivery of aspects of the programme. Impacts include challenges with the mobilisation of key contractors, with restrictions in operations, supply chains and logistic delays, as well as the recruitment of key personnel as National Broadband Ireland and its contractors scale up, including challenges associated with onboarding and training. The full extent of this impact is currently being assessed, but National Broadband Ireland has committed to put in place measures to mitigate the impact as far as possible. Despite these challenges, National Broadband Ireland has made steady progress on initial works. Over 92,000 premises are construction and some 90,000-----

Deputy John McGuinness: I appreciate the work that has been undertaken by the Government in terms of funding and the private sector in terms of the delivery of broadband. I encourage the Minister of State to look at the country as a whole, draw together all of those that are providing broadband and ensure that the gaps in the make-up of each county are delivered on and there is a plan. When people make inquiries they do not want to hear a load of statistics. Rather, they want to know when their businesses are going to be connected.

Roadmaster in Johnstown is half a kilometre away from a box with a fibre-optic cable and cannot understand why it cannot get fibre-optic broadband as quickly as it believes it should. Likewise, everything is done by email now through pharmacies and it is difficult for them to carry on their business. The IDA in Kilkenny faces the same issue.

County Carlow took an initiative to have a digital strategy for the next few years. The Government needs to get down to that level to ensure all of these businesses and chambers of commerce that are taking initiatives in their own counties are supported directly where necessary. A lot of money is being spent on broadband, but the Government needs to take an overall hold of the delivery of the projects, regardless of where they are, to ensure that rural Ireland is not left behind and that broadband is as fast and efficient as it is in any urban centre. That would create a level playing field and achieve a lot for the country.

Deputy Robert Troy: I agree with what Deputy McGuinness has said. He has made very constructive points. One cannot argue with them.

National Broadband Ireland has made available, through its website, an indicative time-frame as to when its intervention area will be rolled out, whether that is in my constituency, Deputy McGuinness's constituency or any other constituency. People need to know when they can expect broadband to come into an area, but unfortunately it will take a period of time to roll out. The programme for Government has committed to an accelerated roll-out, but it will take a number of years. In acknowledgement of that, what has been identified are broadband connection points which are a key element of the national broadband plan. They provide high-speed

7 July 2021

broadband in every county in advance of the roll-out of fibre-optic broadband door to door. In areas where it will be two or three years before intervention-led broadband is rolled out, broadband connection points have been identified. As of 1 July this year, 326 broadband connection points have been installed by National Broadband Ireland. The high-speed broadband service will be switched on in these locations over the coming weeks and months. In County Kilkenny, there are broadband connection points in Graine Community Hall, Tullahought Parish Hall, Ballyouskill Parish Hall, Muckalee Handball Club, Crosspatrick Parish Hall and Galmoy Community Centre. They will help and assist, as Deputy McGuinness said, people who wish to work or study from home and need access to broadband. I take on board what Deputy McGuinness has said. I will undertake to relate the points he has raised today to the Minister, Deputy Eamon Ryan, and come back to him.

Water Quality

Deputy Jennifer Whitmore: I want to raise the issue of the Barndarrig “do not consume” water notice. I raised it on 20 May and on that day the Minister of State said Irish Water is installing equipment at the water treatment plant which will treat the water, reduce the nitrate compounds and safeguard the water supply. That was very good news because it meant that the “do not consume” notice which has been in place for 213 residents of Barndarrig since 9 February would be lifted. The Minister of State believed at that point that it would happen within a matter of weeks once the equipment was installed. Unfortunately, we have waited seven weeks to no avail. Irish Water has instead stated it will install monitoring equipment at the site, which is a very different thing from treatment equipment. Treatment equipment will prevent the water being contaminated and provide long-term security of supply whereas monitoring equipment will only indicate if there is a problem. It is essentially just a warning system. Why is Irish Water no longer installing treatment equipment at Barndarrig, as the Minister of State indicated it would? Why is it placing monitoring equipment at the site?

I also have questions about the monitoring equipment. This supply has been under consideration for quite some time. In 2015, the Environmental Protection Agency, EPA, conducted an audit on the supply and identified that it was an area of extreme groundwater vulnerability and at risk for contamination. It identified historically high nitrite levels at the site. I am, therefore, surprised we do not have a continuous monitoring system in place on this site. There was apparently another audit earlier this year when the “Do not consume” notice was first in place in February. At that stage, the EPA conducted another audit and thereafter recommended that Irish Water install a continuous monitoring system. Irish Water indicated it would be in place at the end of April and it is still not in place. There must be questions as to why that monitoring system is not in place because it should be there as standard on that water supply to ensure immediate notification if nitrite levels exceed the recommended levels.

Why is a drinking water safety plan not in place for that site, considering it is an area of extreme vulnerability? My understanding is that Irish Water has 60 sites at which risk assessments are in place and, for some reason, Irish Water has not placed Barndarrig on that list. I ask for it to be placed on that list considering the situation in which it has found itself.

Why is the water not being treated, as was previously committed to? Why is a monitoring system not in place already on that water supply? Will a drinking water safety plan be put in place?

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Peter Burke): I thank the Deputy for raising this matter. I know she contacted my office yesterday but, unfortunately, I was in Cork city dealing with a number of issues. Once I got back, I met with the chief executive of Irish Water to raise the issues she quite rightly put forward. There has been confusion on a number of points and I raised those with Irish Water. On foot of my discussions with the company, I can confirm that monitoring equipment is in place at Barndarrig. Irish Water expects to lift the water notice, potentially within the next week or ten days. Irish Water has secured €100,000 to do the capital works that will be required to put in the equipment to prevent and reduce nitrite levels in the water. That work will be commissioned and up and running within eight weeks. We have applied significant pressure to ensure those problems are alleviated for the residents who have been impacted. I apologise to the people of Barndarrig, who have had to endure these notices since 9 February, which is a long time ago. It is frustrating for residents and vulnerable people to be going through this.

I understand that Irish Water will use the reservoir and not the treatment plant until the capital equipment is in place. It is possible to top-up the reservoir and ensure the water is safe and fit for human consumption. When the capital infrastructure is in place, which will happen within the next two months, it will treat the water, going forward. I hope those responses from Irish Water will be to the Deputy's satisfaction. Representatives of Irish Water will make themselves available to meet her next week and will arrange a date for that meeting to go through these points. I can understand the frustration she has expressed during the two Topical Issue debates we have had on the matter. I expect the issue to be resolved imminently.

Deputy Jennifer Whitmore: I thank the Minister of State. That is positive news and I am sure the people of Barndarrig will be pleased to hear of the progress. They have been incredibly patient and having a "Do not consume" notice during a pandemic has been incredibly difficult. Following our previous discussion, the people of Barndarrig were eager to see the notice lifted so the news is positive.

The Minister of State has said there is monitoring equipment in place at the moment. Will the capital investment be in place in two months or will the equipment be in place in that timeframe? It is good news for the people in Barndarrig if what he said comes to pass. It appears that once the "Do not consume" notice is lifted, all precautions will be put in place so that those people do not have to endure another period of discomfort and difficulty over their water supply. I thank the Minister of State for the information. Will he give me a little more detail on the capital investment and equipment? Will he confirm that treatment equipment is going in? Will he also confirm the timelines?

Deputy Peter Burke: I thank the Deputy again. I am advised that the capital line is already there so the equipment will be commissioned and up and running within the next two months. That is subject to the HSE agreeing that the water levels are correct, and testing must be undertaken in that regard. I am assured it will happen and that is the timeframe I have been given this morning. Within the next ten days, Irish Water is confident that the water notice will be lifted. As the Deputy rightly pointed out, it is important to have high-quality drinking water for human consumption in the midst of a pandemic. That is what Irish Water is about and why it has significant capital lines behind it this year. Those capital lines are not only to improve the current supplies but also to unlock the considerable development needed by our citizens.

The monitoring equipment is in place and the water is being monitored. The HSE and EPA will be being engaged over the next ten days and, subject to their reports, I hope the water notice

7 July 2021

will be lifted. The permanent solution will be the capital infrastructure that will be put in place in the next two months.

Sitting suspended at 9.47 a.m. and resumed at 10 a.m.

Post Office Network: Motion [Private Members]

Deputy Seán Canney: I move:

That Dáil Éireann:

recognises:

— the views of the members of Dáil Éireann as outlined during the private members' debate of the 21st October, 2020;

— that a sustainable nationwide post office network is a key component of the economic and social infrastructure in both rural and urban areas;

— that post offices provide crucial public and financial services to communities all around Ireland, especially to those in rural and isolated areas;1385

— that from 1st July, post offices face a major challenge as a significant reduction in payment rates will take effect; and

— the need to put the post office network on a sustainable operational and financial footing in line with the Cabinet decision in 2017; and

calls on the Government to:

— introduce an interim solution that will be effective and deliverable from July 2021, to guarantee the current post office network and prevent any further closures;

— provide long-term certainty in order to enable postmasters to invest, develop and grow their businesses;

— ensure that all citizens have full access to the important services they provide;

— designate the post office network as the 'offline gateway' of choice for citizens availing of State services, due to its unique nationwide network and existing strong relationship with offline citizens;

— reinvigorate the post office network by extending the services which post offices provide and by retaining existing services such as social welfare payments;

— commence the provision of offline Government services, with the availability of motor tax renewal through the post office network; and

— give recognition to the existing post office network as both a rural economic lifeline service and a locus for future development of financial services outside of the existing banking framework.

The motion has been tabled on foot of the Government's lack of action in supporting the post office network and follows on from our previous motion last October. At that time, the Government asked us to postpone the motion for six months to give it time to address the issue. The post office network is on a cliff edge and without Government support, we will see the closure of post offices across the region.

My colleagues in the Regional Group and I are calling on the Government to introduce an interim solution that will be effective and deliverable from July 2021 to guarantee the post office network and prevent any further closures; provide long-term certainty to enable postmasters to invest, develop and grow their business; ensure that all citizens have full access to the important services the post office provides; designate the post office network as the offline gateway of choice for citizens availing of State services due to its unique nationwide network and existing strong relationship with offline citizens; reinvigorate the post office network by extending the services post offices provide and by retaining existing services such as social welfare payments; commence the provision of offline Government services with the availability of motor tax renewal through the post office network; and give recognition to the existing post office network as both a rural economic lifeline service and a locus for future development of financial services outside of the existing banking framework.

Our motion of 21 October 2020 was agreed but deferred for six months to give the Government time to put things right. We believe every Member recognises that a sustainable nationwide post office network is a key component of the economic and social infrastructure in rural and urban areas. We also believe post offices provide crucial public and financial services to communities all around Ireland, particularly those in rural and isolated areas. The fact is that from 1 July 2021, post offices face a major challenge as a significant reduction in payment rates will take effect. There is a need for the post office network to be put on a sustainable operational and financial footing in line with a Cabinet decision in 2017. Across the country, we have seen the devastation caused by post offices closing. A number of post offices have closed in my constituency. The communities involved put forward an economic and social argument for keeping them open but the people doing the figures on the calculators decided otherwise. Post offices have now gone from places like Eyrecourt, Caherlistrane, Ballyglunin and Ardrahan. The community in Eyrecourt has to travel to County Offaly to access a post office, which is not right.

I have also seen the campaigns by communities to retain their post offices. There was a celebrated case in Barnaderg in my constituency. The post office is still there because the people would not let it go. This is not the right way to do business. We need to make sure that post offices are given every chance to survive in a time when the postman or the post office was the only social contact with a significant number of people across the country during the Covid lockdown, and we paid tribute to them.

It is also important that we refer to what the Grant Thornton report said about post offices, in particular the fact that post offices produce so much social dividend contributing between €344 million and €776 million per annum in social value to communities. That is a powerful message for Government and the people who do the bean counting and who do not realise the social implications of post offices. We have been able to provide supports throughout the past 18 months for every type of business. What we are looking for here is for the post office network to be given the funding required to keep it viable and for it to be given the opportunity to provide offline services as a matter of urgency so that it can become viable.

It is also important that we do not continue to pay lip service to post offices. We cannot hope

7 July 2021

that some of them will close by stealth. We must make sure the post office network is maintained in a vibrant way and the postmaster, who is the lead within the community in delivering services, has the facilities and resources to make sure he or she can develop his or her business.

The Minister of State represents a rural constituency and will be aware of the devastation caused when a service closes, be it a national school or a post office, in a rural area. It is a depressing signal in these areas. We have the opportunity and capabilities but there is also goodwill across the House to support the Minister of State in supporting this service that we need to keep going. We should remember that if a post office closes, it removes the heart of a community in rural Ireland. We cannot let that happen. I commend the motion to the House.

Deputy Peter Fitzpatrick: I thank my colleagues in the Regional Group for facilitating the motion. It is vital at this critical time that Dáil Éireann get behind this motion and supports our argument that post offices need urgent Government assistance to survive the current crisis and build for the future so that we have a profitable and sustainable post office network.

An Post is about more than post offices; it is a vital part of every community in every village and town in Ireland. In my constituency, the importance of the local post offices in the likes of Carlingford, Omeath, Knockbridge, Ardee and elsewhere in the county is clear. It is not only a place where people conduct business; it is also a place where social interaction takes place and, more often than not, it is the lifeblood of a local community. Recent research carried out by Red C found that 91% of those surveyed agreed that the post office provided a valuable service to the local community, 86% supported the Government providing financial support to keep their post office open and 86% wanted more State services available at the post office.

It is fair to say that we all realise that the local post office is much more than just a post office and, again, every Member will agree that the Government must do everything in its power to ensure that the local post office remains open. When a post office closes, other local businesses also suffer. This has been shown over the years.

In our motion, we are asking Dáil Éireann to recognise the fact that transactions within the post office network are down by an estimated 25% as a result of Covid-19, which further threatens the viability of the network. We are also seeking support to recognise the need to put the post office network on a sustainable operational and financial footing in line with the Cabinet decision in 2017. In addition to this, we are asking that the findings and recommendations contained in the Grant Thornton report are noted and acted upon, in particular, the recommendation that a public service obligation, PSO, of €17 million be introduced immediately. We are calling on the Government to designate the post office as the offline gateway of choice for citizens availing of State services due to its unique nationwide network and existing strong relationship with offline citizens.

The statistics behind An Post are quite impressive. A total of 28% of the population or 1.3 million people continue to use the services of the network every week, which includes the distribution of €4.6 billion in social welfare payments. Coming from a business background, I know the challenges one faces with what seem to be impossible odds. What the post office needs now is a small amount of Government support and a roadmap for the future.

The first of these Government supports is the easy one. The post office network shortfall is approximately €17 million. It generates revenue of €53 million which costs €70 million to deliver. These losses are mainly as a result of the ongoing transfer of traditional post office

services to online providers and a reduction in traditional mail business. In today's terms, the immediate requirement of €17 million is a small amount of investment to secure the future of An Post. I call on the Government first and foremost to provide this funding to safeguard our postal network.

The roadmap is the more difficult challenge. If An Post is to be viable, it must return to profitability. For this to happen, it must be allowed and given the opportunity to provide more services than it currently does. In recent times, we have heard about the likelihood of some major banking institutions pulling out of Ireland in the future. I am not alone in saying that all the major banks would prefer not to have personal bank accounts and the costs associated with them. However, the reality is that personal customers require an operational bank account. This account is needed to make debit card payments, direct debit and standing order payments and money transfers, etc. That presents a real opportunity for An Post to provide a service to personal account holders in the form of a basic payment account. An Post is uniquely positioned to offer this service. The credit union movement could also partner with An Post to provide this much-needed service to personal customers. It is clear that the main street banks are not interested in this type of business and this presents an opportunity for An Post.

An Post already has the infrastructure in place and with possible co-operation from the credit union movement could have the IT structure in place. I know from speaking with many local people that they are greatly in favour of such a move. It could also provide an opportunity to An Post to work closely with schools, particularly primary schools, where it could encourage students to open their first account with An Post. One finds that when people open an account at an early age and become familiar with it, they stick with it. I know from speaking with the older generation that they would be very happy to conduct their business with An Post as opposed to the main banks. There is an opportunity for An Post to develop this side of its business.

The pandemic has taught us that business must constantly change and adapt to the challenges faced. There is no doubt that the pandemic has made many businesses rethink. Many now realise that they must be more active online and this offers opportunities to post offices. I believe the local post office should be given the support it needs to work with local businesses to provide a cost-effective and reliable delivery service for those businesses that require the delivery of goods, particularly those purchased online. There are a number of couriers that carry out a similar service, but I firmly believe the post office could offer a unique partnership with local businesses to provide a more cost effective solution. In Dundalk, for example, the local post office could work in partnership with many local businesses to deliver their online sales. These local businesses need help in order to compete with the large competitors, many of which are based outside of the country. In Dundalk, we actively encourage people to shop local and keep their business in the area. A collaboration between An Post and local businesses could work in every town and village in the country, and provide much-needed revenue for An Post and service for local retailers. Another area in which An Post could benefit is in relation to motor tax. This service could be provided by An Post and could provide much-needed revenue.

I thank my colleagues in the Regional Group once more for their assistance in bringing this motion before the House. It is vital that we first recognise the vital service An Post provides to all local communities in every village and town in the country. It is also vital that we come to its rescue and that the Government provides the necessary funding to fill the current gap of €17 million. It should be noted that the Government already provides substantially more funding to bus and rail services in order to keep them operating, and An Post should be treated the same way. I hope this motion gets the support of the House, particularly from Members on

the Government side, and that they recognise, now more than ever, that we need a viable and sustainable postal network.

Deputy Verona Murphy: Last October, the Government was put on notice that if there was no movement on the post offices, we would revisit the issue, and here we are, which is disappointing to all concerned. This motion calls on the Government to introduce an interim solution that could be effective and deliverable from July 2021 to guarantee the current post office network and prevent any further closures. It could provide long-term certainty to enable postmasters to invest, develop and grow their businesses and ensure that all citizens have full access to the important services the post offices provide. It should designate the post office network as the offline gateway of choice for citizens availing of State services due to its unique nationwide network and existing strong relationship with offline citizens. It could reinvigorate the post office network by extending the services post offices provide, by retaining existing services such as social welfare payments, by commencing the provision of offline government services with the availability of motor tax renewal through the network and by giving recognition to the existing network as being both a rural economic lifeline service and the locus for future development of financial services outside of the existing banking framework. All these objectives are achievable with focused, dedicated and determined action.

The post office sector is a vital piece of infrastructure to many rural and regional communities. Almost 950 post offices exist throughout Ireland. They vary in size and in the services they provide. In County Wexford, there are 52 post offices. I am in regular contact with people who run post offices, particularly in the areas of Fethard, Ballycullane, Ramsgrange, Campile, New Ross and many others. Clearly, the rural post office plays a crucial role in community life. Unfortunately, it is becoming more of a struggle for postmasters and postmistresses to make a sustainable living from their work. Post offices throughout Ireland provide a vital service to hundreds of communities and millions of people. Not only do they provide vital services, but they also provide a warm, helpful and friendly face for the people in the local community. These things make the post office network a crucial asset worth protecting and capitalising on.

As part of the Regional Group, I have called many times for post offices to be viewed as a one-stop-shop for engagement with State services. I know many State services can be dealt with via the post office, but there is still a long way to go and there are many more services that could be incorporated into the post office's role. This could result in huge benefits for the customer, the post office and the State.

The correct action is for the Government to ensure the sustainability of the post office network. When a postmaster or postmistress retires, there must be conditions in place to encourage new entrants to take his or her place in order to keep the service alive. This may involve emergency investment, but, more importantly, it will require an expansion of the role of the post office network to allow it greater opportunities to sustain itself. In recent correspondence from An Post, it highlighted the announcement that Bank of Ireland customers will be able to avail of banking services in post offices as proof of An Post's value in local communities. More than 500 post offices nationwide are situated in locations without a mainstream bank. This development shows how important the post office network is.

The Grant Thornton report made the point that the post office network remains a highly valuable national asset that contributes far more to the economy than the cost of the public service obligation. It stated that protection and expansion of the network would result in an estimated social value for Ireland of between €344 million and €776 million. Post offices need

opportunities to develop. They need to provide as many useful services for people in local communities as they possibly can. They need to be seen as the go-to place for people to engage with State services.

The financial services market needs competition for consumers to be able to get value for money. The post office network is ideally placed to provide an alternative in this market. As I said last week, the current state of our banking sector is a major cause of concern and has a big impact on many other aspects of our lives, most notably the housing crisis. We have seen Ulster Bank and KBC leave the Irish market. I believe there is a more important role for post offices and credit unions in our financial sector. Hopefully, it will lead to a situation where a healthy and vibrant banking sector can develop in a sustainable way without the need for the State to provide rescue supports again. Competition in any sector mainly benefits the consumer. The current lack of competition in the market is bad news for the consumer. A lack of competition reduces the number of products available and means that the remaining firms have fewer incentives to provide competitive deals to consumers. Overall, I hope there will be cross-party support for the motion, which aims to revitalise and further modernise the Irish post office sector.

Minister of State at the Department of the Environment, Climate and Communications (Deputy Hildegarde Naughton): I thank the Deputies for their contributions and for the opportunity to address this motion today. I know Deputies raised the important matter of the post office network in October last year and the motion before us today recognises the views of the Members who participated in that debate. I noted at the time I was in agreement with many of the sentiments expressed by Deputies and the Government does not intend to oppose today's motion from the Regional Group.

The Government's programme is clear, and a modernised post office network will provide a better range of financial and e-commerce services for citizens and enterprise as part of our commitment to a sustainable nationwide post office network. The Government's objectives for An Post include harnessing the opportunities presented by e-commerce and the digital economy, capturing and retaining market share in parcels and delivering a sustainable nationwide post office network offering a range of e-commerce, financial and Government services.

Deputies are aware of the scale of the transformation that An Post is undergoing, which is a vital part of the delivery of its strategic plan. In order to implement the plan, the cost of which was estimated to be in the region of €150 million, the Government provided a long-term low-interest loan of €30 million to the company in December 2017 to support and protect the renewal of the post office network and the continued fulfilment of a five day per week mail delivery service. An investment loan of €40 million from the European Investment Bank has also been made available to finance innovation and modernisation projects. This borrowing is being used to help to fund the capital costs associated with five investment programmes that form part of the transformation plan, including post office renewal. A capital expenditure programme has also been approved, which, as part of the company's commitment to the sustainability of its network, is designed to develop the newer elements of An Post's financial services business and mitigate declining core mail volumes and revenues on the retail side of the business.

The deal agreed between An Post and postmasters in 2018 centred around a renewed vision of the post office network and a revised postmaster contract. There is an acceptance that new business lines were required, with a focus on financial and new government services, along with a capital investment plan for the renewal of existing offices. The agreement reached between An Post and the Irish Postmasters' Union underpinned significant change and investment to

7 July 2021

redefine the post office network, including reducing the number of post offices, modernising the postmaster contract and updating the brand.

The consolidation of the post office network has assured the widest possible distribution across the State with an ever-improving network. The key focus continues to be to future-proof the company and keep it relevant to customers in the types of services it provides. This restructuring has seen the development of new areas of business, particularly in parcel delivery but also in new retail areas and financial services, resulting in a return to annual profitability since the implementation of the plan.

Acknowledging that the transformation plan has been severely affected by Covid-19 and the transformation payments to postmasters provided under this agreement ceased at the end of June, my officials and I have been engaging extensively with An Post on the matter. I am pleased to advise Deputies that An Post reached an agreement with the Irish Postmasters' Union in late June for an €8.5 million fund that will benefit all post offices over the next 18 months. Due to the improving financial position of the company, An Post will fund this programme from its own resources.

The agreement is in line with An Post's strategic plan and it recognises the central role of the post office network to the company. It provides for a tailored payment for each post office based on the forecasted business loss and it will benefit the entire network. It will take account of products affected during Covid-19, such as foreign exchange transactions. An Post has invested in its network and as part of this proposal it will equip postmasters with commercial training and marketing support to promote their businesses, as well as maintaining continued investment in new products and services. I stress that the terms under which postmasters are contracted to An Post is a matter between postmasters and An Post and any negotiations are a matter for both parties directly.

An Post is transforming its retail network by delivering new products and formats, including, among others, the diversification and growth of financial services products that it provides for individuals and small and medium enterprises, including loans, credit cards and more foreign exchange products. It will also provide local banking in association with major banks and a full range of State savings products.

An Post is a strong commercial semi-State body and its strategy, as approved by the Minister, seeks to build on its growth and diversification. The post office network is one of the company's core strengths and the continued development of the network and its services is a vital component in its sustainability. As with many businesses, the post office must continue to develop commercial strategies to enable it to grow and maintain its relevance for users. We are working with An Post to investigate the scope to channel additional services through the network. All options will be considered fully and the ongoing transformation in the company aims to ensure the commercial viability of An Post and the continued fulfilment of its mandate to provide mail delivery services and ensure a viable post office network.

It is important to note that An Post is a commercial State body with a mandate to act commercially. It has statutory responsibility for the State's postal service and the post office network. Decisions relating to the network, including those relating to the size, distribution and future of the network, are operational matters for the board and management of the company. It is long-standing Government policy that postal services would not be directly subsidised by the Government but we remain fully committed to a sustainable post office network as a key

component of the economic and social infrastructure in both rural and urban areas.

At a recent meeting of a joint Oireachtas committee, the chief executive of An Post noted that the company has been commercially successful and self-sufficient and there are no plans to bring forward a public service obligation at this time. If An Post, postmasters and the Government continue to work together, we can ensure the network can emerge as a central hub for a wide variety of valuable, community-focused services. We want to have a sustainable post office network available to all our citizens, both urban and rural, in the medium and long term.

The Government continues to provide significant business to An Post through the Department of Social Protection social welfare contract and National Treasury Management Agency business, which sees over 44 million transactions through the post office network. This includes €20.6 billion of State savings administered for the National Treasury Management Agency, 520,000 Department of Social Protection clients paid every week, with an annual value of €7.2 billion, €160 million in television licence income and 198,000 passport applicants.

The Government decided in March to set up an offline services group to explore the potential of a one-stop approach, including the identification of suitable services based on the recommendations of the offline services report, and to examine the feasibility of directing more Government business to the post office network. The group is co-chaired by the Department of the Environment, Climate and Communications and the Department of Public Expenditure and Reform. The Departments of the Taoiseach; Transport; Foreign Affairs; Rural and Community Development; Social Protection; Housing, Planning and Local Government; and the Revenue Commissioners are represented, along with the Road Safety Authority and the Local Government Management Agency.

In conducting its work, this group is considering the increased use of the post office network for the delivery of government services. Like many other aspects of our lives, the way in which the public accesses government services is likely to have been profoundly affected by the pandemic and we must consider these changes and our response to them very carefully. The group is increasingly looking at the strengths of An Post in terms of brand, digital presence and reach and its characteristic of being a unique human network. It is clear An Post has the capability to compete for more than just offline services and can offer an “omni-channel” agency role to the Government and other customers.

We must consider our approach to government service provision in light of our experience, not in terms of individual offline services, such as offline applications for motor tax, but as a modern, customer-focused collective whole. The Government is committed to working with An Post and postmasters to ensure the network can continue to play a strong role in delivering State services. While respecting An Post’s commercial mandate, every effort will be made to give effect to the Government’s commitment to ensure a sustainable and viable post office network.

Deputy Cathal Berry: I am delighted to speak on this important topic of post offices in Ireland. I am also grateful to be here as a member of the Regional Group. As the Minister of State is most likely aware, my colleagues and I never come in here to trade insults with the Government of the day. Rather, we come in here to trade ideas and exchange potential solutions to address the problems of our time. It is on that basis and in that spirit this motion has been brought back before the House, nine months after it was first discussed.

7 July 2021

I am grateful for the Minister of State's opening comments. They were detailed and more detailed than expected. I am also appreciative of the fact the Government will support this motion today. It is very encouraging. I also welcome the fact the Minister of State mentioned there will be an €8.5 million fund established between An Post and the Irish Postmasters' Union, which should go some way towards alleviating some of the issues, and the fact a one-stop shop feasibility group has been established since March. I encourage the Minister of State to expedite the findings of that group, if possible.

It is worth asking the question, nine months after it was first discussed, if this motion is still relevant. I contend it absolutely is. It is more relevant now than it was back in October of last year, because a number of events have occurred. First, we have had two new additional waves of Covid-19 which have wrought devastation on the Irish economy and society. Second, we have had the publication of the Government's strategy on rural Ireland, Our Rural Future, which commits the Government to supporting rural Ireland. Third, there has been a significant shift of people moving from our large cities to settle in regional, rural and coastal Ireland, which is a good thing.

It is important people take full advantage of the fact they can live and work in rural and regional Ireland and take advantage of reducing their carbon footprint, cost of living and increasing their quality of life. That is a good thing for the people who move and the people who stay in our large cities because they will be dealing with less congestion and gridlock. That is something the Government should not only encourage but also support and facilitate by ensuring we have the requisite public services in these new communities to support the new communities moving in.

Of all the events of the past nine months, the events of the past week are possibly the most pertinent of all, when it comes to discussing this motion. It is to do with the fact that now, in the past week, the Government and, by extension, the State have entered into a commercial arrangement with privately operated and independently owned retailers throughout the country. I am referring to the deal between the State and the pharmacy network in this country to turbocharge our vaccination roll-out process. It is working really effectively at present.

This is precisely the model the Regional Group is proposing from the post offices' point of view. Instead of applying just to the pharmacies, we could apply a similar concept to the post office as well. That is very important. I commend the Government on leveraging and piggy-backing on the existing pharmacy network. Why would it not do such a thing? The pharmacies have the premises and people in place, they understand their communities and the communities trust them. That concept is very good and should equally apply to the post offices.

My colleagues have spoken eloquently on how we need to establish the post office network as a one-stop shop and an offline gateway of choice. I certainly agree with those views, especially from a motor taxation point of view. I note the Minister of State's comments with regard to the services already taking place from a post office point of view, but motor tax is the next step we should look at. Not only will it reduce the number of excuses a person can use for not displaying a proper motor tax certificate on his or her windscreen, but it will also free up many local authority staff to focus more on the strategic and long-term planning for the local communities and counties.

In the time remaining, I want to focus on the provision of financial services at a community level. Over the past nine months, there has been a major change in the footprint of retail banks

in regional, rural and coastal Ireland. KBC Bank is moving out, Ulster Bank is leaving and Bank of Ireland is significantly reducing its branch network throughout the country. It is up to the Government and the State to step into that vacuum and ensure there are sufficient financial services branches available throughout regional and rural Ireland, especially for our SME sector and the age demographic which is not as mobile as others, namely, our elderly population who rely extensively on having a branch in their local towns.

I welcome this motion and encourage the Minister of State to accept it, as she already has. I also encourage her to look at the pharmacy model, which is working effectively at present, and apply it not only to the pharmacies but also to the post offices. We always knew this motion would work in theory and, looking at the pharmacy concept, we have proof it will work in practice also.

Deputy Peadar Tóibín: We are delighted to be able to bring this motion to the floor of the Dáil because it is such an important motion. In many ways, rural Ireland has become a box-ticking exercise in the Dáil over the years. We have a situation with regard to rural and regional Ireland in that they are becoming increasingly peripheral to the development of this country. Ireland is developing into a city state. Dublin, in its size in proportion to the rest of the country, is an outlier in European terms. Even in Britain, London is considered to be too big for the British economy and yet London is only a small percentage of the size of Dublin in relative terms.

It is estimated that about 45% of infrastructural investment which happens now happens in the greater Dublin area. That is not trying to reduce Dublin in any way. Dublin is suffering as a result of this really poor spatial development and a lack of access to housing and schools and with regard to transportation and seized-up transportation routes. Logically, we need to make sure we have balanced delivery of development and spatial development in the country. That has to be underpinned by the State in the provision of services.

One of the big issues which has reduced the health and well-being of small- to medium-sized towns throughout the country is the lack of services. The post office network has been one of those anchor services in that, when it delivers properly within the community, it invites people from a large hinterland into that town or village and makes sure that town or village is vibrant. I see it in my own constituency where we see that, in recent times, where the Government has closed post offices, the hairdresser or shop next door to the post office closes quite shortly afterwards as people start to head into the bigger hubs and towns.

Reducing the ability of post offices to function and closing them is a direct attack on regional and rural Ireland. It accelerates the process happening, whereby people are moving into bigger towns and cities all the time. If you look at the average age in Balbriggan, it is ten years younger than the average age in Killarney. What is happening there is younger people no longer have a viable life in some rural and regional areas and feel they have to go to larger cities to get a job. Of course, they cannot afford to buy a house in those larger cities so they live in a growing commuter belt and experience a commuter hell, which many people currently experience.

We have a lopsided development in this country with an overheating Dublin and a massive commuter belt which is now spreading into different provinces. People are living in a different province from the place where they work, which is an incredible situation. At the heart of that is this Government's lack of commitment to the development of small towns and villages throughout the country. Covid-19 has provided an opportunity or silver lining with regard to

7 July 2021

these small towns and villages. To do that, however, the Government needs to make sure the post offices become a hub of services for those small towns and villages, where people can get insurance, do their banking or get a driving licence and can get in the post office all of the different elements on which they would normally engage with the State. I ask the Minister of State to listen to the motion proposed by the Regional Group and take it on board.

Deputy Darren O'Rourke: I move amendment No. 1:

(a) To insert the following after “in line with the Cabinet decision in 2017;”:

“notes the findings and recommendations contained in the Grant Thornton report entitled ‘Review of the economic contribution and financial sustainability of the Irish Post Office Network’, commissioned by the Irish Postmasters’ Union, which recognises the contribution of the post office network, the huge challenges facing the sector and includes a recommendation to introduce a Public Service Obligation (PSO) of approximately €17 million per annum; and”;

and

(b) To insert the following after “financial services outside of the existing banking framework”:

“— implement proposals contained in the Final Report of the Post Office Network Business Development Group (Kerr Report) published in 2016; and

— introduce a PSO to guarantee the current post office network and help prevent further closures, to ensure people have continued access to the important services post offices provide.”

I welcome the opportunity to speak on this motion and thank the Regional Group for tabling it. Sinn Féin has always been vocal in its support for protecting our post office network. Post offices are crucial services in our towns and villages and are especially important in rural Ireland, where they provide essential services and serve as a meeting point for local people. Therefore, we fully support this motion and have also tabled an amendment highlighting the requirement for a PSO to be introduced. A number of the motion’s sponsors made reference to that as well. This is not a new idea. Indeed, the need for a PSO has been spoken about for years. One of the central recommendations of the Grant Thornton report was the introduction of a PSO to secure the future of the network and allow post offices to continue providing their excellent and important services. Some €17 million per annum was suggested as an appropriate amount. While I welcome the €8.5 million that has been agreed between the Irish Postmasters’ Union, IPU, and An Post, it is half the amount deemed necessary in the Grant Thornton report and is intended to cover a protracted period. I am concerned that it is not enough and I am also concerned, having heard from the Minister of State, about the Government’s commitment to directly intervene and provide State funding to support the network.

When Sinn Féin tabled a motion on the future of post offices in the previous Dáil, Fianna Fáil submitted an amendment calling for a PSO to be introduced. Now, more than a year into a Fianna Fáil-led Government, it still has not introduced one and we are still waiting and kicking the can down the road to a questionable future for the security of the network. Postmasters are frustrated from hearing Government representatives talking about the benefits and importance of our post office system but doing little to support it. This frustration is justified. We were here

in October debating this very issue and the Government has done little since. The Government needs to stop prevaricating on this issue and introduce a PSO. I hope other Deputies will support our amendment. It will send a clear message that we need more than warm words from the Government; we need real action now. The Grant Thornton report also set out the challenges faced by the post office network and highlighted the significant value and contribution it makes to our economy and society. It showed that the estimated social value of the network stands between €334 million and €776 million per annum.

However, the real value of the helpful and friendly service, the local knowledge and the convenience of post offices is immeasurable, particularly for older people. In government, Sinn Féin will not just provide a PSO to shore up our network but will work with An Post, postmasters and unions to bolster the services post offices can offer and secure the future of the service. There is a list of State services that should be considered for provision through the post office network. This could include motor tax, the public services card, payment of fines, payment of tax, property registration documents, voter registration, the certification of official documentation and the registration of births, deaths and marriages. We are not suggesting removing these services from existing offices or agencies but post offices could provide another avenue for people to access to more State services, on a more local basis.

An Post's green hub is a great recent addition in that regard. To meet our climate targets, we will need to transition to cleaner heating and transport options and the post office can act as a one-stop shop for people accessing information and grants in this area. It can be daunting for people when trying to find information about retrofitting, solar panels and the grants that are available, or might be in the future, and having a trusted local post office providing this information will be invaluable.

I know very well from my constituency the impact the loss of a post office can have on a community. My local post office in Tara was one of the more than 100 post offices closed in 2018. Local people, particularly older people, say to me that it has not been the same since the closure of that post office. The outpouring of goodwill and support for the post office network has been positive. I encourage the Minister of State to support the motion and the Sinn Féin amendment and to address the needs of the post office network to put it on a secure and sound footing into the future.

Deputy Matt Carthy: I commend the Regional Group on bringing this motion before the House once again. I also commend the amendment Deputy O'Rourke has moved. As has been stated by many Members, the local post office network is in many respects the heartbeat of local communities. For many people, it is also their primary interaction with the State. It is where Government, business, communities and real living people can meet. That is why the closure of a post office can be such a devastating ordeal for a local community. It cannot be overstated that when a service such as a post office is removed, it also removes part of the fabric of that community and creates a sense of disengagement and disempowerment. Unfortunately, all too often post office closures are part of a wider removal of other services so the same communities that lose their post offices will also see their Garda stations or schools under threat. Invariably, local enterprise will follow those services out of the community.

The Government should not only agree to adopt this motion and accept the Sinn Féin amendment but also recognise the failures of its own policies. Under a Fianna Fáil Government, 755 local post offices were shut down between 1999 and 2011 and Fine Gael oversaw the closure of 159 other post offices in 2018 alone. With each one of those closures, the Government failed

7 July 2021

those communities and the principle of balanced regional development. Therefore, it is important that as a first step we accept the PSO as a model that can revitalise those post offices and start putting our money where our mouth is. It is not good enough to simply say we support our local post offices unless we are willing to adopt the budgetary and policy framework that will allow them to be viable.

Deputy Violet-Anne Wynne: I welcome the opportunity to comment on this motion, which offers inroads to diversifying the range of services provided through post offices, including renewals of motor tax, offline services for people who struggle to process their paperwork online and personal banking services, among others. I support all these suggestions. The post office network has shown its adaptability and versatility as things have become more digitised. Social welfare payments are now successfully channelled through post offices and the fact that they are to start managing personal banking services also proves how willing and able they are to adjust to a modernising society. They have traditionally been a hub and a connection point for goods and services and are particularly valued in rural areas as a point of information, for familiarity and for the activity they generate and attract. However, the network is operating at a deficit of €17 million per annum, according to the Grant Thornton report. If the 2021 projections are anything to go by, each post office will experience a further loss of €19,000 per year going forward. The report estimates that the protection and expansion of the network would result in a social value for Ireland of between €344 million and €776 million. It costs €70 million to run the post office network for a year and its direct revenue generation is €53 million, with the numbers I mentioned previously representing the indirect financial benefits.

Four years ago, a deal was done with the IPU on the protocol for the future of the post office network. Three months of negotiations mediated by senior counsel led to an agreement that post offices serving communities of 500 or more would be prioritised. I take issue with this as it was a criterion used as a justification to refuse to re-evaluate the closure of Broadford post office in County Clare. Communities in which more than 500 people reside often have other services available to them and are not necessarily as vulnerable to irrevocable rural decline. The number of post offices which have closed since 2018 is 192, six of them being in my home county of Clare. A public service obligation, PSO, is a good place to start and a helpful interim measure but it does not address the root issue. Rural services are in decline when we look at a broad range of issues, including homeless supports, access to independent living supports, dentists, health specialists and Shannondoc. The list is endless. The term “balanced regional development” that was thrown around so much in the programme for Government and subsequent debates in these Houses has rung hollow as the experience on the ground for rural communities is a far cry from the fantastical promises and commitments to strive for rural regeneration.

Deputy Martin Browne: I thank the Regional Group of Independents for tabling this motion as well as Deputy O’Rourke for bringing the amendment. That we are again talking about the future of the post office network is testament to the continued refusal of the Department to support our post offices and to support rural areas and their local economies. At this stage it seems as though the Department of the Environment, Climate and Communications is deliberately trying to put an end to the network.

Through the engagements I have had with the sector, I have been given the impression the resistance to supporting the sector through a public service obligation primarily lies with the Department. I say this because I have been told the Minister for Public Expenditure and Reform is far more amenable to the idea but a request for the €17 or €18 million must first come from the Department of Environment, Climate and Communications. That, unfortunately, is not hap-

pening. Why not? I have also been told the Department has told the IPU in no uncertain terms that no PSO will be given to our post offices. Will the Department tell me precisely if this is the case? If it is, why are there different aims being pursued within the Government? If it is not the case, will the Department confirm whether it is intent on allowing our post offices to fall by the wayside, and with them the local economies they play their part in supporting? It is astonishing that the Government is allowing rural communities to become so bereft of services that people will have to travel further afield to get the services they need, increasing their carbon footprint and making rural Ireland redundant.

The post office network needs the financial supports through a PSO, and then it needs the additional services the Grant Thornton report and the Kerr report have both recommended. As these recommendations are being ignored, a short-term deal had to be done with the company for 18 months. The funding is below what Grant Thornton advises and means that within a year we will be back here again, making the case for our post offices and the communities the network serves. This is leading the people running our post offices to believe the Government's aim is to leave the network to die over time. The Minister and Ministers of State in this Department do not seem to get what makes rural economies tick. Rural transport is lacking and the horticultural sector is being asked by this Department and several others to source peat or its alternatives from abroad and is in crisis. Despite this the Government is just watching on. This entire Department really needs to decide where its priorities are. Is it to give rural Ireland and local economies the vibrancy they need, or is it to focus on urban renewal at the cost of our smaller communities?

Deputy Pa Daly: It seems barely a week goes by without us discussing more decline in rural life in Ireland. It is important we are having this discussion about post offices, which often remain the only focal point in some villages. We are stuck in an awful cycle of depopulation, downgrading of services, lack of investment, employment and then more depopulation. In the Listowel-north County Kerry area we have seen the threat to the SouthDoc service, the removal of dental services, the closure of the Courts Service office and now the removal of a Garda superintendent from the area. After talking for years about Shannon liquefied natural gas, LNG, rather than doing anything about it, the Government's idea now is just to introduce a task force which will kick the problem of depopulation and lack of employment further down the line.

I have said before we cannot hope to recover from the Covid-19 pandemic on the cheap, and investment in rural communities will help our spatial strategy, environment and aid public health. Rather than removing services such as the pension and social welfare during the pandemic, post offices have been further disadvantaged by the removal of the passport service and by the online service which is taking longer. Consequently, post offices are losing more business. In the new contract, the top-up payments have been removed from the beginning of this month and that is another disadvantage for anyone minded to stay in business.

There is a way to improve services, as was revealed in the recent reports. While the €8.5 million is welcome, that is over 18 months rather than what was recommended by Grant Thornton, which was €17 million over 12 months. Thus in effect, only one third of the recommended amount is to be provided to post offices. A proper public service obligation should be the cornerstone of this approach, as we have seen recently with County Kerry's regional airport. This would help people of working age either to relocate or locate in County Kerry and be confident they would be able to access postal services when working from home. E-commerce businesses depend on postal services and we should not deprive budding start-up businesses of the ability to avail of services. Other ideas such as the green hub mentioned earlier and navigating

State forms online would be helpful.

Deputy Pat Buckley: I thank the Regional Group of Independents for bringing forward this motion again and our own Deputy O'Rourke for putting our amendment forward. I welcome the majority of the Minister of State's response. Much of the PSO aspect has been covered but this is about the vital nature and the seriousness of losing a service like the post office in any town, village or city. It is just unbelievable. The social impact of it is huge. We have heard about the banking sector and so on, but a banking machine will not advise a person on how to fill out an application form whereas post office staff will.

In many rural areas we have lost the pubs and the Garda stations. The weekly visit to the post office to collect their old age pension is an opportunity for some people actually to engage with others. In my very brief time I will add something which arose at the Sub-Committee on Mental Health a number of weeks ago. We were discussing rural services and I came across one individual who told me that during Covid they wrote to themselves so that the postman or woman would actually visit once a week. That is the kind of service you do not get in any other industry. I commend An Post on what it has done. Certainly during Covid when everything was kind of shut down, An Post services continued and the postmen and women were still delivering free newspapers to people and interacting with them. As such there is a bigger picture here when it comes to the actual full social and economic impact of An Post and the kind of services it provides.

This was a worthy motion for the Regional Group to bring back to the table because it is certainly a service we cannot afford to lose in this country. We would be losing much more than just a little postage stamp or little parcel at the door. It is about the whole impact of it. Mention was made as well of all the other services which can be tied into it. We must support the post office network.

Deputy Paul Donnelly: I thank the Regional Group of Independents and commend the Sinn Féin amendment as well. The postal service is an essential national and public service. Something we are looking at in the context of community development is societal value. We cannot look only at the financial value of everything. We must look at societal value and what is contributed to our communities.

Unfortunately, the post office network has been crippled by closures and cutbacks. This is not just a rural problem; it also affects many urban areas. In my constituency of Dublin West, we have a population of more than 110,000 people, yet we have only four post offices. We have seen massive growth and development over the past 20 years with new areas of growth such as Tyrrelstown, Hollywoodrath, Ongar and Pelletstown. We have not seen a single post office established in those areas, and in the past ten or 15 years, I think, we have lost one post office in the Corduff community in Blanchardstown. I have seen how a post office can regenerate a local community. In my own area of Mountview in Clonsilla, the post office has relocated to the local supermarket. This relocation, along with other improvements, has made a massive difference and has provided a new focal point for our community and especially for our senior citizens.

Sinn Féin fully supports the call of the Irish Postmasters' Union for a public service obligation. It is something we have been advocating for over a decade. Simply expressing concern each time this issue is raised is not good enough from the Government. We must follow up this commitment with action.

11 o'clock

Without urgent action we will see the demise of the local post office not only in rural areas but in urban areas. We cannot overemphasise the importance of the post office's societal value. That needs to be considered by the Government. I commend the motion and the amendment in our party's name.

Deputy Duncan Smith: I thank the Regional Group for tabling the motion. Private Members' time is an important slot, and I would say that as I am in opposition, but when we see groups or parties use their Private Members' time, which does not come up that often, to bring some continuity to a debate, it shows how much that group believes in it. It is an important issue for this House and we need to discuss it as much as possible.

My brother-in-law is a musician and he is in a band. The band is pretty sensational and I am not just saying that as a biased family member. It is a band that has built up a not insignificant fan base all across the world in recent years. Like many artists and musicians, the pandemic has crippled the band members' ability to generate any income because they cannot tour. Even recording and getting content out is difficult. The one thing they could do, even to a small extent, was to continue with the trickle of merchandise their fans from across the world or here would order. My brother-in-law was in charge of the merchandise. Usually with a band like this, one whose members greatly value their fan base, they set up a table after a gig, sign albums and spend time appreciating their fans as they know that without their fans, as is the case for many artists, they would not have a livelihood. It was important for my brother-in-law and his colleagues in the band to ensure they were able to trust an operator to deliver their merchandise, whether it was to another part of Dublin or another part of the world, be it Tokyo or South America, and whether it was a poster, an album or a tee shirt, ensure it would arrive safely. A decision was made that the only operator they could trust to do this was the post office. My brother-in-law developed an important professional relationship with the local post office. Every few days he would go there with a clutch of merchandise and the band members would know that once the merchandise was handed over and its delivery from here to where the fans were based was paid for, they could trust that the packages would arrive safely. That link which they have with their fans, which could not take place over a trestle table after a gig any more, could continue and they would that have connection.

No other delivery service offers that level of trust and service. That is not to disparage any other group. We have all received packages from various courier firms. Some of them are fantastic and they will knock on the door and leave the package with a neighbour but some will throw a package over the back wall and not even send a text to advise of that. One just does not know what the service will be but we know with An Post that it has a proper service, back-office follow-up and tracking numbers. Whether someone is in a band or running a company or a for-profit business, it can be relied upon. We talk about various groups that have been impacted by the pandemic almost in silos. We will have a debate about the impact of it on artists, taxi drivers and the aviation industry and now we are debating the impact of it on the post office network but the longer this pandemic goes on, we can see the way they are all interlinked, that our economy and society are interlinked, and the way we rely on each other and how important various parts of our social infrastructure are. That is what our post office is. I do not know if an economist could put a price on that trust but if he or she could, it should be a high price. It is the hardest thing to build up and the easiest thing to break. A trust has been built up in our post office network, as in many of our public services such as the fire brigade service or Dublin Bus, and that must be protected.

7 July 2021

While much of the debate on the motion is weighted towards the rural parts of the country, and that rings true because post offices have added import in our smaller and more rural areas, they are just as important in our cities and commuter areas. I live in a commuter belt. Our post offices are vitally important in Fingal. We have had campaigns to protect the post offices in Phibsborough, which is right in the centre of Dublin. These are vibrant and important focal points for communities all over the country. There are opportunities for the network. The IPU published the Grant Thornton report last year, which highlighted the opportunities that exist for the post office service to grow and ensure it is sustainable. In that way when a postmaster retired there would be a clamour for people to make a pitch for the contract because it would be a viable enterprise for someone to get involved in. When people retire or age out of running a post office there is no one to take up the running of it. That is the reason many of our post offices are closing. The Government can stand aside and be passive, which is what is happening, and it can make soundings about how supportive it is and how important post offices are, but it cannot stand back and allow the number of closures to ratchet up year after year. We know that in 2021 a great number will close unless something is done. The Government has allowed post office after post office to close because it has not provided what is needed, which is direct State intervention. That would ensure these are viable enterprises for people to take over and sustain in communities for further decades. A postmaster will be in a post office for decades. That is good continuity and what we want to support. That is where the trust comes from. People in communities throughout the country know they can rely on their post office. They know its hours of business and the workers and that they can get advice. Let us get the services into the network.

We all have a responsibility to use our post offices more. They provide services that people probably do not know exist. As was the case with my brother-in-law, when people are faced with a decision and their eyes are opened up to what the post office can bring, they use it and get an amazing service. It is incumbent on all of us to go that extra mile to support our post offices and ensure the existing services are used. Crucially important in the motion is the call for further services to be provided and a vision for the future of our post office network. If post offices are gone, they are gone and we will lament it for decades to come if we let them all go.

Deputy Holly Cairns: Post offices are a vital part of our communities, providing access to public services and supporting communities and small businesses. My small family business is wholly reliant on An Post. I cannot say enough about what an amazing service it is. It is one of the best in the country.

I thank the Regional Group for raising the importance of post offices again. I say “again” because we discussed the role of the network as a rural economic lifeline service back in October. There seems to be unanimous agreement on this issue. We all value the social and economic role of post offices, especially in rural areas.

Therefore, why are we having this discussion? We understand the importance of post offices. We are aware of the immediate issue facing the network and we have solutions. Why is the Government not doing what is necessary? In 2018, post offices moved to a new contract to modernise the service, involving a two-year transition, including payments, to allow new services to replace the consequential loss of revenue. According to the IPU, none of these additional services has materialised and the transformation payments are ending, leaving up to 200 post offices at risk of shutting down.

The research is clear. The Government must introduce annual PSO funding of €17 million.

Not only would this intervention ensure the preservation of a vital community service, it would make economic sense with the network providing a social value of at least €344 million. For an investment of €17 million, the Government can keep services in communities, keep businesses open and get a substantial return. When I suggested that we divert the more than €19 million given to the greyhound racing industry annually, I was strongly opposed by many Deputies, especially Government backbenchers. I hope they bring that same passion to the defence of post offices to ensure that the €17 million is provided.

With regard to motions and Bills from the Opposition, last October the Government was still proposing countermotions, but since Christmas its approach has been to not oppose issues so it can safely say to constituents it is not against issues such as increased maternity leave and workers' rights. The Government now lets motions pass without following through. Issues such as the national maternity strategy or an independent beef regulator slip off the headlines until an Opposition group has to use its very limited time to raise them again. This cynical approach will not work for long.

Post offices need an interim solution immediately to replace the transformational payment and they require the public service obligation of approximately €17 million. This is a clear issue with a clear solution. It also highlights the importance of joined-up thinking. The Government's recent rural development policy states that it is committed to a "sustainable post office network as a key component of the economic and social infrastructure in both rural and urban areas". With banks closing and bank branches in rural areas shutting down, post offices are needed as hubs for community banking. For rural areas with no broadband and cohorts of people who do not and never will bank online, post offices are a lifeline. They are essential. Yesterday, we discussed domestic violence. Post offices and credit unions which still carry out face-to-face banking provide additional protection against financial coercion and abuse. Later today, the Joint Committee on Disability Matters will launch its pre-budget submission stressing the rights of people with disabilities. Post offices are a vital local service where individuals with diverse abilities can access services and exercise independence.

All these points are connected. Post offices are vital facilities in rural and urban areas. They support businesses, bring people into towns and villages and ensure that public and banking services are available to as many people as possible. The Government has to preserve these social and economic hubs. The solution is there, but is there the will to do it?

Deputy Bríd Smith: It feels as if each summer, at least I think it is each summer, we reach the part of the Dáil session in which a motion to support post offices and keep them open is before the House. It has been a regular feature in the Dáil since I was elected to the House. Support for urban and rural post offices is shared across all parties and appears to unite all colours of political opinion. Every programme for Government states that it will support the urban and rural post offices. It is odd, therefore, that despite universal support, we are confronted yet again with a crisis in the network. Despite Fianna Fáil's and Fine Gael's support, post offices continue to close or to be threatened with closure even though we all know and eulogise the role they play in keeping local communities bound together. It seems we cannot save them. This is very odd. Everybody supports them and acknowledges the role they play and how vital they are to our communities. They are the centre and focus of communities, yet they continue to decline.

In 2016, when I was first elected to the Dáil, there were 1,100 post offices across the country. According to an Oireachtas committee, there are now 944. There have been many motions in

7 July 2021

the Dáil and all have been passed as far as I can recall. There were campaigns in counties Sligo and Kerry, west Limerick and parts of Dublin such as Rialto to keep local post offices open. Those local campaigners have been fighting for years to keep them. There have been many large campaigns because people understand the practical and social importance of the post office. Only last week, the post office in one of the oldest villages in Dublin closed. Chapelized post office served a community that has a large ageing population, but hopefully in the next year it will have a new community in social housing that is to be built nearby, so this makes no sense. The postmistress was retiring, but looking for an alternative did not seem to be biting the bums of An Post management. The management is now saying that people who live in Chapelized village and who need to access services must walk 1 km to Ballyfermot. There is no connecting bus service and the two areas are connected by a large, steep hill. That is not fair to older people, people with disabilities and young mothers with babies in prams.

I will repeat what I said in a debate on a previous motion in the Dáil. I contrast the efforts of campaigners and communities with the inaction and lethargy of the Government and the Ministers who are in charge and An Post. This closure programme is not inevitable, nor is it a natural phenomenon. It is the end result of a slavish devotion to neoliberal economics. The closure of 159 post offices in recent years was because they were not commercially viable as far as the management of An Post, the Government and the relevant Minister were concerned. The current threatened closure of perhaps another 200 post offices stems from the same logic and reasoning. I support the immediate payment of a PSO levy to keep the offices open and a replacement of the now-ended transformation payment, but that will not address the decline. When we discussed the previous rationalisation programme, we saw 150 post offices closed. The head of retail in An Post stated that up to 700 post offices were not commercially viable. There is an ongoing threat to An Post's contract for social welfare payments as this may or may not be put out to tender in the future. I do not accept that EU procurement rules make this inevitable. I believe such rules are repeatedly selectively used, largely for ideological reasons. That threat should end.

It is true that there have been and will continue to be changes in technology, along with commercial businesses moving away from smaller towns and social welfare clients switching to electronic money payments. It is also true that volumes of traditional post continue to decline. However, while some elements are outside our control, it does not follow that the end result is the mass closure of the post office network. Not every service or piece of infrastructure needs to be commercially viable to exist or survive. We do not demand that our primary or secondary schools are commercially viable or that health services are commercially viable. We choose what services and elements of our social and economic life we want to retain and nurture, regardless of commercial viability. If we believe it is important enough, and Members across the House believe this is important enough, we should save it.

We support this motion, as we supported all previous motions. We will continue to support the demand for a PSO levy by the State to keep these post offices open. However, I support the longer-term and wider aim of keeping and extending the network and seeing the post offices as hubs for local life in both rural and urban areas, which are not simply judged on their commercial viability. It is worth noting some of the statements from the Irish Postmasters' Union and revisiting some of the many reports produced over the years. The Irish Postmasters' Union commissioned a report from the consultants Grant Thornton. The consultants recommend that the State introduces an annual €17 million public service obligation payment. The report says that PSO funding models for post office networks have already been introduced in the UK,

France, Spain, Belgium, Italy, Finland and Poland, all with the approval of the European Commission. Why does the Government not follow this model? The Minister should address that.

The report also states that the post office network remains a highly valuable national asset and contributes far more to the economy than the cost of the PSO. The annual social value of the post office network is from €334 million to €776 million. Some 28% of the population, a not insignificant 1.3 million people, continue to use the post office every week, including for the distribution of €4.6 billion in social welfare payments. It makes no sense to any Member of the House that this closure or run down of an essential public service, which is what it is, is continuing. An Post financial supports are unsustainable in anything but the short term. It is essential to establish alternative funding options to maintain a sustainable future for the post office network and for postmasters. We support both the motion and the amendment from Sinn Féin.

Acting Chairman (Deputy Joe Carey): We now move to the Rural Independent Group. There are four speakers who have two minutes each. The first is Deputy Michael Collins.

Deputy Michael Collins: I thank the Regional Group for putting forward this motion, which we fully support. The Post office network is facing collapse due to Government detachment. Our Rural Independent Group has seen a depressingly familiar fight against the Government's failure to protect rural post offices. The serious warnings by the IPU about the inevitable collapse of the network and up to 200 branch closures are being ignored by the Government, despite it controlling the entire issued share capital of An Post. Tangible State intervention is now needed to combat the potential raft of further post office closures. From 1 July 2021, 875 postmaster operated offices face a major challenge due to the reduction of approximately 20% in State payments. Instead of the Government trying to channel new State services to the post office network, as promised in 2018 and as sought by the IPU, it is cutting existing services. Therefore, the demise of the network lies firmly at the door of the Fine Gael, Fianna Fáil and Green Party Government.

In 2016, my colleagues and I in the Rural Independent Group tabled a motion calling on the Government to commit to a strategic five-year holding plan for the post office network, while also working on new modernisation roadmap to support the roll-out of new services and ensure financial viability. At the time, we warned that Government inaction would result in the complete demise of the network. Now, five years on, the network is facing even more significant challenges, due to the complete failure of this and the previous Administration to do anything meaningful to combat the demise. Such gross incompetence by the Government is letting everyone down. The main casualty will be the rural and regionally-based postmasters. Rural communities across the country will again be hit hard by this negligence. We need direct Government intervention immediately. The time for pondering and self-observation is long and truly over. Direct financial intervention is needed, together with a longer-term economic strategy, to ensure survival. I know that in rural post offices down in west Cork, letters have been sent to their local shop to try and take some business for them. This is a scandal and it needs to be stopped.

Deputy Mattie McGrath: I commend the Regional Group on bringing forward this motion. Deputy Naughten did what he could, which was a lot, when he was Minister for Communications, Climate Action and Environment. I have been in the House since 2007 and I am like a bad record talking about post offices. I believe the Minister, if I am not wrong, was a postmaster. I could be wrong, but the Minister should understand this. There is a greater

7 July 2021

problem here, which we have had with big companies for decades. We see it now with all the big delivery vans for all the different big companies travelling up and down boreens and roads and blowing the mirrors off people's cars. The drivers are under such pressure to deliver all of this stuff. It is destroying everything local. This has to be part of a great, big plan. Of course, Fine Gael, Fianna Fáil, and now the Green Party, and the powers that be, will not change. It is obvious. I have come to that conclusion. I salute from the bottom of my heart na fir an phoist and the mná an phoist, the postmasters and postmistresses up and down the country who do a gallant job under such pressure. I have question marks around the union and the grubby deal its representatives did. It was a con-job. They were conned by the Government to sell out communities. They had no authority to deal on behalf of the public, so they did. Now that they have their cake, are they going to eat it? This is a perilous situation. I believe that it is part of the greater plan to close down everything small and everything beautiful in our own communities. Ní neart go cur le chéile. People work so hard. It is sad for Deputies who came up through that vein of community service. They are coming in to vote down motions like this, or they probably will not have any vote. They will not support this motion. This is strangling and suffocating anything that is small, wonderful, beautiful, and that has connectivity with the people. Na daoine óga, na daoine aosta, na daoine beaga, ordinary people simply want a modicum of services and they cannot get them. This is affecting urban as well as rural areas, but mostly rural. What is going on here is a shame. It is all about control, control, control to get rid of people off the land altogether.

Deputy Carol Nolan: I am delighted to be able to speak on this motion. I commend the Regional Group on bringing it forward. We spoke on this issue ourselves only a few weeks ago, when we held a press conference outside of Leinster House. This issue needs urgent attention. There is much talk and gestures from Government and many references in the programme for Government about supporting our post office network. However, this has not been matched by action. The post office network, in rural and urban areas, is facing significant challenges, especially with the average rate of payment falling by 20% since last week. The Bank of Ireland branch services that have been in operation in some post offices are also in danger. We want action from Government so that they provide the additional range of services that were promised to post offices as far back as 2018. The Government parties must step up to the mark. They must protect our post offices. They must provide them with support to help them to remain viable within communities, particularly rural communities, where small businesses also depend on the post office network. There are many communities, as I know from my constituency of Laois-Offaly, where many banks have closed in the community. All that is left now is the post office. I am calling for the Government parties to please put their money where their mouth is, make sure that supports go in, and that the range of services that have been promised since 2018 are put in place. I also appeal to constituents to please continue to use the post offices. Communities should avail of post offices, because we need to make sure that Government does not use any excuse to close our post offices. We are fortunate in my community to have a post office in Kinnitty, County Offaly. We want that retained and maintained.

Deputy Danny Healy-Rae: First, I want to sympathise with the families of two young boys who were killed in our county last night. My thoughts go out to the parents, sisters, brothers and families that have been left behind. Their lives will never again be the same. May God give them the strength to carry on and continue with their lives in the best way that they can. It reminds us of what true loss is. While we are here today to talk about post offices, tragedies like this are a terrible infliction on families. I hope that the little boy who is very hurt recovers.

We are now being told that there will to be a 20% cut in State payments to post offices. That will signal the end of many. Post offices only ever wanted more work. Direct Government intervention through a PSO of €17 million is needed to ensure that our post office network stays intact. Some 281 have been closed in the past decade in 25 of the 26 counties. I need not name the county that was not affected. It is ironic to hear the Labour Party Member regretting the closure of the post offices. When they were in power from 2011 to 2016, they closed 218 of them. All that postmasters want is more work. They could deal with motor tax, licence renewals, registrations, identity verification and community information. When the country was broke and we had nothing, we had post offices, Garda stations and GPs in every parish. Deputy Griffin talked about the local improvement scheme for rural roads. We only got enough money for ten roads in County Kerry this year out of an application list of 697.

Acting Chairman (Deputy Joe Carey): I have to ask the Deputy to conclude-----

Deputy Danny Healy-Rae: Rural Ireland is being left behind and I do not want any more post offices closed. I applaud the Regional Group for bringing forward this motion as we did previously. We are letting what we have go. It is way easier to keep something than to let it go and try to bring it back again. This is what will happen to post offices.

Acting Chairman (Deputy Joe Carey): I thank the Deputy. We now move to the Independents group. I call Deputy Catherine Connolly. There are eight minutes in this slot.

Deputy Catherine Connolly: There are three speakers and I am taking two and a half minutes. I thank the Regional Group for tabling this motion. I fully support it. I thank them for their persistence in coming back again to table the motion nine months after the previous one. The motion is very succinct and to the point. Nobody could disagree with it. I thank the group for that.

I will add my voice to it. It has been said many times. I represent Galway city, Connemara and right up to south Mayo. I am very familiar with the importance of the post office network, not just to rural and urban areas, but also to the city. I use the local post office on Father Griffin Road on a regular basis. It is absolutely essential. If the Government is serious about revitalising rural areas, then this is croílár na faidhbe or croílár an réitigh. It is part of the solution to sustainable living in rural areas.

Reference was made many times to the Grant Thornton report, which sets out that post offices provide crucial social, economic and administrative services to communities in rural Ireland. I could go on but I will not because it has all been said. I just wanted to reinforce it. When the Minister for Finance, Deputy Donohoe, published the Department's Indecon report in December 2019 on the evaluation of the concept of community banking in Ireland, he said that An Post plays an important part in the local community banking sector. With regard to the network, 52.7% of An Post branches are located in areas where there is no bank branch within 5 km.

I find it very difficult that we are here again with another motion. If we are serious then action must be taken. We should look on this as a positive challenge: how to reinvigorate and make the post office network sustainable. It is part of the solution, and not just in providing extended services where we have reduced competition with banks. It is part of a positive response to many things arising from climate change and from the pandemic, where we must do things differently. If we have learned anything, we have learned that we must rely on social cohesion.

7 July 2021

This is the best example of social cohesion that I know, where we go into the post office on the basis of solidarity and where excellent services are provided.

Deputy Joan Collins: I commend the Regional Independent Group for bringing into the Chamber this Private Members' motion on the post office network.

Post offices provide a crucial nationwide service, and especially for older people and those in more rural and isolated areas. There are 875 post offices operated by postmasters, and 46 operated by An Post. This is a truly national service and is unlike any other. Services provided by the post offices are crucial to those who are offline. This essential network should not be allowed to wither away or die out. I fully support the need for an interim initiative by the Government as outlined in the motion, and which was promised by Government in 2017. There is a need, however, for a longer-term solution. I spoke in the Chamber last week in the debate on the future of banking where I raised proposals put forward by the public banking forum for the development of a public banking system as an alternative to the private banks that are closing down branches and essentially withdrawing from the more rural areas. The public banking forum advocates that 300 credit unions, itself a strong national network, should be the basis of ten regional community-owned banks, working in co-operation with post offices and other community organisations. These banks would have a strategic remit to invest locally, developing the economy on a regional basis. This would be crucial to rural and isolated areas, and would give the post office network a real future.

Deputy Michael McNamara: I wish to speak in favour of the motion. I thank the Regional Independent Group for bringing forward this important motion. It is a mark of Deputy Naughten's commitment to the post office network, while in government and in opposition. I share that commitment. I supported a Government from 2011 to 2016 that was under a lot of pressure to close post offices. A lot of politics was played with those post offices. The Acting Chairman, Deputy Carey, will be aware that no post offices were closed during that period of time in Clare, despite many efforts to rationalise the post office network.

The post office network is particularly important across rural Ireland. There is much talk about banks leaving rural Ireland, but they are private entities. They were to be replaced with one-stop shops, and post offices were to provide services to replace them. In places such as Tulla, for example, where the Bank of Ireland branch is mooted for closure, the obvious place to replace it would be the post office in Broadford, but that too is mooted for closure. There has been a lot of talk about supporting post offices, but little action from the Government. In the Minister of State's reply, I would very much like to hear what concretely will be done to sustain the post office network.

I agree with the Government that there are possibilities and that there is no cloud that does not have a silver lining. There are possibilities arising from the rationalising of the bank's network, but I do not necessarily see that the post offices will be in a position to avail of those opportunities. Consider the ATM networks, for example. Many of the ATMs are inside the post offices but we need 24-hour access to ATMs and to have them outside. This has security and insurance implications. Financial provision may have to be made for post offices to be able to provide that service.

Deputy Marian Harkin: I thank the Regional Independent Group for bringing forward this well-balanced proposal that outlines how we can help to sustain the post office network. The reality right now is that 900 postmasters are facing a significant drop in income. The Grant

Thornton report said that €17 million per annum is needed to ensure viability of the post office network. However, An Post is speaking of investing some €8.5 million over 18 months. This is about 40% of what is needed. If that happens, as sure as night follows day, some post offices will close.

I will not call on the Government to save our post offices. That will not work, just like the call to save the west, although appropriate in its time, will no longer work. Like the regions, the post offices do not need sticking plaster solutions and they do not need saving. They need Government investment and Government intervention so that the post offices themselves can provide the services to their local communities that those communities need and want. That is what will ensure the viability and the long-term sustainability of the network. It is not about saving the network, it is about providing real opportunities to help them grow their business and provide greater numbers of services.

Agency banking provides opportunities but there is no clarity around proposals from Bank of Ireland. That is urgently needed. It cannot be a cheap way to provide banking services. That will not work. We need to look at the development of financial services outside the existing banking framework. Public banking is important here. The extension of online and offline services can play a role.

Our post offices need viable business plans so they can be self-sustaining. That is the only thing that will help to guarantee their future.

Acting Chairman (Deputy Joe Carey): I call the Minister of State, Deputy Troy.

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Robert Troy): Is Deputy Cathal Crowe yet to speak?

Acting Chairman (Deputy Joe Carey): I do not see Deputy Crowe.

Deputy Denis Naughten: The Acting Chairman can shout for him.

Acting Chairman (Deputy Joe Carey): Absolutely. We will keep an eye out for him.

Deputy Robert Troy: I sincerely thank the Regional Independent Group for submitting this Private Members' business today. I welcome the opportunity to contribute to the debate. I want to put on the record of the House that I am a postmaster myself. It has been in my family for many decades and many generations. I know first hand the challenges faced by the post office network. I thank the House for the opportunity to contribute to the debate today.

There is no doubt about the important role that An Post and the post office network play in our society, from the social and economic perspectives in urban and rural areas. This was never more evident than during the lockdowns over the past 18 months where the importance and resilience of the post office network was clearly demonstrated with An Post keeping its network of over 900 post offices open during every single day of the pandemic and did not close for one day, ensuring the continued distribution of cash to the economy and playing an important commercial and societal role in the communities in which they operate. An Post has also played a key role in enabling small businesses to trade online during periods of lockdown. My two local postmen often had to do multiple trips to the parent office to collect, given the volume of parcels that was being distributed in the last 18 months. A range of initiatives through An Post and post offices have helped local communities, the elderly and the vulnerable. All of this has

7 July 2021

been made possible by the commitment of postmasters and the staff of An Post. I take this opportunity to commend those staff today. I saw newspapers, groceries and, in some cases, pensions being delivered. Staff were extremely flexible and it is a great opportunity to commend all who played such a role in that.

The Government is aware that the pandemic has had a significant impact on businesses and their employees, including essential services such as post offices. Postmasters have seen significantly reduced footfall over the past 18 months, resulting in lower transaction levels, which has a corresponding impact on postmasters' earnings.

The motion notes that from 1 July post offices face a major challenge as a significant reduction in payment rates will take effect relating to the end of the transformation payments provided to postmasters under an agreement which was reached in consultation with and with the support of the Irish Postmasters Union, the union which represented postmasters in 2018. The agreement was not foisted on anyone; it was reached through consultation. In response to this it is welcome that An Post is proposing a pandemic support fund for postmasters to assist post offices in recovering from the pandemic and continuing the transformation strategy over an 18-month period. An Post will fund this to the tune of €8.5 million.

In order for businesses to survive, it is most important that they adapt to the realities of the day. They also need consumers and customers to support them. I am not saying this about anyone in this House, but it would be interesting to note how many people pay their bills through An Post or use its credit cards or bank accounts. That is how we will support our post offices, namely the communities they have supported through the years supporting them in turn.

An Post is transforming its retail network by delivering new products in new formats. These include diversifying and growing the financial services products it provides. Many spoke of the new arrangements with major banks, a full range of State products and launching the green hub, which includes providing end-to-end project management and money saving advice for all levels of home retrofitting. I have engaged with the CEO on how An Post could play a role in providing credit facilities to SMEs because there may be another opportunity there.

An Post and the post office network continue to offer choices to their customers. While people who use the post office may prefer to use cash for weekly budgeting and money management, An Post is increasingly appealing to and attracting a new cohort of customers who transact in a cashless manner and want An Post to offer online services.

A lot of work has been done over the past four years to develop the network and this has had a positive effect on postmasters and customers. The ongoing transformation of the company aims to ensure the commercial viability of An Post, which will, in turn, facilitate its continued fulfilment of its mandate to ensure a mail delivery service and viable post office network.

I believe that An Post, working together with postmasters and the Government, can ensure the network can emerge as a central hub for a wide variety of valuable community-focused services. We want a sustainable post office network that is available to urban and rural citizens in the medium and long term.

The Government continues to provide significant business to An Post through the Department of Social Protection and I will use this opportunity to call on the Department to dissuade from encouraging people to have their payments paid through electronic funds transfer. The Government provided a loan of €30 million to An Post in December 2017 to support the re-

newal of the post office network. An Post has received an investment loan of €40 million from the European Investment Bank to finance innovation and modernisation projects.

In March this year, the Government agreed to the establishment of a subgroup to explore the potential of a one-stop shop approach, including the identification of suitable services. That draft report has been prepared and I want all options presented in it considered in a timely fashion to ensure that every effort is made to give effect to the Government's commitment to ensuring a sustainable and viable post office network for many years to come.

Deputy Cathal Crowe: I am glad to be able to speak to this motion. I bow to the expertise of the previous speaker, the Minister of State, Deputy Troy, whose family has given a lifetime to the postal service and post office network. It is important that we work very quickly to bring about a medium to long term solution for the national post office network. The community and politicians, including the Acting Chair, fought the good fight for many months but on Monday morning a stepladder went up, the screws were taken out and the sign which had been over Broadford post office for 190 years was taken down. The service is gone.

An interdepartmental working group is working on a more long term solution to tide over the sector. It concerns me that its work and reporting to Government does not perfectly align with the current payment regime to postmasters that is concluding in the month of July. There needs to be an acute urgency to this.

Fianna Fáil has a policy group and has repeatedly pushed for a public service obligation. This was identified by the Grant Thornton expert report in 2019. It would cost around €17 million to ensure that all 900 post offices in the post office network would be sustainable and operational this year and into the future. That needs to be in the mix. It concerns me that at a recent meeting of the Joint Committee on Transport and Communications, the chief executive of An Post, Mr. David McRedmond, spoke about a Covid payment over the coming months. That stipend is coming in at a time when we are trying to emerge from Covid. Most sectors have been supported throughout the pandemic, but An Post seems to be introducing this plan at the very end.

As I said to the Minister, Deputy Ryan, every effort should be made to reopen the four post offices that were closed during Covid. In Broadford, a member of the postmaster's family was unwell and the family decision to retire was seized upon by An Post as an opportunity to close the post office. We need to examine specifically such cases.

I refer to PostPoint, which entails small units in shops where people can buy stamps, weigh a parcel or complete small transactions. It is being offered time and again as an alternative and proper solution to replace a post office. It does not work to any great extent, in particular in a rural environment. Speaking of Broadford, if it was to be introduced as an alternative to the post office the financial return for having it in a local shop would be about €1,500 per annum. That does not pay and it is for that reason that the whole model is in danger.

State intervention is urgently needed. I welcome the work under way by Government. It cannot be concluded soon enough. I ask the Minister of State to examine the four post offices, including Broadford, that closed during the Covid pandemic. They need special examination.

Deputy Matt Shanahan: The last time I spoke on this issue during a Private Members' motion I pointed out that too often the State, through its policymakers, can tell us the cost of everything but the value of nothing. The retention and resourcing of the regional and rural post

7 July 2021

office network is more than just a commercial consideration in terms of Government policy. It is a demonstration of actions being louder than words in terms of supporting regional and rural Ireland.

Other Deputies have outlined the challenges facing the network and the value of the network. Despite the move to online transactions, over 20% of customers wish to use the face-to-face services in An Post. Despite the many promises from Government to support the network by referring to Department business and transaction fee income, this has not happened and the Government has not been to the fore in pursuing this agenda. The recent agreement reached with An Post to provide 18 months of support to the tune of €8.5 million to the network is somewhat welcome, but it is a long way from the €17 million identified in the Grant Thornton report.

It raises the question as to what it is the Government wants in terms of the post office network. Does it want a purely private commercial concern with no public or community service obligation? It is projected that this €8.5 million will only serve to cushion a network unit loss averaging 10% to 15% of the turnover of each post office unit. Postmasters are rightly up in arms because the Government is lauding them for their efforts but not providing any resourcing.

How is the rural regeneration of Ireland to happen and be sustained if we are not to have any banking or post office networks on our streets? When will the Government correct this ambiguity? The Government has not delivered on promises to support offline services through the post office network. If the Passport Express option returns to the post office network, most of the business will already have migrated online.

The Government convened a subcommittee on motor tax services that was supposed to report at the end of July but will not report until September. The vaunted Bank of Ireland association will deliver at most €500,000 in revenue to the network this year and perhaps €1 million in the following year. This will do nothing to shore up the finances that are required. I can suggest two initiatives that will facilitate both the Government and the post office network. Where pandemic unemployment payments are being discontinued and recipients are returning to jobseeker's payments, the Government should mandate that those payments are processed through the post office network. That could deliver between €3 million and €4 million to the network but would also give Government control of fraud measures by ensuring recipients must be in the country to collect.

Rural post offices should be segmented. Those with a smaller hinterland could be supported by a retainer fee of €5,000 to €10,000 per year. Value for that money can be provided by directing government services through those post offices. That responsibility and onus should be put on individual Departments. It would ensure the problem would land where it ought to, that is, at the door of Government Departments.

The retention of a post office network in towns and villages is a fundamental requirement to building back better. We are doing a lot of talking about that but it appears to be all we are doing. The State is the best positioned and probably the only actor which can provide initiatives and frameworks that both support and enhance the national post office network. A continuing hands-off approach by the Government to this situation is giving two fingers to the regional and rural people of Ireland who pay taxes and contribute to the well-being of this nation. The time for glib platitudes is over. It is past time for the Government to show intent to the retention and regeneration of a national community-based post office network. Further Government indolence will not rescue this situation but future Government-directed funding will.

Deputy Denis Naughten: I welcome the opportunity to speak on this motion and thank my colleagues for tabling it. I also thank the Government for accepting it. Every time a Government Minister comments about An Post, he or she makes the point that it is a commercial semi-State company with a mandate to act commercially and that it has statutory responsibility for the State's postal service and post office network. That statutory role needs to change and must incorporate an offline avenue for all government services. The post office network is the only State-controlled network with a footprint across the country to provide such a service. Since the emergence of Covid-19 in March 2020, access to many government services has been restricted for those who do not want to or cannot use the online digital options. Throughout the pandemic, our post office network remained open.

It is long-standing Government policy that postal services are not directly subsidised but no one is asking for that. The Government has, in fairness, been focused on supporting An Post in the roll-out of new services and in the delivery of the strategic plan. However, part of the agreement regarding voluntary closures that was made with postmasters in April 2018 was that a subsidy would be put in place over a three-year period to allow An Post to put new and additional services into the post office network and that the State would roll out services across the network. No State services have been provided in the past three years and the Government is now looking at the feasibility of directing services to the post office. We have seen during the pandemic the important role that the post offices have played. We have also seen the potential of An Post to develop new services and yet here we are, still talking about the feasibility of it.

In January of this year, the Tánaiste published Ireland's national remote working strategy. One of its objectives was to provide a permanent option after the pandemic for 20% of Government and public sector employees to work from home by the end of 2021. How in God's name can that happen if we are still operating counter services and paper forms that must be physically inputted? We can provide that service if the post office network becomes the offline option for front-of-office government services. We can provide that option for many more public services.

The difficulty is that the online service does not work for everyone. I will give one practical example. You cannot renew your motor tax online unless you have an email address. There are hundreds and thousands of people across this country who do not have an email address. Should they be excluded from government services because they do not have an email address or cannot use the technology? The reality is that taking services offline and directing them through the post office network would eliminate costly, paper-based notices and transactions. I have outlined this in detail in a case study relating to the roll-out of the property tax. We need decisive action from the Government to support rural communities, vulnerable people and our vital post office network.

The Government published a report on the provision of offline government services on foot of an interdepartmental group that was established in 2018. The report was produced in 2019. Lo and behold, at the end of the process, the conclusion was to set up another interdepartmental group to look at the issue. Why is the support of our post offices always just one report away from action? The reality is that such a policy approach was taken prior to my appointment as Minister for Communications, Climate Action and the Environment and it nearly led to the collapse of the post office network and the company as a whole. Yet here we are failing to learn from the mistakes of the past, continuing the political dithering on this matter. We need urgent action. We are committed to bringing this matter back to the House again and again until we see action to support this vital network across rural and urban Ireland.

Amendment put.

An Ceann Comhairle: The division will take place during voting time this evening.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Mary Lou McDonald: I have made the case to the Taoiseach on countless occasions that the half measures he has introduced to rein in cuckoo funds are woefully inadequate and simply will not work.

12 o'clock

Apartments, which are perfectly decent homes, are excluded from the Government's plans. This leaves ordinary workers and families, especially in Dublin but in other cities also, at the mercy of these funds that can snap up entire apartment blocks under the noses of people who wish to buy their own homes. Many others find themselves stuck in a never-ending rental trap, paying ridiculous, eye-wateringly high, unaffordable rents to these funds, which still pay no tax on their rental income. We saw this morning that another US fund, Greystar, is set to snap up 342 homes on Griffith Avenue in Dublin. It is a matter of great shame for the Government that speculators in the housing market, who are exploiting citizens in this State, can buy homes ahead of hard-working families. Not only that, these funds then charge workers and families sky-high rent and pay no tax on their rental income. None of that changes under the Government's so-called plan.

It is scandalous that these tax breaks remain in place, but the decision to grant another tax break to allow and encourage these same funds to buy up homes and then lease them back to local councils, costing well above what it would cost the State to build homes, is mind-boggling. It shows complete contempt for our citizens who cannot put a roof over their heads. It is also an absolute and disgraceful waste of taxpayers' money. The Taoiseach approves of speculators and developers filling their boots while ordinary workers and families are left to one side. Again, this morning, we saw that a fund called Alpha Real Capital is snapping up houses and apartments in Finglas, Tallaght and Blanchardstown. It will lease these properties back to the State for the next 25 years. Not alone that, this fund is not finished yet because it plans to buy €500 million worth of homes to be similarly leased back to councils over the next 36 months. This evening, the Government wants to incentivise this fund, and others, to do precisely that. That is what the Government proposes to legislate for tonight with a last-minute sneaky amendment, hijacking a Bill that is supposed to deal with the extension of much-needed supports to business, simply to placate its mates in the funds industry. The Government intends to guillotine that debate. This is utterly shameful.

The Taoiseach leads a Government that will not solve our problem. Its actions add to our housing crisis, make it worse and dig the hole deeper for workers, families and young people caught in this nightmare. An entire generation of people are at their wits' end, wondering if they will ever escape the rental trap and own their own home. The Government's actions do not help them one bit; it is the contrary. I ask the Taoiseach to stop this, take this disgraceful amendment off the table, ditch this plan and get back to the drawing board. Let us have a plan that will work.

The Taoiseach: It is important that the proper balance and perspective be considered in

this debate. The Government took measures to rein in vulture funds, or cuckoo funds as the Deputy calls them, and funds in general, in terms of competing with first-time buyers and to stop the type of activity we saw in Maynooth, which was the bulk purchases of housing estates in competition with first-time buyers. Measures were taken on the planning side, and with the imposition of 10% stamp duty, to prevent that competition with first-time buyers so that they would have the opportunity to buy houses on estates such as these. When that announcement was made by the Ministers for Finance and Housing, Local Government and Heritage, they indicated in the Dáil debate at the time that the exemption would continue for leasing in respect of social housing. The reason for that is leasing has been a feature of social housing for quite some time now. I have a view on that and we will change it.

We are in a transition phase but the issue the Deputy must address, and she is nodding her head, is that 2,400 social housing units can be provided to families through this leasing right now. The tap cannot just be turned off immediately. We can move and transition to different models, which is what I want and which will be reflected in the Housing for All strategy, but is the Deputy saying that the 2,400 families who will avail of the social housing we will provide through this model this year should be left on the street or in unacceptable conditions? This mechanism is for families who are on housing lists. We are not talking about first-time buyers, but families who are on housing lists and urgently need accommodation. We all know how long the social housing lists are. We could turn off the tap immediately but, if we do so, 2,400 families will lose out. These are families who are on social housing lists so the Deputy needs to answer the question about what we do in the next number of months.

I am very clear that the focus of Government, without question, is on direct build to own, for social housing in particular. On affordable homes, the State is becoming involved to a significant degree in helping families, or people in general, to buy houses they can afford. Likewise, the cost-rental scheme, which is one of the first of its kind, will enable people to rent at significantly below market value. Only this week, the Government approved the Shanganagh housing project, for example, which is being developed by the Land Development Agency and is before Government at the moment. That project is for approximately 597 houses and includes direct-build social housing, affordable and cost rental. That is the type of action we want.

We need more houses. At the moment, we do not have enough supply. Covid hit us hard last year. In 2020, approximately 1,400 houses were provided through leasing, out of a total of 8,000 or 9,000 social houses built. Over the past number of years, there has been a move in this direction by local authorities. The Housing for All strategy will rebalance that significantly in line with our policy of predominantly directly building housing.

Family homelessness, for example, has come down 48%, which is quite significant. Some of the approaches to homelessness by some local authorities have been assisted by leasing. My view is that any model of leasing should be one where the State ends up owning the homes. There will be a move in that direction, but it is important when transitioning to new models that we do not let families who would benefit from social housing in the next number of months lose out. That seems to be what the Deputy is proposing.

Deputy Mary Lou McDonald: Níl sé seo maith go leor. Níl plean an Taoisigh ag obair. Leanfaidh na cistí ar aghaidh leis seo agus tá sé sin náireach. These investment, vulture and cuckoo funds have not been reined in; far from it. The Government facilitates their actions. Not alone does the Government allow them to snap up entire apartment blocks and houses, it incentivises them by giving them a tax break for that behaviour. Do not try to pretend this will

7 July 2021

work in favour of people caught in the rental trap, or young people or families looking to get a foot on the property ladder and put a stable roof over their heads. No, it will not. It will not at all.

The Taoiseach: I did not say that.

Deputy Mary Lou McDonald: This is about big bucks and big funds muscling into the property market with the assistance of the Government. Meanwhile, our citizens, families and communities are left with no real chance to ever buy or own their own homes. The most despicable part of this is that, tonight, the Government will sneakily move this through, using the guillotine, with virtually no debate. It is the same old same old, the same old Fianna Fáil and Fine Gael, the same old crisis and the same suffering for people who live outside the cosy little bubble of the Taoiseach and Tánaiste.

The Taoiseach: Arís, níl an fhírinne á insint ag an Teachta. Is léir sin agus aiféala atá i gceist aici. Deputy McDonald did not address the point I made. She is into sloganeering this morning because there is a by-election. She is into exploiting the housing issue for her own advancement and electoral advancement. On the ground, all she ever does is the same old Sinn Féin opposing this and that housing project, be it in Tallaght, Clondalkin or Fingal.

Deputy Mary Lou McDonald: Not true.

The Taoiseach: It is opposing to win votes locally and to court popularity. That is the same old Sinn Féin I have been watching for the last two years. It ruthlessly exploits the housing problem for electoral advancement and is pretty poor at coming up with substance or solutions to the housing problem.

I asked Deputy McDonald about the 2,400 families that could benefit from social housing under this model, which from my perspective is not the ideal model, but we are in transition. I asked the Deputy about those 2,400 families and she ignored it because she is into sloganeering-----

An Ceann Comhairle: Time is up Taoiseach.

The Taoiseach: -----the old rhetoric and the nonsense. I have no interest in any fund, none whatsoever. It does not bother me. The only issue I care about is getting people housed. To get people housed, we have to have all hands on deck.

Deputy Mary Lou McDonald: The Government is failing and failing miserably.

The Taoiseach: We have to produce all forms of housing across the board.

Deputy Mary Lou McDonald: The Government is failing miserably with its eyes wide open. It is shameful

The Taoiseach: We need direct build affordable cost rental. That is what we have to do. It is about time Sinn Féin came up with solutions and stopped attacking and providing no solutions.

Deputy Mattie McGrath: A Punch and Judy show.

An Ceann Comhairle: Can we behave and try to adhere to the rules of the House? I call Deputy Alan Kelly.

Deputy Alan Kelly: My request of the Taoiseach today is a positive one. Eighteen months ago, doctors, nurses, healthcare assistants, laboratory scientists and multiple other workers across our hospitals and primary care system faced a nightmare scenario with regard to Covid-19. Our healthcare workers reported to the front line of the fight against Covid-19 with little or no personal protective equipment, PPE, at the start of it and they have delivered care for the Irish people through extremely difficult circumstances. In many cases, they had to self-isolate from their families and to pay car parking charges and childcare costs and, often, they did not see their families for weeks. This work brought additional cost on them but they kept turning up for work for our people and the country. As each day passes during this pandemic we become more grateful for the amazing work they have done.

We stood to our feet in this House to applaud our healthcare workers, while others did so from home. The State now needs to show gratitude in a meaningful way that will make an impact on their lives and show that we are truly grateful. In April 2020, I proposed that as a gesture the State would gift our healthcare workers a €1,000 pandemic payment to honour and recognise their work to slow the spread of the virus and to save many lives. Yesterday, workers in our health service, through the trade unions on the staff panel, the INMO, SIPTU, Fórsa, MLSA, Connect and Unite met collectively with the HSE and the Workplace Relations Commission, WRC, to discuss a bonus payment for healthcare workers. They are seeking special recognition of their response to the virus. I do not think it can be denied. However, the State is showing a complete lack of flexibility and humility to our healthcare workers. It is denying them a pandemic bonus and additional leave to take account of the extra work they took on last year. This bonus would help them to deal with the huge extra costs they incurred, particularly in the first four to five months of this pandemic.

We call them healthcare heroes often, which is truly what they are, but tokenism is not enough. We need to demonstrate that financially and-or through additional leave. We need to show them how appreciative we are. In February last, the Tánaiste suggested that they be given a cash payment or additional leave. Does the Taoiseach agree that the payment is just and needs to be addressed? Will the Government table a proposal to compensate the healthcare workers? I do not believe the HSE, at managerial or board level, is against such a proposal. Will the Government give it a mandate to engage with the workers and the unions to negotiate such a proposal? As we are approaching the summer break next week, I ask that the Taoiseach would give us some positive on this matter.

The Taoiseach: I thank the Deputy for raising this important issue. He has been consistently raising it in the House. I agree entirely that workers across the economy, and without question our public servants and front-line healthcare workers, have made an extraordinary contribution to helping society deal with an unprecedented pandemic which has turned upside down all of our lives. Without front-line healthcare workers we would have been in extreme difficulty in meeting and dealing with the challenge of the pandemic. The sense of community and solidarity in this country as we continue to fight Covid is truly remarkable. We must continue in that way. Front-line workers in particular put their lives at risk. Many were infected with Covid and, as we know, some staff lost their lives. Others are suffering from long Covid. This reminds us of the need to be ever-vigilant in terms of keeping numbers down. We all recall last January and February and the extraordinary pressures on our front-line healthcare workers because of the dramatic rise in Covid cases and hospitalisations. On top of that - this has to be acknowledged - the HSE took a body blow from the cyberattack which just as we were emerging from that wave of Covid placed significant pressures on staff at all levels within our health

services.

The Government understands and recognises the issue. Across Departments civil servants have been under a lot of pressure and they may have made many personal sacrifices over the past 16 months and continue to do so. The pandemic remains a constant challenge to us all and still requires our full focus and attention. We are not out of the woods yet. We have a journey to go, but we are getting there. Government is committed to recognising the sacrifices that public sector workers made. The Minister for Public Expenditure and Reform, Deputy Michael McGrath, has been assessing the situation in terms of the European experience and the balance as outlined by Deputy Kelly in terms of monetary award and annual leave. How we recognise the efforts made by workers, in particular front-line healthcare workers, during this pandemic is being actively considered. As stated by the Deputy a claim on behalf of all public health service workers is before the WRC. We will give that active consideration, as the way to do this. I take on board the points made by the Deputy.

Deputy Alan Kelly: I genuinely accept what the Taoiseach says, but the time for platitudes is over. I know a couple who are working in the healthcare service and have a number of children. Childcare cost them thousands of euro, even with family help and a discount. I know of a nurse who was clamped multiple times and whose neighbours volunteered to pay the fines for her. I could tell the Taoiseach stories all day about the people who have made great sacrifices working in healthcare, but it cost them money. It has cost them financially and they have saved lives. As the Taoiseach outlined, they put their lives at risk.

Countries across the world have given a financial bonus to workers. France has given an average €183 per month pay rise to healthcare workers, and NHS workers in Scotland received a £500 bonus. In Canada, front-line workers received a \$1,200 bonus. In real terms, will the Taoiseach undertake on the floor of the Dáil today to ensure that the Department of Health will work with the HSE over the coming weeks to deliver a real statement of respect to these workers? The buck stops with the Government, not the HSE.

An Ceann Comhairle: Thank you, Deputy.

Deputy Alan Kelly: If the Government gives the HSE the capacity to do this, it will do it. Will you please do that? At this stage, we have to acknowledge the work and efforts of all these workers. I am sorry, but platitudes do not work anymore. They do not show respect.

The Taoiseach: As I said to the Deputy, the Government is committed to recognising the sacrifices that public sector workers, in particular front-line healthcare workers, have made. We are very conscious that across the board extraordinary efforts were made and continue to be made in respect of dealing with the pandemic by workers. The Government is actively examining this. We want to get the right outcome. The Deputy is correct in saying that it is a Government decision. The Government has to empower the HSE and to give it the resources to enable these decisions-----

Deputy Alan Kelly: It had no power yesterday.

The Taoiseach: -----and others to be taken.

Deputy Alan Kelly: The HSE said yesterday that it was not even in a position to engage.

Deputy Verona Murphy: This is the umpteenth time I have brought up with the Taoiseach

and Ministers in this House the neglect of Rosslare Europort and the lack of any financial input from this Government or previous governments during the 30 years I spent in the haulage industry and the 17 months I have spent in this House. All parties in the House agree that Rosslare Europort is Ireland's most strategic port. All parties agree that it is being neglected, has been neglected and is in dire need of investment. All parties agree that the port has seen a 400% increase in traffic, taking Ireland's valuable imports and exports to and from the EU mainland, since the inception of Brexit. The Government has not provided one penny in assistance. In the teeth of a housing crisis, when the costs of building material imports are rising by the minute, it makes perfect sense for such materials to arrive at the closest point on this island, which is Rosslare Europort. For hauliers, the very serious lack of drivers is causing great problems. Ireland will ultimately end up not being able to compete on a European and world stage as a result. I ask that this be considered with regard to the direct mainland routes that have been made viable by Rosslare Europort's development of them.

We have spent taxpayers' money to make it the most accessible port in the country. The Government intends to spend €500 million of taxpayers' money on a planned upgrade to complete the M11 from Oilgate to Rosslare. Why? From the day I first set foot in this House, I have spoken about the need for joined-up thinking when spending taxpayers' money to give the taxpayer absolute value for money. If we have spent €500 million bypassing New Ross and Enniscorthy and intend to spend another €500 million to complete the M11, surely the Government cannot deny that to establish a wind farm construction base project anywhere but Rosslare would be a waste of taxpayers' money. Giving the taxpayer value for money is what we are elected to do. Giving double the bang for the taxpayers' buck would be a common-sense approach for the Government to take.

Some 30 years ago, the entrepreneur Liam Griffin had the foresight to ask the then Government to invest in Rosslare Europort. He outlined the port's potential at the time but that Government did not listen. Is this Government listening now? Upgrading Rosslare Europort is in the country's best interest. It is the kind of common-sense measure that makes economic sense and results in value for money that people want to see from the Government. Does the Taoiseach have that common sense? When will moneys be invested in Rosslare, which is in the country's best interests?

The Taoiseach: I thank Deputy Verona Murphy for raising this issue in respect of Rosslare. I hope I do have that common sense.

Deputy Verona Murphy: The Taoiseach does not have half as much as I do.

The Taoiseach: Who could have as much common sense as the Deputy? In the context of Brexit, the importance of Rosslare Europort is very evident. It has given us capacity and flexibility in dealing with the Brexit situation. Another area in which there is potential relates to the development of port facilities to facilitate renewable wind energy generation offshore. We have now developed the maritime planning framework and the maritime area planning Bill 2021. This really sends a strong signal to investors. Government policy is now to have one proper streamlined planning process for offshore wind facilities. That creates opportunities for Rosslare and other ports, although Rosslare is particularly well placed on the east coast in that regard. The Minister, Deputy Eamon Ryan, is making a lot of progress on the offshore electricity transmission system and the renewable electricity support scheme. We are looking at developments in those areas in the context of Rosslare Europort.

7 July 2021

As I have said, the port has responded very well to Brexit and to the impacts of Covid-19. The shipping operators have demonstrated their capacity to respond quickly and to move capacity to where it has been sought by businesses in Ireland, in the United Kingdom and on the Continent. Due to Brexit, Rosslare Europort has seen the largest growth of any port in the number of direct European services with sailings increasing from three a week to 14 return journeys, or 28 journeys in total, weekly. The strategic development plans of Iarnród Éireann and Rosslare Europort for the port include a planned investment of €42 million in customer facilities, port infrastructure, freight facilities, port assets, new technology and linking the new entrance to the port with the proposed new port access road. Clearance works commenced in late 2020 and are scheduled to continue over a number of years in a number of phases. Rosslare Europort is reporting that these works are well under way.

I have already instanced the development of offshore renewable energy generation. The Department of Transport met with Iarnród Éireann and Rosslare Europort on 1 July to explore the potential for European Union funding for the port under the Connecting Europe Facility, CEF, which provides funding for offshore wind energy facilities. The first call for applications under the CEF is expected in September 2021. There is potential for up to 50% of eligible costs for studies and up to the 30% of infrastructural work costs to be funded. Iarnród Éireann and Rosslare Europort are looking at the funding opportunities under the CEF. It is their intention to apply for funding for eligible works and studies in September. The Government will be supporting them in that regard. The Irish Maritime Development Office is carrying out consultations with the renewables sector. There is a lot of interest in this space. I will come back to the Deputy on this in my supplementary response.

Deputy Verona Murphy: I thank the Taoiseach. I understand he may hope to have common sense but he must take on board what is at stake here for the country. This port is regarded as probably the most strategic port not only in Ireland but in Ireland and the UK. It services Northern Ireland and has kept it in the Single Market. Northern Ireland businesses access this port. It has never received a shilling from any government, including this Government, in over 40 years. I spoke with Glenn Carr, the manager of Rosslare Europort, and he told me there is a meeting. That meeting is only to say that the money that can be accessed from a European fund is being looked at. Everything is too slow. In March of this year, the Minister of State, Deputy Naughton, told me that a process was to be set up which would outline where submissions regarding wind farm projects and wind farm construction base projects were to go. Nothing has happened on that front. We do not have time. I reiterate that the taxpayer should, and must, get value for money. We can get double the bang for the taxpayers' buck by investing in Rosslare without making matters subject to competition.

The Taoiseach: That meeting is important because it can open the door and create a pathway for an application for significant funding, which would be backed by the State, from the CEF. The Department of Transport has been in touch with the European Commission seeking to negotiate changes to the criteria for this facility which would allow for EU funding for basic port infrastructure with a view to improving connectivity and for port infrastructure for offshore wind generation in the CEF's next programme, which is to run from 2021 to 2023. That programme will be adopted this month and this will allow ports, including Rosslare Europort, to apply for CEF funding. As I said earlier, we are very conscious of the potential of Rosslare Europort. Some investment in infrastructure has happened because of Brexit, as the Deputy will know. The key point is that the post-Brexit scenario has been positive for Rosslare. The offshore wind issue also presents significant potential.

Deputy Michael McNamara: We in Ireland, along with much of Europe, imported the idea of lockdowns from China. However, in China hospitals were built in 14 days in response to Covid-19. The HSE's capacity census last year showed that ICU capacity in Ireland increased from 255 beds to 280 beds in the nine months from April to December. At the end of last year, the Minister, Deputy Stephen Donnelly, announced that capacity was to be increased to 446 beds, including an increase to 321 beds by the end of this year. However, capacity has only been increased by nine beds to date this year. I would like the Taoiseach to explain what we are doing to increase hospital capacity. The Tánaiste announced earlier this week that our hospitals are under pressure. I do not remember a time when they were not. ICUs operate, generally, to capacity and one would rarely have a time like now when 40 ICU beds are free. Yet we are being frightened again that our ICUs will come under pressure and we will have to endure more restrictions and, potentially, lockdowns. What are we doing to increase capacity? I appreciate the Taoiseach cannot develop ICU beds overnight and it takes time. However, we are not talking about 14 days, like China. We are more than 14 months into this and progress is slow.

On Monday last, there were 278 people on trolleys in hospitals in Ireland, 63 of them in Limerick. This Monday, there were 293 people on trolleys, 60 of them in Limerick. We know that sort of overcrowding is a recipe for disaster in the event there is another wave of Covid. If we look to other countries, like Israel, where the success of the vaccine roll-out was lauded, there has been another wave. There will be more and more waves but all I hear is that we are putting all our eggs in the vaccination basket and doing, apparently, very little to develop our healthcare capacity. I am not saying we should not do both but what is the Government doing to increase healthcare capacity? We have grandiose promises from the Minister, Deputy Stephen Donnelly, and there are three former Ministers for Health in the Cabinet, including the Taoiseach, who have delivered plenty of grandiose promises but no additional capacity.

I would like an update on capacity and what will be done about it, as opposed to what will be promised.

The Taoiseach: I thank the Deputy for his question. All health systems across Europe and the world come under pressure in a pandemic. That applies through wave after wave in different countries. The acute hospital system, as the Deputy says, continues to be in a challenging position, particularly with the significant backlog of non-Covid care arising from the demand for Covid care in the early part of the year. The ransomware attack of 14 May exacerbated that, particularly in terms of the front line.

The Government has really moved on healthcare and the allocation of resources across the system. Budget 2021 saw an extra €4 billion added to the health budget. It is the largest budget increase in the history of the State. That funding signals how determined the Minister and the Government are to funding expansion and improvement across the board in our health and social care services. That is a 20% increase. Some €1.67 billion of that went towards Covid-related care supports, including the vaccination programme, but there was significant additional funding to address capacity issues and the deficits by funding more beds and employing more staff.

The €600 million winter initiative has made a significant difference to the capacity of the health service. Without it, we would have been in real trouble over the Christmas period. I am glad we took the initiative early last autumn to sanction that. Had it not been for that level of investment in home care packages, community diagnostics and acute capacity, we would have been in far greater difficulty during the winter period. Some €236 million in revenue and €40

7 July 2021

million in capital expenditure was provided as part of the winter plan in budget 2021 to fund general acute beds on a permanent basis in our acute hospitals. This funding has provided an additional 834 general acute beds to the system over the number available on 1 January 2020. We need more information from 6 May but, because of the ransomware attack, it is not readily available. In addition, 73 sub-acute beds have been provided under the winter plan. Funding of €52 million was provided in budget 2021 to allow for 66 permanent critical care beds to be put in place to bring permanent baseline capacity to 321 by the end of 2021. Baseline capacity at the beginning of 2020 was 255. The HSE has advised that 41 of those 66 beds are staffed and open on a permanent basis, bringing the national total to 296. We want to get to 321.

The number of beds open on any day can fluctuate due to a variety of factors, including the use of surge capacity. The HSE also has capacity in the private sector arising from agreements with private hospitals on additional needs that will emerge. There have been real tangible gains on capacity increases.

Deputy Michael McNamara: I have no doubt money is being spent. The Government is throwing money around like confetti. Our borrowings are entirely unsustainable. However, it is not having an impact. The Taoiseach said 296 critical care beds; Dr. Colm Henry, the chief clinical officer of the HSE, said 289 last week. Either way, it is a long way short of the number promised by the Minister for Health, Deputy Stephen Donnelly. In addition, we provide 6% of our budget to mental health. I suggested mental health was suffering because of Covid and the restrictions. I was pilloried for it but it seems, unfortunately, that it is suffering. Yet our funding to that remains low. Above all, the barometer is the number of people on trolleys. That number is still at an all-time high. Whatever the Government is doing and whatever money it is spending, it is not having the impact we need. There were 60 people in trolleys in Limerick last Monday. That is not good enough at any time, especially in a pandemic, when we know there will be more waves to endure and we cannot restrict and lock down indefinitely.

The Taoiseach: We need to give credit to the health system. It stood up strongly to a difficult wave in the winter period. The investment in the winter initiative plan was key in enabling us to have a better flow through hospitals even before the wave came. November and December were better months than in previous years for flow through hospitals and the home care packages were key to that. The 5 million extra home care hours provided had a significant impact on flow through acute hospitals. The overall health service plan provided for about 16,000 additional recruits. The biggest challenge is getting a sufficiency of staff quickly in all areas indicated. Recruitment remains a big challenge. The HSE put forward that it could recruit 16,000 people. It is moving in that direction and over time will get there but getting the levels of staff that have been provided for is an issue.

Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation

Deputy Mary Lou McDonald: Will the Taoiseach inform us what the final cost of the new national children's hospital will be? Just over €1.4 billion was the amount agreed at Cabinet but it emerged today at a joint committee that, of 900 claims in total, only a handful have been settled. It now seems inevitable that costs will overrun substantially. The committee was unable to get clarity on this point from the Department or the board. Can the Taoiseach, as Head of Government, tell us what we are looking at in terms of a project that will, it seems, deliver the most expensive hospital ever built anywhere internationally? Will he enlighten us on the

date of completion? Will it be completed by December 2023 and open in the first half of 2024?

The Taoiseach: This project has been ongoing for a number of years, from conception to the present state. It has been unsatisfactory in terms of the relationship between the contractor and development board. I am not in a position to give clarity around figures. The less bandying about of figures, the better, in relation to contracts and projects of this kind. That applies to everybody, including those in government. There are hundreds of claims, as the Deputy says, and they have to be contested. I will not make a judgment as to how the claims will work out or give a top-of-the-head figure as to the cost. This is a difficult relationship now, unfortunately, where there is claim and counterclaim, and that is problematic and not satisfactory at all from my perspective and, indeed, from the Government's perspective.

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

The Taoiseach: That also impacts on the deadline and timelines.

Deputy Alan Kelly: The Taoiseach has said many times that we must use every tool in our arsenal in regard to Covid-19. I want to ask what is being done regarding all the technologies for proper air ventilation. We know that Covid-19 is spread in the air more so than on surfaces, so ventilation is critical. We need to use better disinfection systems. I have written to the Taoiseach and the Minister recently on this. Ms Orla Hegarty from UCD has been making the point for nearly a year that the future-proofing of ventilation across premises is critical in our fight. There has been much debate about how we are going to get people back indoors over the coming weeks and months in hospitality but also in offices, universities, schools, etc. This is a critical question and one that has been completely underestimated as regards its potential impact. What is the Government going to do to resource, support, influence or direct businesses, social settings and hospitality settings-----

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

Deputy Alan Kelly: -----regarding proper use of new ventilation techniques and technologies?

The Taoiseach: I agree with the Deputy. Ms Orla Hegarty has done a lot of important work in this regard and in raising awareness levels. My Department has published reports and guidance for public sector authorities and agencies in respect of ventilation. Carbon dioxide monitors have been put in every classroom but we may need to do more. A working group met in regard to schools and recommended carbon dioxide monitors in classrooms and then gave advice on opening windows and so on. We may have to look at that again.

Deputy Alan Kelly: What about new technologies?

The Taoiseach: We have to look at the new technologies and we will do so. As we come through this phase of Covid, we know there could be a winter phase of Covid. We are very conscious of that. All the tools and technologies at our disposal need to be looked at. I take the Deputy's point.

Deputy Holly Cairns: The news that a salmon farm licence has been granted in Bantry Bay has been met with massive concern and frustration in west Cork. Locals, inshore fishers and tour operators are all worried about the negative environmental impact. The Aquaculture Licences Appeals Board based its decision on a report submitted by the company that was granted

the licence. Will the Taoiseach ensure those documents are made publicly available? As he will be aware, there is a limited window for people to exercise their right to seek a judicial review. Time and again, communities in west Cork have had to raise large amounts and dedicate significant time to seeking a judicial review to right the wrong decisions made by Government. We are sick and tired of it. It is time the Government conducted a larger review on the role of this sector and its detrimental impact on local ecology and tourism. Last week, Argentina banned salmon farming altogether due to its massive environmental impact. How are we simultaneously granting new licences?

The Taoiseach: First, the Government does not get involved in the planning or appeals processes. Certainly, this has been an issue of contention and controversy for quite some time. The point regarding the publication of documents is fair. There should be full transparency regarding this project and all the submissions made in respect of the planning process, including from the company's perspective in terms of whatever documents it has submitted, so that people have full knowledge of the implications of this on the ecosystem-----

Deputy Holly Cairns: Will there be a larger review of the issue?

The Taoiseach: -----and more generally. I will inquire as to the status of the publication of those documents.

Deputy Mick Barry: Tonight, the Dáil will vote on a proposal to freeze rents for a period of three years. The Government has proposed an amendment to delay progressing the Bill for another 12 months. The Government is adopting the Johnny Logan approach to rent increases - what's another year? For tenants, another year could mean the fourth, fifth, sixth or seventh year in a row that their rents will rise. For some, it is another year of notices to quit or evictions. In the 1960s, Fianna Fáil was the party of the Taca men. In the Celtic tiger years, it was the party of the Galway tent. Today, it is defending the corner of the landlords. Fianna Fáil went over to the dark side a long time ago and I do not think it is coming back. Of course, the Taoiseach could always prove me wrong by dropping the amendment. The Government has done a big U-turn on stamp duty to please the vulture funds. Will it do a U-turn to please renters? I am not holding my breath but I await the answer.

The Taoiseach: In fairness, the Deputy should have acknowledged that the Minister has brought in a significant proposal on the capping of rent increases in line with the harmonised index of consumer prices. This is something he was calling for as a minimum and the Minister has done it now. It is a very progressive measure. All the measures the Minister has taken in placing restrictions on evictions and so on have borne fruit. The tsunami has not happened that the Deputy said would happen a year ago. The Minister has to balance the constitutional and legal issues. He cannot knowingly act illegally. What he has done is reduce rent increases in line with inflation, which is far better than what obtained before that.

Deputy Verona Murphy: Last night, I watched a video of a tractor run organised by Friends of Wexford General Hospital to raise much-needed funds for an MRI scanner for the hospital. That was back in 2018. A total of 300 tractors took part and many more dedicated people from all walks of life have done similar fundraising. However, the MRI scanner that was promised in an undertaking given by Government never transpired, even though the required €250,000 was raised. The people of Wexford still do not have their MRI scanner and they are asking the Government when Wexford General Hospital will receive it. Its provision was supposed to be contained in the programme for Government. It was committed to when two other hospitals, in

Mullingar and Kilkenny, received theirs. Will the Taoiseach enlighten the people in this regard?

The Taoiseach: I will engage with the Minister for Health on this. Fundraising for equipment is one thing but, obviously, the key is to get the staffing in place and the capacity to deliver and do all of that. That is a key issue in terms of any equipment that is provided across the board in health. I acknowledge and pay tribute to those who have fundraised for this. Other Deputies in the constituency have raised the issue with me as well. I will pursue this to see whether we can get a resolution.

Deputy Mattie McGrath: The Taoiseach may have seen Ardfinnan bridge when he was canvassing in the last election. Ardfinnan is a beautiful village in the south east of County Tipperary, located on the R665. The bridge has been closed for nearly six years. We often hear the old adage about a bridge over troubled waters but this is a bockety bridge over the tranquil waters of the River Suir. The Department is refusing to give funding for a cantilever pedestrian bridge, despite the Minister visiting it on two or three occasions. A number of years ago, the council wanted to make it a one-way system. The people on the community council, whom I salute, stood up and objected to An Bord Pleanála. Now the people are being punished by this bridge being single way and having temporary traffic lights on it for nearly six years. Will the Taoiseach ensure the Minister for Transport provides funding for this cantilever bridge? The bridge has been repaired to its full strength. It was widened 200 years ago. Why would we allow it to be narrowed now? We need funding in the region of €1 million for this stand-alone, ornate steel bridge, designed by a local company, Loughryan Engineering, to allow pedestrians to pass safely and have traffic that serves the communities in this huge area.

The Taoiseach: I recall that visit. Councillor Micheál Anglim, who has been a long-term campaigner for this, asked me to go down with Deputy Cahill. It is a lovely and very tranquil area.

Deputy Mattie McGrath: There are good footballers there.

The Taoiseach: Very good footballers. I was reminded of that at the time because of what had happened on the playing pitch.

Deputy Mattie McGrath: It happened on the playing pitch last year.

The Taoiseach: It happened even before that in other grades. I get the point that, economically and socially, it is a problem and it is dangerous as well from a safety perspective. That was one of the issues raised at the time by many parents of schoolchildren. I will follow through on that and see what we can do.

Deputy Catherine Connolly: Tá soiléiriú á lorg agam ar an scéim atá beartaithe maidir le cúiteamh a thabhairt do dhaoine a chaith tréimhse i dtithe máithreacha agus leanaí. My question to the Taoiseach is very direct and I would love a direct answer. I want clarification on when the compensation or redress scheme will be launched for the mothers and others who spent time in mother and baby homes. I understand the consultation process, for which a private company was employed, has finished. A report went before the Cabinet last June but we are still waiting. Older and vulnerable people still have no knowledge whatsoever of what is happening following the publication of a report last January, with all the stress that went with it.

The Taoiseach: Tá an-chuid oibre déanta ag an Aire, an Teachta O’Gorman, ar an gceist seo agus ar an ábhar seo. Tá sé ag obair le gach aon duine ó thaobh na ceiste seo agus go háirithe ó

7 July 2021

thaobh clár cúitimh do na daoine a bhí i dtithe máithreacha agus leanaí. Níor tháinig aon rud os comhair an Rialtais fós. The proposition has not come before Government yet but my understanding is that it is at a very advanced stage. I have been in touch with the Minister on this. To be fair, he is working hard and diligently on it and will be bringing proposals to us fairly shortly.

Deputy Jennifer Murnane O'Connor: I have been contacted by so many constituents due to sit theory tests that were repeatedly cancelled and rescheduled. Worse, several constituents have contacted me after having secured a test only to be left waiting at the centre in Carlow on the day without any contact from the testers. One man told me he went to the centre on receipt of an email at the end of May, but when he arrived there was no one there and the phone was unmanned. A month later, he still had no contact. This is unacceptable. Is the Road Safety Authority, RSA, sufficiently resourced? What is being done to tackle this backlog? The Taoiseach is familiar with Carlow. It is a rural county without public transport. If drivers are certified, we are saving money and it allows people to access work opportunities. I know a man who had to turn down a job because he could not get a driver's licence. I am asking the Taoiseach to please step in and try to sort out this issue. It is a national issue, not just one affecting Carlow.

The Taoiseach: I agree with the Deputy entirely in terms of the importance of this issue. I will certainly investigate what is happening in Carlow in particular. I have been to Carlow on several occasions with the Deputy. The gradual reopening of in-person driver theory tests commenced from approximately 8 June. Essential driver training for essential workers who have not completed their training recommenced on 10 May. Forty new temporary driving testers have been hired and began work at the end of June. Sanction has been granted to recruit a further 40 testers. The RSA reopened test centres and introduced capacity to increase the number of tests from an average of 15,000 tests in normal times to 25,000 tests monthly to tackle the backlog and shorten waiting times. Capacity will gradually increase to 50,000 tests monthly, when public health guidance permits, to clear the backlog. Service providers sourced an additional 40 temporary team members to support that expected increase in capacity to 50,000 in-centre appointments. I will follow through on what is happening in Carlow if there are particular issues there. It is all hands on deck in relation to this very important issue.

Deputy Marc Ó Cathasaigh: The programme for Government contains a commitment under the mission of reforming and reimagining public life to establish a unit within the Department of the Taoiseach to co-ordinate social dialogue. The programme for Government states that the unit will "create new models of sectoral engagement". That task of reforming and reimagining public life is a central and key challenge for the Government. It could be taken for granted or overlooked but we have seen in other European countries that without constant nurture, democratic institutions can wither on the vine. Under the OECD Better Life Index indicators, which, by the way, are a good possible starting template for well-being indicators, civic engagement is our lowest score across the indicators. Any sectoral engagement should be task-based and participants should be encouraged to leave their agenda at the door but bring their experience to the table. I ask the Taoiseach to update the House on progress on the social dialogue unit within his Department.

The Taoiseach: First, in terms of the commitment in the programme for Government, we have expanded the social dialogue. We are working on that at the moment. Just last week we had a very substantial meeting with the Labour Employer Economic Forum. We are expanding its role, creating subgroups on aviation, housing, the shared island agenda and other workstreams. Prior to that, we restarted social dialogue with various sectoral groups. We had a very good meeting with the environmental pillar and another with the farming pillar. We also had a

good meeting with the community and social pillar. We are also examining, through the social dialogue unit within my Department, other forms of engagement with citizens. The citizens' assembly is an obvious one that is now in play and has been in play for quite some time. We are examining that.

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

The Taoiseach: We are examining whether the role of the National Economic and Social Council can be expanded and developed even more. That consideration is ongoing.

Deputy Dessie Ellis: In the context of the Health (General Practitioner Service and Alteration of Criteria for Eligibility) Act 2020, what is the status of the proposal to extend access to medical cards and make them available to all those who are terminally ill and have a prognosis of up to 24 months? This is an important issue for many in my constituency who have been given a terminal prognosis. I am concerned about the impact of any delay in implementing this extension as I am aware of people who are terminally ill but have been turned down for a medical card as they do not fit the current criteria. Will the Minister advise the HSE to provide medical cards on a discretionary basis in the interim?

The Taoiseach: I thank the Deputy for raising the very important issue of extending the access to medical cards for the terminally ill. On 9 February, the Cabinet approved an interim measure which would see an extension to the current end-of-life medical card criteria whereby people who have been certified by their treating consultant as having a prognosis of up to 24 months will be awarded a medical card. That is an extension from the previous 12-month criteria. The measure is being introduced on an administrative basis which will enable officials in the Department of Health to continue their work programme to examine the legislative options to underpin the expansion of medical cards to terminally ill patients, as recommended by the HSE's clinical advisory group and endorsed by the Government last November. In essence, the Government wants to do this. If the Deputy has particular cases, maybe he can forward them to us to illustrate what is happening on the ground. In my view, there has to be a flexible discretionary approach to this and that is what should happen.

Deputy Bernard J. Durkan: I refer to the serious deficiency in child and adult mental health services in community healthcare organisation 7, which covers Dublin South-West and North Kildare. It has resulted in particular cases being referred to the courts when no other institutional care was available. Such cases ending up in the courts is not of any therapeutic benefit, medical or otherwise. A similar situation pertains with regard to education places for children with an acute level of disorder. The mother of one such child stated after a recent court case that her child is locked out of the system. I have already brought this to the attention of the various authorities. Will the Taoiseach use his considerable influence to ensure these issues are addressed in the shortest possible time?

The Taoiseach: I agree wholeheartedly with the Deputy that these issues should not be resolved in courts, ideally. That is why we have National Educational Welfare Board that I established when I was Minister for Education and Science in the late 1990s. That is why we should have very proactive programmes to intervene early in the life cycle of a child to deal with issues that children and young people have and to do so in the most appropriate setting and in a timely way. It is a failure when it ends up in court.

Deputy John McGuinness: In 2018, the Dáil dealt with two very significant issues. One

7 July 2021

of them related to the calls for a public inquiry into the death of Shane O'Farrell. It is the tenth anniversary of the death of this young man and two and a half years into the promised scoping exercise being carried out by a judge. At the time, the Dáil voted overwhelmingly to support a public inquiry. In 2017, I agreed with the Taoiseach's statement that a public inquiry was needed. I further agreed with his statement that the case "reveals shocking malpractice and dysfunction in the criminal justice system at all levels". We have a GSOC report but we still have not received the scoping exercise report. Will the Taoiseach now put in place the public inquiry he supported back in 2018 and that this House has been calling for continually?

We were informed by Garda Commissioner Harris in 2018-----

An Ceann Comhairle: You are over time, Deputy. Thank you.

Deputy John McGuinness: -----of the suspension of John Barrett. Where does that stand?

An Ceann Comhairle: Deputies may only ask one question on one topic.

1 o'clock

The Taoiseach: First, I appreciate that Deputy McGuinness is a long-standing advocate for the O'Farrell family in respect of calling for a public inquiry. The Dáil has passed a resolution in that respect. The scoping inquiry was established. In my view, it makes some sense to get the outcome of that scoping inquiry. I accept that it has gone on for a long time. Covid-19 has had an impact on that. However, we need to see that scoping inquiry brought to a conclusion. It will inform the nature of subsequent inquiries then for the Dáil and for Government.

I do not have information in respect of the Deputy's second question.

An Ceann Comhairle: We can only deal with one question.

Deputy Brendan Griffin: I ask the Taoiseach if the Government would consider introducing a new weapons amnesty. The Taoiseach will recall that he was a member of a Cabinet that introduced an amnesty in 2006. That took hundreds of lethal weapons off the streets at the time - everything from shotguns to knives to all sorts of devices. I am very concerned about the level of knife crime in this city and throughout the country, currently. I feel that an amnesty would take many of those weapons off the streets but also, more importantly, it would create an awareness and discussion of the issue. It would lead to people, and young people in particular, being better educated on the dangers of carrying knives.

In the 15 years since the last amnesty, which was very progressive at the time, many more weapons, and firearms in particular, have come into the country. The introduction of an amnesty may be an opportunity to take them off the streets. Every weapon that we can take off the streets and put out of use is good work.

The Taoiseach: First, I think that is a very constructive proposition by the Deputy. I do recall the amnesty 15 years ago. I will engage with the Minister for Justice in respect of the Deputy's proposal. Obviously, the Minister for Justice will take advice from the Garda Commissioner.

There is a real concern in relation to the rise of knife crime in our communities at the moment, particularly in certain communities. That has to be a cause for concern. We do need to see what are the more innovative and creative ways of dealing with that. One of them could be

the amnesty.

Deputy Joe Carey: I wish to establish the Government's position in relation to rapid antigen testing. It is abundantly clear, from information that was presented to the Joint Oireachtas Committee on Transport and Communications, that there is a role for antigen testing to play in the reopening of our economy and society and in keeping it open. I want to establish what the Government's position is in relation to rapid antigen testing.

I have proposed to the Taoiseach and his office a pilot reopening of a nightclub in Ennis. I would like the Taoiseach or his officials to make contact with me in relation to that matter.

The Taoiseach: I thank the Deputy for raising the issue. The Government is supportive of the deployment of antigen testing as an additional tool to existing tools to deal with Covid-19. Yesterday, the Government approved formally the establishment of a group chaired by Professor Mary Horgan in respect of giving guidance and advice to different sectors within the Government, different Departments and agencies, and different sectors in society, as to the best way to deploy and roll out antigen testing. It is already in place in meat plants, for example. It is also being used in some healthcare settings by the HSE. The Minister for Further and Higher Education, Research, Innovation and Science has developed a pilot programme in respect of third level education in anticipation of the autumn academic period. That is the Government's position right now.

It is an additional tool. It is not a replacement of any existing tool. It is part of a wide suite of measures that can be used.

Deputy Violet-Anne Wynne: I ask the Taoiseach to engage with the Department of Education, the Minister for Education and the Minister of State, Deputy Madigan, as the issues and dire circumstances experienced by the only Educate Together school in my constituency in Clare require urgent and interdepartmental attention.

In the programme for Government there is a commitment to ensuring plurality and delivering choice in education. The Educate Together school is one of two multidenominational schools in Ennis, but it has been consistently and critically under-resourced. The staff have been educating in temporary structures since the school opened in 1998. The school is dealing with many issues, including rodent infestation, ventilation, dampness, insulation and many other health and safety issues. The school does not even have a single interactive white board. A large proportion of the children at the school have complex additional needs, which means that the Government has even more of a responsibility under the EPSEN Act 2004, the UNCRPD as well as the programme for Government.

The Taoiseach: Obviously, there is clearly a history in terms of the development of that school in respect of the need for permanent accommodation. I believe the Deputy said it has been in temporary accommodation since 1998. There is clearly a narrative there in terms of alternatives that they were looking for that maybe did not materialise. I will look at it with a view to getting the situation resolved.

Deputy Richard Boyd Barrett: Today is the last day you can sign on for the pandemic unemployment payment, PUP. Despite the Government's promises that there would be no cliff for people on income supports such as the PUP, that cliff is now being created. For example, if you are a musician or a performer, and you benefit from the live performance support scheme, LPSS, over the next two months, you cannot go back on PUP, even though you may only get

7 July 2021

one bit of work. That is a cliff for all of those people.

There is also a cliff for anybody who goes down to the €203 payment rate, regardless of the fact that they want to return to their industry, whether it is travel, tourism, taxi driving, music or live performance. They are now going to be told that they have to come off the PUP and apply for jobseeker's allowance, when in fact they want to return to their own industries. That is a grossly unfair punishment and represents a cliff for people who have been affected by pandemic measures.

The Taoiseach: First, I would say to the Deputy that we need balance and perspective in this debate.

(Interruptions).

An Ceann Comhairle: Please.

The Taoiseach: He has been on and on about it, but he never gives the basic facts of how extensive the support has been - and rightly so as that support is needed. To date, the expenditure on PUP is over €8.2 billion. Just under 900,000 people have benefited from the scheme. That demonstrates the Government's clear commitment to support workers and businesses that have been severely affected by Covid-19. I do not think he should present the Government's position as being one of always trying to hit workers or undermine them when the opposite is the case.

(Interruptions).

The Taoiseach: The opposite is the case. A variety of supports, in addition to PUP, has been given to a range of sectors, but he will never acknowledge that because it is beyond his-----

(Interruptions).

Deputy Michael McNamara: In response to the crisis in the aviation sector generally, and Shannon Airport in particular, many of the Ministers, and indeed backbenchers, said that the digital green pass would be the panacea. I have the regulation introducing it. It came into effect on 1 July. The State does not have six weeks to begin implementing it; it has six weeks to implement it completely. Crucially, as of 1 July, the State must issue certificates to people who have been vaccinated, who have recovered or who have been tested, not in the agreed format, but so that they can travel. Instead, the Ministers have increased the ban on non-essential foreign travel in contravention of that. Does the Government adhere to the rule of law and the belief in the supremacy of EU law?

The Taoiseach: I do not quite get the question. We are not banning anything.

Deputy Michael McNamara: He signed a statutory instrument on 4 July-----

An Ceann Comhairle: Deputy McNamara, resume your seat, please.

The Taoiseach: The Government is signing on-----

Deputy Michael McNamara: Does the Taoiseach know what he is doing?

The Taoiseach: The Government is signing on with the European digital Covid certificate framework in terms of travel. People can travel now, by the way.

Deputy Michael McNamara: The Minister for Health-----

The Taoiseach: People are----

An Ceann Comhairle: Deputy McNamara, you are out of order.

The Taoiseach: -----travelling as we speak.

Deputy Michael McNamara: But he is telling fibs-----

An Ceann Comhairle: Deputy, you are out of order.

Deputy Michael McNamara: The Minister for Health-----

An Ceann Comhairle: Deputy, resume your seat.

Deputy Michael McNamara: -----signed a regulation making it unlawful to travel-----

An Ceann Comhairle: Deputy, resume your seat. You are holding up proceedings. Please.

Deputy Michael McNamara: -----for non-essential reasons until 19 July, in contravention of this.

The Taoiseach: The Deputy knows we are going to be ready for 19 July. He knows that.

Deputy Michael McNamara: But it is not 19 July. This came into force on 1 July.

The Taoiseach: We are going to follow through on it.

An Ceann Comhairle: There are three Deputies who have yet to contribute. If they will ask their questions in 30 seconds, we will go to the Taoiseach for a collective response. Deputy Bríd Smith.

Deputy Bríd Smith: My question concerns the importance of social dialogue. I want to say that it is ironic that the State continues to treat many groups of workers appallingly. One key group is that of school secretaries, who do myriad jobs and who, during Covid, were heroic in keeping the schools open and being on the front line. Yet, questions remain unanswered about how social dialogue is treating them. Will school secretaries have to sign on for social welfare once again this summer? Why is there a delay in the WRC talks on this issue when there was strike action that brought about progress? Will the Taoiseach guarantee that school secretaries will be placed on Civil Service scales in September?

Deputy Michael Collins: I will try to cut to the chase. At Keelbeg, Union Hall, the Department funded the construction of a new pier in 1994 and 1995 under the then fishery harbour development programme. The pier has served the fishing community well, and landing values rated the pier above Howth and Rossaveal. The pier reached capacity in recent years but it has not been possible to advance plans for future growth in the way it has been for other harbours. A sum of €210,000 is needed for a feasibility study. The Taoiseach was in the area recently. From what I hear, the Minister for Agriculture, Food and the Marine, Deputy McConalogue, is going down in late July. Is it possible that his Department could make the funding available and that the Minister could make an announcement in this regard in Union Hall when he visits?

Deputy Colm Burke: I wish to raise the temporary assistance payment, TAP, scheme for nursing homes, which ceased on 30 June. The costs incurred by nursing homes have increased

7 July 2021

substantially over the past 18 months because of Covid-19. Those costs remain in place. I ask that the Government considers seriously the extension of the scheme. The UK has continued to extend additional support to all its nursing homes.

The Taoiseach: On the school secretaries, the matter has been subject to discussion and negotiation. The Government, including the Minister for Public Expenditure and Reform, wants to resolve this. The matter has been subject to a process. We want to resolve it. It is important that it be resolved.

On Deputy Michael Collins's points, I will talk to the Minister, Deputy McConalogue. There is a broader programme and the Government has allocated substantial funding for pier renewal and development and will make further allocations in that respect.

On Deputy Colm Burke's question, because the vaccination programme has been so successful, the types of supports that are available under the TAP scheme are not required as much as they were. I have to make a general point on this. When the summer economic statement is produced by the Minister for Public Expenditure and Reform, Deputy Donohoe, in a week or two, Members will get a sense of where we want to be fiscally over the next five years. The deficit has been extraordinary over the past two years. There will come a time when we have to transition to investment as opposed to subsidising every sector continually. That is on the condition that we emerge from Covid-19. A real balance has to be struck and we need to invest in new sectors, jobs and activities. There will come a period when we will have to transition from our current position to a newer one.

Proposed Approval by Dáil Éireann of the Technological Universities Act 2018 (Section 36) (Appointed Day) Order 2021: Motion

Minister of State at the Department of Further and Higher Education, Research, Innovation and Science (Deputy Niall Collins): I move:

That Dáil Éireann approves the following Order in draft:

Technological Universities Act 2018 (Section 36) (Appointed Day) Order 2021,
copies of which have been laid in draft form before Dáil Éireann on 11th June, 2021.

Question put and agreed to.

Ceisteanna - Questions

Cabinet Committees

1. **Deputy Alan Kelly** asked the Taoiseach when the Cabinet committee dealing with housing will next meet. [33500/21]

2. **Deputy Mick Barry** asked the Taoiseach when the Cabinet committee dealing with housing will next meet. [34652/21]

3. **Deputy Peadar Tóibín** asked the Taoiseach when the Cabinet committee on housing last met. [34693/21]

4. **Deputy Mary Lou McDonald** asked the Taoiseach when the Cabinet committee dealing with housing will next meet. [34760/21]

5. **Deputy Richard Boyd Barrett** asked the Taoiseach when the Cabinet committee dealing with housing will next meet. [34840/21]

6. **Deputy Paul Murphy** asked the Taoiseach when the Cabinet committee dealing with housing will next meet. [34843/21]

7. **Deputy Bríd Smith** asked the Taoiseach when the Cabinet committee dealing with housing will next meet. [34845/21]

8. **Deputy Paul McAuliffe** asked the Taoiseach when the Cabinet committee on housing is next due to meet. [34994/21]

9. **Deputy Jennifer Murnane O'Connor** asked the Taoiseach when the Cabinet committee on housing will meet next. [36392/21]

10. **Deputy Mick Barry** asked the Taoiseach when the Cabinet committee dealing with housing will next meet. [36567/21]

The Taoiseach: I propose to take Questions Nos. 1 to 10 together.

The Cabinet committee on housing last met on Monday, 5 July. The next meeting of the committee is yet to be scheduled. This committee works to ensure a co-ordinated approach to the delivery of programme for Government commitments regarding housing and related matters. There is significant work under way on these commitments across Departments and agencies, and the committee's current focus is on the preparation of the new multi-annual Housing for All strategy.

Progress is also being made on legislation to increase the availability and supply of affordable, quality homes, including the Land Development Agency Bill and the Affordable Housing Bill. This is supported by the provision of over €3 billion for housing initiatives this year, which will fund the delivery of 12,750 social homes, the new cost rental equity loan scheme and the expansion of the Rebuilding Ireland home loan, in addition to the serviced sites and the local infrastructure housing activation funds.

To help those in rented accommodation, the Government is introducing reforms to rent pressure zones, by linking the cap on rent price increases to the harmonised index of consumer prices. The reforms will also include an extension of rent pressure zones to the end of 2024.

While Covid-19 has badly disrupted the delivery of new housing, the new Housing for All strategy will set out how we will achieve the target of an average of 33,000 new houses per annum over the decade, with a particular focus on affordable home ownership, in addition to tackling some of the challenges to the delivery of new housing supply.

Deputy Alan Kelly: I am aware this matter has been raised with the Taoiseach. The Finance (Covid-19 and Miscellaneous Provisions) Bill is being dealt with tonight and the Government is proposing an amendment to exempt funds from stamp duty on homes they lease to local

7 July 2021

authorities and approved housing bodies. The Government is providing an incentive for funds to bulk-buy homes and apartments for social leasing that we know is poor value. It is not good enough that the legislation is being rammed through in the way it will be later.

Second, on strategic housing developments, SHDs, the entire mess in this regard was created by the previous Fine Gael-led Government in 2017 but, dare I say it, Fianna Fáil did not oppose it. The termination is a welcome U-turn. There were clear warnings at the time about the problems SHDs would create. There will now be a time limit of 32 weeks for making decisions under the new proposal, not far off what it was meant to be in the first place before the SHD system was introduced. An Bord Pleanála will now have 16 weeks to hear and decide on an appeal. I have raised the matters of An Bord Pleanála and its resources continually in the Dáil. It does not have enough resources. It is making mistakes and losing court cases hand over fist. Will the Taoiseach ensure it has enough resources?

The issues relating to supply are so great that, coming up to the budget, I have to ask the Taoiseach quite directly whether he will introduce a vacant house tax for those buildings and homes that are being left vacant. I am not aware of how much he has been out during the by-election campaign but I have been out campaigning a lot and I have noted that the volume of houses and apartments that are vacant in the constituency that is going to the polls tomorrow is incredible.

Deputy Mick Barry: Is the Taoiseach's climbdown on the vulture funds the most spectacular in the lifetime of this Dáil? If climbdowns and U-turns comprised an Olympic sport, I suspect Paddy Power would have the Taoiseach at short odds for a medal at Tokyo. Just nine weeks ago, the Taoiseach voiced strong opposition to local authority leasebacks from vulture funds. He said the message should go out loud and clear from the Government, yet tonight his Government will vote to provide a new incentive to the very same vultures and cuckoos. The Government is proposing an amendment that will allow vulture funds bulk-buy without paying the 10% stamp duty where they lease back to local authorities. It is good news for the vultures and cuckoos but bad news for the taxpayer, who will end up paying over the odds for the provision of social housing.

Deputy Paul Donnelly: The programme for Government commits to examining the issue of defective housing within the first 12 months of government, having regard to the housing committee's report *Safe as Houses*, authored by Deputy Ó Broin. The Government's 12-month deadline has now passed and the working group chair was not appointed until March, which means a final report is unlikely before the end of next year. The question now concerns the implications of the delay for families in terms of the budget. As with defects associated with mica and pyrite, latent defects are an outcome from the Celtic tiger era of poor building standards, ineffective building controls and non-existent consumer protection. My colleagues met homeowners in Dublin last month who have been left in limbo, and no tangible solutions have been offered to date by the Government. Families in my constituency, Dublin West, are in the same boat.

The programme for Government also commits to assisting owners of latent defect properties by identifying low-cost, long-term finance options to enable them to undertake the significant structural and fire safety work needed to make their homes safe. The affected families bought their homes in good faith so they should have better options available other than accessing more debt.

In addition to authoring the report *Safe as Houses*, Deputy Ó Broin introduced legislation last year based on its recommendations so it is difficult to understand why so little progress has been made by the Minister. Will provision be made in October's budget and will there be a retrospective element to the measures to enable homeowners to proceed with urgent works?

Deputy Richard Boyd Barrett: Many in the Opposition have pointed out what a disgraceful move it is to push through this amendment which will incentivise vulture funds to buy up estates if they can lease them back to local authorities.

The Taoiseach asked a legitimate question but no one has really answered him. He asked whether we want to turn off the supply of social housing, as if it is a choice between having vulture funds and not getting social housing. What is the answer to that question? If we need to deliver social and affordable housing, and we do, we should not incentivise the vulture funds to purchase them and then lease them back to the local authorities. We should cut out the vulture middleman and get the local authorities to buy these properties directly. By the way, this is better value, will cost less over the long run and will mean that the State will actually have an asset which can be allocated for both social and affordable housing. Why is the Government not doing that? It is the obvious answer to the question posed by the Taoiseach. He was right to ask it and nobody else has answered it but that is the answer. That would be a long-term sustainable solution and would prevent the turning off of the tap for social and affordable housing until we can get the direct construction of social and affordable housing up to the level it should be at.

Deputy Paul Murphy: I also want to focus on the incredible U-turn in the direction of a big sign saying "profits for cuckoo funds". For two days in the Dáil now, the Taoiseach has been seeking to avoid answering the question of what prompted this U-turn. Two months ago, he at last admitted that something had to be done to tackle the domination of Irish housing by vulture and cuckoo funds. He pledged that he would clip their wings. Then, the Taoiseach sneaked into an unrelated Bill an incentive to bulk-buy new housing. Two months ago, the Taoiseach said that councils should stop leasing from these vultures. Today he is proposing a tax break to encourage them to do so. This will not only further incentivise the funds, thereby squeezing out ordinary people trying to buy a home, but it will also see more and more public money that should be going into building public housing instead lining the pockets of these cuckoo funds. What prompted the Taoiseach's U-turn? Was there lobbying by the cuckoo and vulture funds? Why is he taking a position that so clearly, blatantly and obviously places the Government on the side of the cuckoo funds, the vulture funds and the corporate landlords and not on the side of ordinary people trying to access housing?

Deputy Bríd Smith: Last night, I watched "Prime Time" but I suspect most people here and elsewhere were watching the football. It dealt with the question of strategic housing developments. It was very interesting to watch it because it showed that current policy is clearly a failure of enormous proportions. It is good to see that it is being scrapped in October. However, a plethora of developments have been allowed to go ahead under strategic housing development, including one the programme touched on, which is the Player Wills-Bailey Gibson site on the South Circular Road. All of the proposed apartments, in 19-storey, 13-storey and eight-storey blocks, are being built to rent. The same is true along the Grand Canal between Drimnagh and Bluebell where an extra 4,000 people will be added to the population, which already struggles to access schools, doctors and basic amenities, and where there are no libraries, swimming pools or basic amenities. It is crazy that we plan to add thousands of people into communities and then blame these communities for taking judicial reviews. They do not do this lightly because such reviews are hugely expensive. They do it because their voices have been squashed

7 July 2021

out. It is good to see that strategic housing developments are being ended but what about the ones that have already been granted? Does the Taoiseach not think it is time for the State to intervene to say we cannot have this? Such intervention should be made, in particular, in terms of the planning. If planning goes ahead without strategic infrastructure being in place, communities are squeezed out. That is why they protest and object. They are not stupid. They are doing it for the benefit of all.

Deputy Paul McAuliffe: We are ending the first year in government. On the housing issue, within 12 months we have unlocked public lands for 100% public housing in places where that is needed, we have a new affordable purchase scheme and a new affordable rental scheme, we have protected 50% of new estates for owner-occupiers, we have doubled the obligation on developers on private sites, we have capped rent increases, we have capped deposits and upfront rents to one month, we have supported students by limiting the notice period, we have an immediate 20% interest-free loan for five years with no obligation to pay down the principal in the meantime while affordable supply comes on stream, we have the highest social housing budget and we have ended the SHD process, but we need to keep going. We need to ensure every aspect of the State delivers on housing in the way that every aspect of the State responded to Covid-19. I ask the Taoiseach to work with everyone and with every part of the State to make sure young families, couples, single people and people on the social housing and affordable housing waiting lists get homes by the end of this term in government and to allow us to show people that there has been a change in housing policy and that we can deliver for the people who need us.

Deputy Jennifer Murnane O'Connor: I am concerned about local authority housing, particularly in Carlow where there is a lack of local authority builds. I want to speak about affordable housing because the Affordable Housing Bill 2021 is one of the most critical pieces of legislation. I support it and want to work with it to ensure it is there for people, particularly in Carlow and other areas where we greatly need affordable housing. My biggest concern, and I have raised this with the Taoiseach on several occasions, is the threshold to qualify to go on the local authority housing list. Ten years have passed since a review was done.

The other issue I wish to raise with the Taoiseach, and about which I have spoken to the Minister, Deputy Darragh O'Brien, and his Department, is the level of Government funding to Carlow County Council. We are €2.7 million short in Government funding every year. This has a significant effect on the people of Carlow. Carlow County Council needs between 50 and 70 staff but it cannot get them because it cannot afford to pay them. This means our services are lacking. The staff are excellent and are doing a great job - this is a point I wish to highlight strongly. If a local authority is not sufficiently staffed, it is very hard on the staff who are there. It also has a direct impact on the good people of Carlow for services and resources. I ask the Taoiseach to give Carlow County Council this extra funding because it is the people of Carlow who are really losing out here.

I know that housing is a significant issue for the Taoiseach. I know he is working very hard on this with the Minister, Deputy Darragh O'Brien.

The Taoiseach: A number of issues have been raised by Deputies, particularly with regard to stamp duty. This was signalled some time ago by the Ministers, Deputies Donohoe and Darragh O'Brien, in the context of the decision to increase to 10% the stamp duty on investment funds so that they could not compete with first-time buyers. This was allied with planning decisions made by the Minister, Deputy Darragh O'Brien. Both measures combined to make it

far more restrictive and, essentially, to allow first-time buyers to buy houses in estates and so. They have been given opportunity. Of course they could not compete with the funds prior to those decisions being made. At the time it was signalled that the Ministers would be making provision for leasing for social housing.

Deputy Richard Boyd Barrett: It was not.

The Taoiseach: We need to move to a different model of leasing. First, the State should own in the local context. Second, I would like to tell Deputy Boyd Barrett that I do not believe the State should be competing with first-time buyers to buy houses.

Deputy Richard Boyd Barrett: It is better than letting the investment funds do it.

The Taoiseach: It is not better-----

An Ceann Comhairle: Please allow the Taoiseach to speak without interruption.

The Taoiseach: -----because it is squeezing first-time buyers out of the market. The real issue is that we are in transition here. We are a year in government. The Housing for All strategy will make this transition from the current leasing arrangements. Some of this is in the pipeline but there is an immediate issue of 2,400 social houses that can be provided through this leasing model.

Deputy Richard Boyd Barrett: Purchase them.

The Taoiseach: Allow me to make the point, please. We want those 2,400 families housed. Local authorities in some instances need to develop capacity and land to get into direct building. The leasing we are talking about here is not the dominant form or model for the provision of social housing at all. That gets lost in the debate because one would imagine that every social house is going to be leased and that is not the case. Up to 80% of such houses right now will be delivered either through approved social housing bodies or local authorities. That needs to increase. We need to go back to the days when local authorities built houses, including social houses. That is what we want. That will require capacity build-up in some of the local authorities, which the Deputies themselves acknowledged, to be fair, in their presentations. Some of the local authorities need to get back to that and need to get it into their heads that that is where social housing is going. The State is saying we have to get involved, through the Land Development Agency and through local authorities, to provide affordable housing also and to provide opportunities. At the moment we are at about 19,000 to 20,000 homes for 2021. The figure was 20,000 last year. That just is not enough.

Deputy Richard Boyd Barrett: It still does not justify-----

The Taoiseach: All I see, however, is sloganeering, having a cut and objecting to this, that and the other in the midst of a housing crisis.

Deputy Richard Boyd Barrett: I gave the Taoiseach a proposal.

An Ceann Comhairle: Deputy Boyd Barrett, please.

The Taoiseach: Take Shanganagh. Does Deputy Boyd Barrett not accept any bona fides? The Government has just approved the Shanganagh proposal, which involved social, affordable and cost rental housing. This year we will have the first major cost rental initiatives and

7 July 2021

scheme. I want to expand that so people can rent quite significantly below the market rate, enhancing affordability in the rental market for people, workers in particular. We also-----

An Ceann Comhairle: A Thaoisigh, if I may interrupt, we are way over time on this question, so if we could maybe just-----

The Taoiseach: There were a lot of questions, though. I want to try to do justice to-----

An Ceann Comhairle: I know, but-----

The Taoiseach: May we have an extra five minutes?

An Ceann Comhairle: Shall we take an extra five minutes?

Deputy Richard Boyd Barrett: We should, to get the answers.

An Ceann Comhairle: We will take an extra five minutes. That is agreed. If people would stop interrupting the Taoiseach, we might be able to get more questions answered.

The Taoiseach: When I spoke in the Dáil I said - I still hold to this view - that a limited degree of leasing has some importance. That was the exact statement I made, which no one has quoted, for obvious reasons. In the long term it is not great value for money for us not to own the property at the end. That is my view. I have said that to the Minister. The Housing for All strategy will deal comprehensively with all these issues, but the key approach will be building for social housing, affordable housing, and cost rental and bringing back voids. Deputy Kelly made a fair point. We cannot have derelict and empty houses. A penalty for not building houses or bringing units back into play is on the agenda as well. We have to look at all measures to get supply up. We have to get to a minimum of 33,000 on average per year and more over the decade. There will be some years over this decade when we will have to get to 40,000 because we have now lost the guts of about 10,000 to the pandemic between last year and this year. My only objective is to get more houses built for people as fast as we possibly can using as many avenues as we possibly can that represent the best value for the taxpayer. That is what we will do under Housing for All.

In response to Deputy Paul Donnelly's point about the defects, the Government has a range of measures and schemes relating to defective products and so on but we need stronger mechanisms in place from the point of view of a regulatory framework, bonds, insurance and so on. The taxpayer cannot pay for everything forever in respect of the deficiencies of private sector operators. The taxpayer cannot be the last resort that just mops up everything. A lot of work is being done on the mica and pyrite schemes and other issues such as fire safety.

As for the strategic housing developments, I do not think the legal capacity is there to disapply retrospectively permissions that were granted, but the Minister, Deputy O'Brien, has been committed for quite some time to ending those. They are now being ended. Again, what has been striking is how few of them have followed through in being developed in many cases. One of the issues that Housing for All will look at will be how we get projects back on track and developed. There are lots of permissions out there. I am not just talking about SDZs.

Deputy Bríd Smith: Those projects are a disaster.

The Taoiseach: Generally speaking, lots of projects have not been developed at all and at the moment show no signs of development.

Deputy Bríd Smith: They are an utter failure.

The Taoiseach: As for the entire environmental approach in respect of compact cities, for example, the agenda there would be to activate brownfield sites to create housing opportunities within cities. However, the costs are proving particularly difficult, and the constant refrain from the sector is that they are not viable from a cost perspective, yet from a public transport perspective and a services perspective it makes sense to try to revitalise inner-city brownfield sites. However, that is proving especially challenging, to be frank, in terms of getting a model in place that would release the potential for the development of large-scale apartments at affordable cost.

Deputy Bríd Smith: They are not for the local people. They are build to rent.

The Taoiseach: I am just saying what people who are in the field building are saying. They say they cannot do it. I do not know whether they are right or wrong. They say they cannot and those sites have not been built on. That is the reality of brownfield sites. We have not had the development recently that we would have wanted. We will look at how we can get a town centre first approach in towns, but in cities-----

Deputy Bríd Smith: It is the wrong type of development. The Taoiseach should watch the “Prime Time” programme.

The Taoiseach: The Deputies have to listen too to people who are out there in the field trying to get projects off the ground because all I hear is-----

Deputy Bríd Smith: For profit.

The Taoiseach: Yes, people will build to make profit. We need a private sector as well.

Deputy Bríd Smith: That is the point. We do not need houses for profit.

The Taoiseach: We will not get to 30,000 or 40,000 houses a year if we do not have a balance between State-driven social housing, State-supported affordable housing and private sector development.

Deputy Paul Murphy: Why not?

The Taoiseach: We are not going to get there.

Deputy Paul Murphy: Why not?

The Taoiseach: It simply will not happen.

(Interruptions).

An Ceann Comhairle: I have to interrupt now.

The Taoiseach: I think Deputy McAuliffe-----

An Ceann Comhairle: No. Sorry, a Thaoisigh.

The Taoiseach: My apologies.

An Ceann Comhairle: Members keep interrupting the Taoiseach, which has held up the

7 July 2021

whole process. We have reached the end of the additional allocated time for these questions. We need, in fairness to the other questioners, to move on to Question No. 11.

The Taoiseach: May I respectfully say just one thing? Deputy McAuliffe summed up eloquently, with precision and factually a lot of the progress that has been made over the past year, and that will stand on the record of the House.

European Council

11. **Deputy Brendan Smith** asked the Taoiseach the outcome of discussions at the recent European Council concerning EU relations with Russia. [34647/21]

12. **Deputy Brendan Smith** asked the Taoiseach the outcome of discussions at the recent European Council regarding the Northern Ireland protocol. [34648/21]

13. **Deputy Neale Richmond** asked the Taoiseach if he will report on the most recent European Council meeting. [34658/21]

14. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on his attendance at the European Council meeting of 24 and 25 June 2021. [34761/21]

15. **Deputy Alan Kelly** asked the Taoiseach if he will report on the recent European Council meeting. [36197/21]

16. **Deputy Seán Haughey** asked the Taoiseach if he will report on his attendance at the recent European Council. [36369/21]

The Taoiseach: I propose to take Questions Nos. 11 to 16, inclusive, together.

I attended a meeting of the European Council on 24 and 25 June in Brussels. The agenda covered Covid-19, economic recovery, migration, Turkey and the situation in the eastern Mediterranean, relations with Russia, Ethiopia and a number of other external relations issues. We also discussed the fundamental values of the European Union, including LGBTI equality and non-discrimination.

Our meeting began with an exchange of views with United Nations Secretary General, Mr. António Guterres, at which the importance of good co-operation between the European Union and the United Nations was discussed.

On Covid-19, we welcomed the good progress on vaccination roll-out while stressing the need to remain vigilant and co-ordinated regarding the emergence of variants of concern. We reaffirmed our commitment to vaccine sharing.

We also had a first discussion on a lessons learned report prepared by the Commission. European Union leaders reviewed the implementation of the European Union's Next Generation recovery plan. We welcomed the timely entry into force of the own resources decision and endorsed the draft Council recommendation on the economic policy of the euro area. We also met in euro summit format to discuss the economic challenges facing the euro area and reviewed progress on the banking union and capital markets union.

We discussed migration on the various routes and agreed to continue to co-operate with

countries of origin and transit. We resumed discussion on relations with Russia and reaffirmed the European Union's commitment to a united, long-term and strategic approach based on the five guiding principles. We welcomed the implementation of sanctions on Belarus. Leaders reiterated the European Union's readiness to engage with Turkey in a phased, proportionate and reversible manner, subject to Turkish actions. We also adopted conclusions on Mali and Libya and condemned the ongoing atrocities and rights violations in Ethiopia's Tigray region. We condemned recent malicious cyberactivities against member states, including Ireland.

I also took the opportunity to discuss implementation of the Northern Ireland protocol and developments in Northern Ireland with a number of European Union colleagues.

Deputy Brendan Smith: I thank the Taoiseach for his reply. It is important that at every European Council the EU make clear to the Russian leadership the need for it to demonstrate a clear political commitment to stop actions against the EU and its member states and, importantly, against third countries east of the European Union. We need full implementation of the Minsk agreements. It is important that the EU intensify its co-operation with eastern partners. I can well appreciate that at this time EU enlargement is not a priority due to so many other pressing issues, but it is one that should be advanced as incrementally as possible. In that context, and from a national point of view, I welcome the expansion of the Irish global footprint, particularly with the opening of the Irish embassy in Ukraine. I hope that the Taoiseach will be able to give a commitment in the not-too-distant future to open an embassy in Tbilisi, Georgia. That would be very important. Ukraine and Georgia have suffered from occupation by Russia and human rights violations. It is not acceptable. These days we have non-military warfare with cyberattacks, disinformation and propaganda. All these issues need to be tackled because they are continuous series of aggressions.

The Northern Ireland protocol is very important. I represent two of the southern Ulster counties. Much of their business is cross-Border and many of our companies are interdependent, as is the economy, North and South. The EU must continue to honour its agreement but we also must ensure that the greatest efforts are made to remove all obstacles to trade because any disruption to trade in Northern Ireland disrupts the economy throughout the entire country.

Deputy Paul Donnelly: My colleague, Deputy Brady, made a presentation to the European Parliament standing delegation for relations with Palestine last week to brief parliamentarians from across the EU on the Dáil motion on the annexation of Palestinian lands by Israel. Michael Lynk, the UN special rapporteur on the situation of human rights in the Palestinian territory also attended. Ireland is recognised for the role it played in the anti-apartheid campaign during the 1980s. There is an urgent need for a similar campaign now in response to Israel's apartheid policies. The Human Rights Watch report, *A Threshold Crossed*, starkly documents how Israeli authorities methodically privilege Israelis and discriminate against Palestinians. It states: "Laws, policies, and statements by leading Israeli officials make plain that the objective of maintaining Jewish Israeli control over demographics, political power, and land has long guided government policy." Palestinians are dispossessed, confined, forcibly separated and subjugated by virtue of their identity, all of which amounts to crimes against humanity of apartheid and persecution. The Taoiseach has stated on a number of occasions that the occupied territories Bill banning trade with illegal settlements in the occupied territories is not compatible with European law; others disagree. Will the Taoiseach provide the Government's legal advice or at least commit to providing the points of European law which he has been advised are incompatible with the legislation?

7 July 2021

Deputy Alan Kelly: The European digital green certificate is due to come into operation on 19 July. It is a moving issue on which a significant number of people anxiously wait for news of its delivery. To keep people updated, will the Taoiseach tell the House whether the timelines will be met? Will it be paper-based? When will these start to be posted out? Will it be Monday? I will not hold him to it but what percentage of people does he expect will have them next week, before 19 July? There will be issues, but does he predict that a large number of people will receive them next week?

My next question relates to long Covid at European level. In late 2020, the UK's National Institute for Health and Care Excellence, NICE, published guidelines on and recommendations for long Covid care. On 6 May, the European Commission announced plans to back a new generation of improved Covid treatments, especially for people suffering long Covid. Was this considered by the European Council? This is an issue that will have to be dealt with on an ongoing basis. The longer term health impacts have been completely underestimated. Has this been acknowledged at European level? Has there been discussion on what will be done about it and about treatments? How will it even be defined? This is an entirely new issue. Has it been recognised and discussed at European level?

Deputy Seán Haughey: Nobody can say the Taoiseach is not accountable to this House on his participation at European Council meetings. In the past two weeks, there have been pre-European Council statements, post-European Council statements and today there are further parliamentary questions.

Will he give the House further information on his discussions with the Romanian president on plans to purchase 1 million Covid-19 mRNA vaccines from Romania? I understand there is an agreement in principle to purchase. What developments have since taken place? When might the vaccines arrive here? What are the logistical issues to be worked through? Have the authorities in Denmark been contacted to see how their purchase is working out for them? What other EU states have been contacted regarding the purchase of vaccines and what was the response? Is the Commission happy with this practice?

What has Ireland's commitment been to COVAX to date? How much have we contributed through Irish Aid, the World Health Organization, Global Health and the EU generally? Can the Taoiseach indicate the figures involved and how much financial support we are giving to COVAX through these various organisations?

Deputy Richard Boyd Barrett: Following the attempt at ethnic cleansing in Sheikh Jarrah in East Jerusalem and the conflict and military brutality from Israel that provoked, the Government agreed to pass a motion that acknowledged illegal settlements were taking place on Israel's part, but it voted down an amendment I tabled that sought to characterise the situation as it is, not simply as illegal settlements but as an ongoing process of ethnic cleansing by an apartheid state, and consequently the state of Israel needs to be treated as the apartheid South African regime was with sanctions and boycott. In the past week, there have been more instances of the point I was making. Early on the morning of 29 June in the Silwan area, south of the Al-Aqsa mosque, a town of 15,000 people, 40 Israeli military vehicles piled into the area in an attempt to demolish 96 homes of Jerusalemites. They used a bulldozer to knock down a butcher's shop. Israel has introduced a new law that essentially prevents those Palestinians from resisting the demolition of their homes. This week, there was also the spectacle of Naftali Bennett, the Israeli Prime Minister, trying to prevent Palestinians who marry Israelis from gaining Israeli citizenship. Is this not proof that it is an apartheid state and a state involved in the

ethnic cleansing of Palestinians, as I said?

The Taoiseach: I take Deputy Brendan Smith's point on Russia. There was a good meeting and a good discussion including at a prior Council meeting for some time. The point has been made that the five principles that govern the EU's approach in the relationship include the full implementation of the Minsk agreements and strengthening relations with eastern partner countries, which was reiterated at the latest Council meeting. Several member states articulated the need to reach out and engage with eastern partner countries and, indeed, other countries of central Asia. Strengthening EU resilience to Russian threats is a key principle as well as selective engagement with Russia on certain issues such as counterterrorism, climate change and support for people-to-people contacts. Those are the five principles that govern member states and the EU generally in its relationship with Russia. The need for a unified approach across the EU is also important. Ireland supports an openness to selective engagement in certain areas, particularly climate security, Iran and Syria, but we believe that the pacing of that engagement is key. The recent behaviour of Russia in many areas has been unacceptable. That is the position at the moment and there is further work to be done. The High Representative, Josep Borrell, produced a good, comprehensive report on the status of the relationship with Russia right now and where he sees it going forward. The general consensus was that we would pace the engagement but also see what the best model for engagement with the European Union is.

On the global footprint, I take the Deputy's point on Tbilisi. I will engage with the Minister for Foreign Affairs in respect of that. As he says, we are making progress on the Ukraine.

In terms of Deputy Paul Donnelly's points on the apartheid situation, it was interesting that when I met the UN Secretary General *en marge* of the meeting, he praised Ireland's contribution to the Security Council and Ireland's persistence on the situation in the Middle East, in particular in Palestine. The general international perception of Ireland is of a very activist, progressive and interventionist approach to the Middle East. That sometimes does not get articulated in the House. We should maintain the unity of purpose in terms of the broad principles that should govern our approach to a two-state solution and the ending of injustice. I accept the points that have been made by Deputies Donnelly and Boyd Barrett on the ongoing discrimination against Palestinians, which is unacceptable.

Deputy Kelly raised the Covid travel certificate. We are broadly on track in terms of the issuing of the certificates. We are making good progress in respect of that. Our objective was to sign up for 19 July. There will be a comprehensive presentation on the operationalisation of the system from the Irish perspective. We will operate the new digital certificate from 19 July for travel originating within the EU and EEA. What is particularly important for those travelling is to ascertain the status of how other member states are going to apply the certificate. That is important. People must check. On the way back in, people who are not vaccinated will be required to have a PCR test if they do not have proof of recovery from Covid.

We will broadly align ourselves to the EU approach to non-essential travel into the EU from third countries. There are ongoing discussions between the European Union and Great Britain as well as the United States of America. It would be desirable in respect of those two countries that we would have a unified, consistent approach and clear safety protocols for safe travel and public health advice. There will be a more comprehensive presentation on the issue in due course, but significant progress is being made in regard to it.

Deputy Kelly's point on long Covid is very well made. I am concerned about long Covid.

7 July 2021

Some of the debate that gets articulated regarding Covid from time to time is about the fact that it is okay because younger people do not go to hospital. I find that very annoying at times. Some 10% of all cases can develop into long Covid, which can have a significant negative effect on people for some time. The full implications of it have to be worked out. Europe has developed the Health Emergency Preparedness and Response Authority, HERA, group, which will probably develop into the HERA institute. It combines researchers, biotech companies, manufacturers and the medical authorisation agencies, in particular the European Medicines Agency, EMA, to deal with all these issues, both therapeutics and in terms of vaccines, where a lot of progress has been made.

Deputy Haughey raised a number of issues. We have agreed in principle with the Romanians to secure additional vaccines. We asked all EU states and we have got a very welcome response from Romania, which I appreciate. I had discussions with the Romanian President, and the arrangements are being worked out now between the two respective health systems. We have been in touch with other EU states in respect of that and the discussions remain to be brought to a conclusion.

We have been very strong on COVAX. Our view generally in the debate with the European Commission in terms of the global supply is towards giving additional resources to Africa, for example, to improve its production and manufacturing capacity. The European Union has pledged €1 billion to Africa in respect of additional capacity.

An Ceann Comhairle: I am afraid the time is up.

The Taoiseach: I agree with Deputy Boyd Barrett that what is going on in terms of the discrimination against Palestinians is unacceptable. There is no question about that. Ireland continues to call out Israel in respect of that.

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

The Taoiseach: We consistently seek to get an alternative approach.

Citizens' Assembly

17. **Deputy Alan Kelly** asked the Taoiseach if he will report on progress towards implementing the citizens' assemblies committed to in the programme for Government. [34836/21]

18. **Deputy Mary Lou McDonald** asked the Taoiseach the expected timeline and order of citizens' assemblies committed to in the programme for Government. [36219/21]

The Taoiseach: I propose to take Questions Nos. 17 and 18 together.

The Citizens' Assembly on gender equality was established in January 2020 and submitted its final report to the Oireachtas on 2 June. The assembly agreed 45 priority recommendations covering a wide range of areas set out in its mandate. These include recommendations on politics and leadership, care giving and childcare, domestic, sexual and gender-based violence, pay and the workplace and social protection, and the Constitution. The final report of the assembly sets out those recommendations in context and is for consideration by the Oireachtas in the first instance.

Following delays caused by Covid-19, this assembly adapted its methods to comply with public health guidelines and resumed its work with online meetings last year. An independent researcher was appointed by the assembly to monitor and record, among other things, the perceived deliberative quality of the assembly. This report will assist in decisions on the use of virtual meetings for future assemblies. I am informed the researcher has now submitted her report to the Citizens' Assembly and I understand it will be published by the end of the week.

Under the programme for Government, the Government aims to establish a Citizens' Assembly in 2021 to consider the type of directly elected mayor and local government structures best suited for Dublin. This assembly will be established with a new chairperson and new members. Consideration is being given to the appropriate methodology for future citizens' assemblies, but any decisions in this regard will be guided by the experience of the gender equality assembly.

The programme for Government provides for the establishment of citizens' assemblies to consider biodiversity, matters relating to drugs use and the future of education. Officials from my Department are engaging with officials from relevant Departments on the approach to be taken with regard to these assemblies. It is envisaged that they will be established after the Citizens' Assembly on the Dublin mayor has completed its work, but the specific timing of each assembly has yet to be confirmed.

Citizens' assemblies do very valuable work in guiding policy and giving a sense of the direction the public would like the Government to take; however, their establishment must have careful regard to public health constraints, which can add to the complexity and the time it takes to operate them safely and effectively. Although the timing of the assemblies outlined in the programme for Government may not yet be confirmed, there are ongoing and new initiatives being carried out in each important area: biodiversity, drugs and the future of education.

Deputy Alan Kelly: The last time we discussed this issue, we had an extensive discussion on the outcome of the most recent assembly on gender equality. I also inquired of the Taoiseach about his priorities, as a number of assemblies are proposed. In his reply, he might indicate what his priorities are.

The programme for Government commitment is stated as being one on the future of education, but I would also expect that to examine the role of the church in education. For a number of years, the Labour Party has called for such an assembly. It should not just address the role of the church in education but also in healthcare. There is a range of complex constitutional and ethical questions that must be resolved, so I ask that the Taoiseach would consider that one of the assemblies would be on the role of the church and religious institutions in both healthcare and education. Society has changed so much. We have seen the complex problems with the National Maternity Hospital, and how the historical role of the church in providing social services and education has given rise to issues, with the desire of the public being for secular health and education free from religious influence. We cannot keep dealing with these issues on a case-by-case basis. The Taoiseach would probably agree with me on that. We need a framework to deal with all of these issues. It would be remiss of me not to ask the Taoiseach about the National Maternity Hospital. It has been two weeks since the issue was debated here and nothing seems to have been progressed. Where are we at as regards the discussions on this with the Minister? Is the Government going to power on with the current proposal or is there a proposal to acquire the site? Could the Taoiseach update the House?

7 July 2021

An Ceann Comhairle: Unfortunately, we do not have any time for the Taoiseach to respond, so perhaps he might correspond with Deputy Kelly on those important questions.

Deputy Alan Kelly: We have 30 seconds. I seem to be the only person left, so it is a bit discriminatory.

An Ceann Comhairle: All right. The Deputy can proceed.

2 o'clock

The Taoiseach: I would be broadly in agreement with the Deputy's point that the world has changed and society has changed. It is not just the church and education and social services; it is also what happens post the church leaving certain sectors of society. I am particularly conscious of the disability sector and section 38 organisations more generally, capacity issues and relationships between the State and such services, where the State does not have the lever. I am moving on this. This argy-bargy going on, saying we are not taking extra classes and we are not taking extra places for children who need places, cannot go on. We need to have the proper framework that the Deputy has suggested to evolve into a newer situation. The National Maternity Hospital is a classic illustration of that. It is what it is now, and there is ongoing engagement with the Minister on it, but I stand back from it all and say that the State is funding this 100%, so, to me, there are obvious and logical conclusions to that. In the future, I do not want to preside over anything like that. This has been going on for years but, in other developments, if we are providing services, we own the services and we control what is happening there.

Written Answers are published on the Oireachtas website.

Education (Student and Parent Charter) Bill 2019 [Seanad]: Second Stage

Minister for Education (Deputy Norma Foley): I move: "That the Bill be now read a Second Time."

I am pleased to be in a position to bring the Bill to the House. The Bill has been passed by the Seanad, where it received cross-party support. I believe this is important legislation as it seeks to provide a clear framework for schools in regard to engagement within their school communities and between home and school. As Members will be aware, a spirit of open communication and partnership is vital to the running of the school. At its very best, education extends well beyond the classroom and into the lives and homes of everyone within a school community, and this includes students, their families and, of course, staff.

For a school community to reach its full potential, it requires the support of everyone involved. I know from my experience that many parents and staff give freely of their time and support to ensure their school community is able to reach its fullest potential. One such experience is the wonderful tradition in Ireland of volunteer-led boards of management, which contribute so much to the quality of education. Communication and engagement must be at the heart of how a school is run. I know many schools do this well and have positive and open communication within their school community. Those schools can attest to the positive benefit of engagement with students, parents and staff for the entire school community.

This legislation will support all schools by providing a clear framework to guide them in establishing and implementing good practice. It will do so by amending the Education Act

1998. That Act sets out a clear framework for the operation and management of schools in Ireland. However, while the 1998 Act includes some provisions that can guide, aid and influence the relationship between a school and its staff, students and parents, it does not currently provide significant guidance as to how schools engage with staff, students and their parents on a proactive basis. While there are limited provisions within the Education Act as to communication with the parents and students, it is focused on creating procedures to process grievances or appeals once they have arisen. As important as this is, we must also take proactive measures to create a positive school environment. The approach being taken in this Bill is to shift away from concentrating on reacting to problems in schools after issues arise to an approach that aims to improve the day-to-day experience the school community can expect from schools. This will be done by setting out clearly a framework that schools will apply in their engagement with the school community.

Under this framework, every school will be required to prepare, publish and implement a school community charter. This charter must adhere to national charter guidelines developed and published by the Minister. The charter guidelines will be developed in consultation with the education partners, including those organisations representing students and their parents. The consultation process will be an important element in ensuring that the guidelines achieve their objective in a manner that is straightforward and effective for students, parents and school staff.

This Bill has 11 sections. Section 1 is a standard definitions section.

Section 2 is the largest as it inserts four new sections, namely, sections 27A to 27D, inclusive, into the Education Act 1998. I will outline these new sections in more detail. Section 27A provides that a school board of management must prepare, publish and implement a charter in accordance with the Minister's charter guidelines. In preparing its charter, the board must consult with the patron, school principal, school staff, students, parents, the student council and the parents' association, and must prepare the charter in accordance with the charter guidelines. Each school charter must affirm that the charter has been prepared by the board in accordance and compliance with the charter guidelines. Section 27A prohibits a school board from including content in its charter that is not in accordance with, or provided for by, the charter guidelines. It also provides that the board must review and amend its charter as provided for by the charter guidelines.

Section 27B requires the Minister to develop and put in place national charter guidelines. The guidelines must address, *inter alia*, the following: the content of school charters; the process by which a school board will prepare, publish and implement its charter, including procedures for consultation with stakeholders at school level; the implementation of school charters; the procedures for reviewing and amending a charter; and such other matters as are necessary or appropriate for the purposes of the guidelines. In developing the charter guidelines, the Minister must consult with the education partners, including bodies representing students and their parents, as well as the Ombudsman and the Ombudsman for Children. The section provides that the Minister must carry out a review of charter guidelines at least every five years.

Section 27B also provides that the charter guidelines in respect of the content of charters in schools may relate to the following matters: the procedures for consulting with students and their parents on such matters relating to the school as may be specified in the charter guidelines, including by inviting, and responding to, comments and suggestions from students and their parents on any such matter; and information on school plans and policies of the school,

other than the admission policy, and the activities of the school. As the Admissions Act 2018 sets out a separate and comprehensive legal framework for the development, publication and implementation of schools' admission policy, the admission policy is excluded from this provision and similar provisions in the Bill. The section also provides for the procedures, including consultation procedures, for the preparation, review and updating of school plans and policies of the school, other than the admission policy, and the development, review and updating of the activities of the school; the procedures for informing students and their parents of matters relating to the operation and performance of the school; and the procedures for informing students and their parents of the activities of the school.

Other charter content set out in section 27B includes information on the structures and systems for the management of the school; the information to be provided to students and their parents relating to moneys that the school receives, including voluntary contributions made by parents, and the expenditure of those moneys by the school, and of the form and manner in which that information is to be provided; the information to be provided to students and their parents relating to the school calendar, closures and timetables and of the form and manner in which that information is to be provided; and the procedures for dealing with grievances of students or their parents relating to the school, and details of aggregated and anonymised information to be provided to students and their parents relating to grievances dealt with by the school, which may include the number or type of such grievances and related outcomes, and the form and manner in which that information is to be provided. The section also provides that the guidelines may, where the Minister considers it necessary, include model charters for different categories of schools and contain different provisions for different categories of schools or different categories of students.

Section 27C provides that the Minister, in preparing the charter guidelines, must have regard to certain matters that are specified in this section. These matters align with the core principles that were set out in the general scheme of the Bill. There are ten such matters listed from (a) to (j). These are the need for a school to:

(a) seek to achieve, as far as practicable and subject to the resources available, the best possible outcomes for students in relation to their education and personal development,

(b) foster and promote the relationship and a spirit of partnership between the school and students and their parents,

(c) foster and promote mutual respect in communications between the school, including teachers or other staff of the school, on the one hand and students or their parents on the other hand,

(d) ensure, as appropriate, confidentiality in communications referred to in paragraph (c),

(e) promote the role and participation of parents in the education and personal development of students,

(f) consult with, and encourage the participation and engagement of, students (to the extent appropriate to their age and experience) and their parents, and respond, as appropriate, to comments and suggestions made by students and their parents, in respect of the development, review and updating of school plans and policies of the school (other than the admission policy) and the activities of the school,

(g) monitor and review the provision of education by the school to students, including by consulting with, and responding, as appropriate, to comments and suggestions made by, students (to the extent appropriate to their age and experience) and their parents, for the purposes of assessing and improving such provision on an ongoing basis,

(h) foster and promote equality of access for students to, and participation by students in, education by seeking, as far as practicable, to reduce the costs to parents and students of such participation,

(i) address and resolve concerns of students or their parents relating to the school, as far as possible, at an early stage, and

(j) ensure that grievances of students or their parents relating to the school are dealt with efficiently, effectively and fairly and, as far as possible, in an informal manner consistent with the principles of fair procedures.

The fourth new section, 27D, provides the Minister with a power to give a board of management a direction where he or she is of the opinion that the board has failed or is failing in whole or in part, to comply with its obligation to prepare, publish and implement a charter. Before issuing a direction, the Minister must give the board and school patron notice of his or her intention to give a direction, setting out the reasons and the proposed remedial action. The notice must offer the board and the patron, or both, an opportunity to make representations on the proposed direction and provide the board and patron with at least 14 days to do so. The board and the patron therefore have an opportunity to rectify the matter before a direction issues or to make representations on the proposed direction.

The Minister must, in deciding whether or not to give a direction, consider any representations. Where the Minister proceeds to issue a direction, the board must comply with that direction. The Minister is also required to publish the direction on the Department's website no later than 14 days from the date of issue. The board must confirm in writing to the Minister when it has complied with the direction and the Minister, on being satisfied that a direction has been complied with, must publish a notice to that effect on the Department's website. The Minister must also give notice in writing to the board and the patron that he or she is satisfied that the direction has been complied with.

I will move to the other sections of the Bill. Section 3 provides for the amendment of section 2 of the Act of 1998 by inserting definitions for "charter" and "charter guidelines". Section 4 provides for the amendment of section 9 of the Act of 1998. Section 9 of the Act of 1998 sets out the various statutory functions of a school. In line with the purpose and aims of this Bill, two new important functions of a school are being inserted by section 4. These are to promote the involvement of students and their parents in the provision of education to students, and to ensure the implementation of the charter.

Section 5 provides for the amendment of section 20 of the Act of 1998. Section 20 currently refers to procedures for informing parents, but not students, of matters relating to the operation and performance of the school. It is being amended to link those procedures to the charter guidelines and to provide that both students and parents are referred to in the section.

Section 6 provides for the amendment of section 21 of the Act of 1998. Section 21 of the Education Act 1998 concerns the school plan and is being amended to ensure that the arrangements for the preparation of a school plan referred to in that section must comply with any ap-

plicable charter guidelines in respect of same.

Section 7 provides for the amendment of section 27 of the Act of 1998. Section 27(1) requires schools to have procedures for informing students about the activities of the school. It is being amended to ensure those procedures comply with any charter guidelines in respect of same and to provide that both students and parents are referred to in this provision.

Section 7 also amends section 27(4) which concerns the role of a student council. The amendment changes the requirement of a student council from one of promoting the interest of the school to a requirement to promote the interest of the students of the school having regard to the characteristic spirit and policies of the school and the charter.

Section 8 provides for replacement of the existing section 28 of the Act of 1998. The existing section 28 of the Education Act 1998 is replaced with a new section 28. The new section 28 is designed to work in tandem with the other charter-related provisions in the Bill. Together, these provisions will ensure that all schools will be required to have and to implement standardised grievance procedures that will be set out in the national charter guidelines following consultation with the education partners. This new section 28 provides that these grievance procedures must provide for matters such as: the requirements to be complied with by the school and the student or parent concerned in relation to the grievance process; the investigation of grievances in a manner appropriate to the nature of the grievance, whether by informal or formal means or both; the resolution of grievances, either formally or informally; the giving of reasons for its decisions on grievances; and the implementation of decisions and any remedial action required.

Section 28(2) provides that a school may, in accordance with the charter guidelines, decide not to deal with the grievance where the grievance is, in the opinion of the school, vexatious or frivolous, and that the school shall give to the student or parent, as the case may be, the reasons for such a decision.

Section 9 is a technical amendment and provides for the amendment of section 42 of the Teaching Council Act 2001 to update an existing reference in that Act to section 28 of the Education Act 1998, replacing it with reference to the grievance procedures provided for under this Bill.

Similarly, section 10 provides for a technical amendment of section 9 of the Ombudsman for Children Act 2002 to update an existing reference in that Act to section 28 of the Education Act 1998, replacing it with a reference to the grievance procedures provided for in this Bill.

The final section of the Bill, section 11, is a standard provision to provide for the Short Title, commencement and collective citation of the Education Acts.

I have outlined the provisions of the Bill as passed by the Seanad. I will outline the amendments that I wish to make to the Bill as it progresses through the Dáil. I know that a school can only be at its best when the full engagement and inclusion of every student, parent and member of staff is involved. Since becoming Minister, I have pursued a partnership approach. I am especially pleased that the student voice has been an integral part of all stakeholder engagements in recent months. I believe in an inclusive, collaborative approach to education. I therefore advise the House that I intend to table an amendment on Committee Stage to amend the Short Title of the Bill to the education (school community charter) Bill. The school community will be defined in the Bill as including students, parents and school staff. This amendment should help to reflect the importance of the role of the entire school community in the education of

children and young people and to help ensure that the engagement and listening culture that the charter currently provides for is inclusive of the entire school community.

Further amendments to the Bill will be necessary to replace references to students and parents with references to the school community. These amendments will ensure that school staff are included in the consultation process, which the charter provides for, and that they are provided with the same information that students and parents are provided with. I know that many stakeholders have expressed concerns that the Bill as it was initially presented was not fully inclusive of the entire school community. I hope that these changes address those concerns and demonstrate our commitment to ensuring that the Bill is inclusive of everyone in a school. It is not proposed that the national grievances procedures for parents and students as provided for by the charter guidelines would include school staff, as they are employees of the board of management and have separate grievance procedures.

I also intend to bring another key amendment to the Bill in respect of section 9(2) of the Ombudsman for Children Act 2002. This amendment is proposed to ensure that the Bill does not impact on the current role and remit of the Ombudsman for Children in considering grievances from students and parents. The Ombudsman for Children Act 2002 currently provides in section 9(2) that the Ombudsman for Children may carry out an investigation under the Act in relation to its school only where the grievance procedures prescribed under section 28 of the Education Act have been resorted to and exhausted. Schools are the only body or organisation where there is an absolute bar on the Ombudsman for Children investigating until the local grievance processes have concluded.

However, since no procedures have to date been prescribed under section 28 of the 1998 Act, in practical terms this provision is not operational and, therefore, the Act currently applies to schools in the same way it does to other bodies that can be investigated by the Ombudsman for Children. Without an amendment to this Bill this position would be changed. The Ombudsman for Children has advised that, in practice, the ombudsman would investigate complaints before the local process is exhausted only where the ombudsman has reason to believe that the local process has been deliberately frustrated or that an urgent risk is presented to a child or student. I want to ensure this position is maintained. My officials will engage with the ombudsman further regarding this amendment.

In conclusion, I believe that this Bill is very important legislation. It will both positively and proactively enhance and improve the experience of the entire school community in our schools. I look forward to hearing the views of Deputies regarding the Bill.

Deputy Rose Conway-Walsh: I am sharing time with Deputies Martin Kenny and Patricia Ryan, who have five minutes each. On the whole, Sinn Féin supports the Bill. It is right to create uniformity in this area and set out in clear terms the relationship between schools, parents and students. Providing a framework in the form of a charter for parents and students will surely have a positive impact on engagement between all parties, including teachers, staff, parents and students. I welcome the amendment mentioned by the Minister, which is to insert the word “community” into the Bill, because I have found the very best schools are the ones that look outward to their communities and get involved in community activities and initiatives. That says an awful lot about a school and the ethos within it in terms of openness. Many schools are excellent at that and really benefit from it, as do students, in a very profound way, whether it is through community initiatives on bullying or other key issues within the community.

7 July 2021

However, there are still areas that need to be improved. We will work collaboratively to strengthen the Bill. I thank and commend members of the voluntary boards of management who give up their time to do magnificent, and often thankless, work. They are often expected to deal with ever-increasing complex issues relating to the provision of education in their communities with very little thanks. School principals are overstretched and under-resourced to cope with all the bureaucracy and instructions delivered from the Department. The proper resources need to come with this charter, whether these are for principals or boards of management. To make this charter really effective we need to underpin it with resources. We are not talking about an awful lot, but we need to have resources for collaboration, communication and the extra workload involved in devising the charters, especially for teaching principals so they are not overburdened any more than they are already.

It is proposed in the Bill that the review of ministerial guidelines shall be at the discretion of the Minister, but experience tells us that this is a case of “whenever suits” as opposed to when there is evidence of systematic flaws. We cannot allow lethargy to weigh down this fundamental relationship between schools and parents and Sinn Féin seeks to amend this aspect of the Bill. Sinn Féin considers reviews of the charter should be conducted with predictable regularity at intervals of three to five years. The Bill sets out information on how grievances parents and students have with schools are handled. The Bill, as it stands, allows schools to dismiss complaints where they believe them to be frivolous or vexatious. While it is likely that schools will sometimes receive complaints that may not hold water, this provision, as it stands, is unnecessarily broad and may result in legitimate complaints being thrown out without any reasons given. Sinn Féin submitted amendments in the Seanad that would compel schools to give reasons, in writing, why a complaint was dismissed. That is very important.

The Bill makes some progress in placing a statutory obligation on schools to consult students and parents on school costs. I have found that in most of the cases where there has been a breakdown in relationships between families, parents and schools, it is because of a lack of resources, particularly in the area of resources for special needs. For instance, I know of a 15-year-old lad who has been sent on a 100-mile round trip to access education. His local school is very willing to provide that education, but it needs the resources to be able to do it. It needs resources for safety reasons and in order for him, as the Minister rightly said, to be able to fulfil his potential. That is really an area that needs to be looked at. Many of the communication problems could be alleviated by putting in the resources and listening to boards of management and schools so they are not left on their own.

Many costs for families are above and beyond the scope of the schools themselves. School transport is one of them, even if families win the fight for a seat on the bus to begin with. If they do not have a medical card, families then have to pay €100 per primary school child and €350 for second level students. Even at this stage of the year, many parents are anxious about how they will find €350, or €600 if they have more than one child. They ask what they will be able to cut back in the summer in order to be able to meet that cost. Just because a household does not have a medical card does not mean it is financially sound. The thresholds, which have not been raised for years, are ridiculously low, as the Minister knows. The cost of examinations, papers, books and information technology, IT, equipment all increase pressure on families.

It is disappointing that the Bill does not specifically mention school uniforms or put an onus on the school to make generic non-branded uniforms available. Barnardos has reported that 65% of parents of primary school pupils and 74% of parents with children in secondary school are requested to pay a voluntary contribution. These contributions can range from €50 to €300

a year. That is an awful lot of money to ask from hard-pressed parents. One of the most notable aspects of the Bill is that it proposes the charter contains information for parents on voluntary contributions. Again, in the Seanad, Sinn Féin submitted an amendment in the hope of standardising the regulation and collation of data on voluntary contributions so parents would know how much schools collected and what the money was being spent on. Some schools are very good at that transparency and communicating with parents on it. The amendment passed Committee Stage with the support of all parties, bar Fine Gael. However, Fine Gael and Fianna Fáil coalesced on Report Stage to vote this amendment down. I ask the Minister to reconsider that now that the Bill is in this House. We intend to submit amendments on this issue again in the Dáil.

Sinn Féin's long-term view is that voluntary contributions should be abolished and capitation funding must be increased. It is not right that these costs should fall on parents on top of all the other back-to-school costs they face. Children are constitutionally guaranteed free education, but these contributions are voluntary in name only with parents feeling obliged to pay them. For some parents, that is just not possible. The shame and embarrassment that is caused, in some cases, where parents just cannot afford the contributions that are being requested is extremely unjust. Many families, especially single-parent households, are forced into debt as a result of so-called voluntary contributions and that adds many financial pressures. The average cost of secondary school is €1,891 per child per annum. This has been increasing year on year. Over the six-year course of a second level education, the so-called voluntary contribution constitutes a regressive tax which costs parents on average €700 per annum. This is a failing on the part of the State. We should act to give workers and families a break in this regard. Sinn Féin will table an amendment in this regard in the hope of standardising the regulation and collation of data on the voluntary contribution. We should be working our way towards no voluntary contributions because the State will be properly financing our schools. In other jurisdictions in the European Union and across Europe, such voluntary contributions are banned. We need to look at why they are banned.

It is time we poverty-proofed our education system from preschool to third and fourth level. Forcing families into financial stress to access basic primary and second level education is not acceptable in a society that calls itself a republic, one that has a Constitution that underpins the right to free education. It should never be the case we cherish all of the children equally provided they can pay.

Deputy Martin Kenny: Sinn Féin welcomes this legislation, which, by and large, seeks to formalise what many school boards of management already do. Much of that work is already happening and there is already transparency in that regard. It must be said that very many boards of management operate in a voluntary capacity. They put in a lot of time and effort to run schools throughout this country. The amount of funding by way of the capitation grant to schools is always a problem. It is for this reason so many schools need to fundraise and seek voluntary contributions. This is a poor reflection on how we value our education system.

This legislation, while welcome in terms of what it seeks to do, does not go to the core of the problems in this area. In many cases, schools are under-resourced. The Minister will be aware that one of the primary areas in respect of which they are under-resourced is in regard to special needs provision and classes. Families with children who are at various stages on the autism spectrum or who may have other conditions find that getting resources in place for their children is a struggle and a fight. The principal of the school, the parents and everyone else involved find themselves fighting with special educational needs organisers, SENOs, to get extra

7 July 2021

hours and to get special needs assistants, SNAs, in place. At the end of the year, there is always a fear the SNA hours will be cut, that an SNA will be withdrawn or that the full-time SNA will be replaced with a part-time SNA because a child has improved a little. In my constituency, I am dealing with a case involving a child who has been assessed as having improved in the past 12 months and, therefore, an SNA is deemed no longer necessary. The parents are worried the child will regress when that support is taken away. It is foolhardy and wrong that families are under stress and strain that this might happen. It is a real issue in many places.

There is another issue that needs to be addressed. In many places, school boards of management are dealing with poor infrastructure. I understand the Minister met recently with the board of management of Scoil Mhuire in Carrick-on-Shannon, which is seeking the construction of a new school building because they are in a very fragmented situation at the moment. There is a real need for a new primary school in Carrick-on-Shannon to deal with the growing numbers in a growing town. The existing building is totally inadequate. This is reflected in many places throughout the country. The putting in place of a charter will not resolve those big issues; they will continue to be the big problem. As has been said by a number of contributors in previous debates on this issue, there is a fear among some boards of management that for them this charter could mean extra pressure, more work and additional cost. While the Bill is deemed to have no cost to the Exchequer, in terms of the extra work it could have a cost for boards of management, who are the ones who will have to implement it.

Another issue we have in many areas is that of small schools and decreasing pupil numbers and the resultant loss of teachers and so on. In the rural area I come from this is an ongoing problem. Many small schools are under serious pressure, in part because of the school transport service and the manner in which it operates in regard to small rural areas. For example, to be eligible for school transport a child must attend the nearest school and there must be a set number of children on the route for it to be established in the first place. Some places are concessionary and others are entitled. No child in this State could be considered a concession. Every child should be eligible for full educational services, part of which should be transport to school.

The issue of school secretaries also needs to be dealt with. It has been ongoing for years now and it needs to be dealt with appropriately and as quickly as possible.

Acting Chairman (Deputy Cathal Crowe): I apologise as the clock disappeared momentarily but we have been tracking the time manually.

Deputy Patricia Ryan: I too welcome the opportunity to speak on this Bill, particularly the long-overdue amendment to the Education Act 1998. Parents and students need consistency, openness and transparency. A charter between schools, students and parents is a step towards achieving this. I am concerned the guidelines that limit the scope of this charter are too narrow. I understand there is provision for the Minister to consult education partners, the Ombudsman for Children and such other Ministers, bodies or persons considered appropriate before making the guidelines. I urge the Minister to ensure there is consultation with the National Parents Council, student representative bodies and teachers' unions to ensure their voices are heard.

Sinn Féin has proposed an important amendment to this Bill seeking to regulate the publicly available information on how much money is collected by schools through voluntary contributions. I am aware some of my colleagues also spoke about voluntary contributions. Education should be free. It is outrageous that schools rely on these contributions to remain open. Some

schools use the voluntary contributions to pay for basics such as electricity and oil bills due to underfunding through reduced capitation grants. In this regard, no data are made available to the Department of Education. We believe it is important the Department would have access to those data and that they should be published so we know how much is collected by the schools annually. The amendment will inform parents of the amount of money being collected and the purposes for which it is spent. It will also, for the first time, inform us of the shortfall in funding. This is an important step in the direction of abolishing voluntary contributions in schools.

As of now, we are unaware of how much is collected annually. Despite being called “voluntary”, the contributions are often far from that, with some schools in dire need of these funds due to under-resourcing. A recent survey suggests parents contribute €40 million per annum, but the truth is we do not know the amount. We need to be able to access that information. I have been told of multiple requests of struggling parents for this supposedly voluntary contribution. Many parents have told me they feel shamed into paying it. This is wrong. No child should be discriminated against due to the inability of parents to pay this contribution. Parents should be fully informed of the voluntary nature of the contribution.

As we are speaking about the future of education, I must mention the lack of school places in my constituency of Kildare South. I have been contacted by several parents who do not know what school their child will attend in two months’ time. This is Third World stuff. We are living in one of the richest countries in the world. We need joined-up thinking and a plan for the population growth we are experiencing. Monasterevin has waited 20 years for a new secondary school. I am delighted to note it is in progress but I am afraid it will be above capacity when completed. A new build for Coláiste Íosagáin in Portarlinton is at preliminary design stage. Newbridge and Kildare town need new schools as well. The wheels are moving too slowly and urgent action is needed now to prevent a looming crisis. Fine Gael and the Labour Party in government imposed cuts of €130 million in the education area in 2012. Capital spend, which included several large infrastructure projects, was cut by €750 million. This is when we should have been investing in education to stop the brain drain. Sinn Féin in government will reverse these savage cuts. We need to invest in the future and I sincerely hope we will.

Deputy Aodhán Ó Ríordáin: Gabhaim buíochas leis an Aire as a bheith anseo chun éisteacht linn mar gheall ar an mBille seo. This is good legislation which the Labour Party is happy to support. We need to change the conversation around education in its totality. With that in mind, it is beyond time for us to discuss the establishment of a citizens’ assembly on education. Seeing as we hope that we are now coming out of this pandemic and given that many fault lines have been exposed by that pandemic and that many power struggles in the area of education have also been identified, it is now time for us to take an entirely new look at the way in which the education system is structured. This is important if we are to put students and parents at the heart of the discussion on education.

We know of the pressure that students brought to bear on the system by demanding to be heard with regard to the leaving certificate. In fairness to the Minister, this campaign was met with a listening Minister. The leaving certificate was only changed to a model based on choice because she was willing to listen and took the students’ view on board and treated them with respect. Deputy Foley will not always be the Minister for Education, however. That is why we need legislation to underpin that type of understanding and engagement. When I worked in the education sphere, I was always told to look at everything from the perspective of the child or young person. It is rare enough that the child is at the centre of our debates on education. There are any amount of power brokers and power struggles between vested interests, including

7 July 2021

representative bodies, patron bodies and the Department. It is rare that the child is at the centre of everything we discuss.

I remember taking this to the extreme and, when the children had gone home, sitting in the very chairs in my classroom in which they sat to see how they viewed the education system and what it was physically like. I wanted to see how far they were from the board, the draughty window or the toilets and whether their space was encroached on by the people beside them. It was really instructive. If one physically places oneself in the place of the children, one's mind is opened to their experience. The whole point of education is not to cater for people like the Minister and me or people working within the system but for those whom we are all trying to serve, the children and young people. Having said that, if the teachers, the SNAs and the school community are not empowered, it is very difficult for them to empower the children in turn.

With regard to parents and what has been said about voluntary contributions, I can only agree. The Labour Party tabled a Bill which aimed to abolish voluntary contributions because, as the National Parents Council has said, the relationship between many parents and the school system is financial or transactional. It is based on money. Far too many of the conversations parents have with schools, with teachers and with principals are about money. Parents' associations become fundraising bodies. Parents are asked if they have brought in the voluntary contribution, the book money or the swimming money. Are parents of lesser means then less or more likely to hang around the school gate? Are they less or more likely to respond to that type of communication from the school? Are they less or more likely to go to the parent-teacher meeting if they are going to be reminded about the voluntary contribution, the book money or the swimming money?

In fairness to the Minister and her Department, they have begun to roll out a scheme of free schoolbooks in a number of schools throughout the State. That is to be welcomed. That is the type of relationship we want to have between parents and schools because it is fundamentally about children and young people rather than about money. In Northern Ireland, one does not pay for schoolbooks. A cultural shift happens within families if they do not have to spend late August or September worrying about the school book list, getting the money to get the books and whether the school has a book rental scheme. All that is done away with because the State has made a decision, based on values, that children should not have to pay for their schoolbooks and are just given them. The Minister has decided to roll out a pilot scheme. That is to be welcomed. We want to work with her to make sure that the families of all the children in the country do not have to put their hands in their pockets to provide schoolbooks because the relationship between too many parents and the education system is about money.

When it comes to parents' associations, what is the first thing on the agenda but the fundraiser? What is the fundraiser for? It may be to keep the lights on or to keep the school running. There is a fundamental inequality in that because there are only so many schools that can raise a certain amount. There are schools in affluent areas that can raise an awful lot more money than those in disadvantaged areas, which are almost completely dependent on the Minister's Department to pay the bills. There is an inequity in that. In Finland, such things are banned but, of course, in Finland everyone has bought into the idea of funding public services properly through a progressive taxation system. In some modern social democratic countries, people think it is appalling that fundraisers are held for schools. We need to change the mentality in Ireland. It is disgusting that schools are forced to hold fundraisers. We all buy into it, turn up and spend money on the advertisements but it is appalling that schools should need fundraisers to keep them going. Parents then feel their role is to raise money for the school rather than to

have proper engagement and a proper empowering discussion about the future of the school and how they can help their children, their children's classes and the entire school community to grow together in a learning environment. It comes down to bloody money.

This is progressive legislation and a move in the right direction. The Minister is facilitating the voice of students and parents and that is to be welcomed. However, within the broader discussion we hope to have through a citizens' assembly on education, it must be recognised the financial transactional relationship between parents and schools has to go. The Minister can imagine the humiliation if one does not have the money and one's child comes back from school with a voluntary contribution envelope. What does one say to one's child? It is just humiliating. Education is supposed to be the great leveller, the great enabler and the great liberator. How can one be liberated when it feels that whenever one receives a communication from the school one must be embarrassed because one is being asked for money which, because of one's circumstances, whether temporary or permanent, one just does not have?

It is just wrong but we have got it into our heads that this is what we have to do and that we have to raise funds for the local school. It is wrong and we should make a collective political decision that it is wrong. While it cannot happen immediately, we must move to a position where, culturally and politically, we will have got it into our heads that the school system will be funded to such a degree that schools will not have to hold fundraisers and can actually talk about education. Imagine what a mind-blowing experiment it would be to empower parents to talk about education rather than money. I know what it is like to be the person on the far side of the desk. I know what it is like to be the person sending out reminders about the book money or the swimming money. One would rather talk to the parents about anything other than money.

Let us go back to the positive elements for a second because it is not good enough for political representatives and Oireachtas Members to come in here pretending that we have all the answers while the Minister is doing nothing, which is what a lot of political over and back is about. What has the Minister done? She has introduced this legislation. She said she would and she is doing it. What else has she done? She has ensured the student voice is at the heart of the leaving certificate process. Not only was the voice there but it was listened to. The students were saying they needed choice and the Minister delivered that, which is to her credit. She has also said that she is serious about the constitutional convention or citizens' assembly on education. Let us work towards that and have a proper discussion about the nature of funding and about where the power lies, because far too much of it lies with the patron bodies. What else has she done? She has worked with us to ensure that a pilot free books scheme will be rolled out. I believe this has been expanded from 51 schools to twice that number. We are moving towards a meeting of minds. When we pass this legislation, which we hope to table amendments to, to force the agenda around voluntary contributions and this transactional relationship, we need to move into the space of having a citizens' assembly. Government and Opposition can collectively come to a conclusion we have to move beyond the hand-in-the-pocket way of running our school system. The conversation should be about the betterment, empowerment and potential of the child and how parents, teachers and school communities can work together to achieve that. We want to work with the Minister and will do our best to enhance the Bill, but we want to see the citizens' assembly happening as soon as possible.

Deputy Cathal Crowe: I will speak in support of the Education (Student and Parent Charter) Bill. I see it as positive legislation. It puts a legal onus on schools to have a student-parent charter devised, published and available for the school community. That is a good thing. The main focus of this will improve the level of engagement and communication in the school com-

7 July 2021

munity by inviting feedback, comments and observations from students and parents. There will be an onus on schools to consult students and parents on all their plans and policies and to chat with them about activities and initiatives the school wishes to undertake. A lot of this is already happening. It is great to see it in law but, in my sixteen years as a teacher before I had the honour of being elected to Dáil Éireann, I saw this happen every year. We need to acknowledge as we speak in favour of the Bill that this is largely happening. The Minister acknowledged that today. The Bill sets it out in law, which is where it should exist.

Parents are recognised in the Constitution as the primary educator of the child. Not every constitution recognises that and it is a positive. This is another piece of the legal framework that positions parents as the key stakeholders in the child's education and gives them a central role in the school community so they are not just called in to the principal's office, as other speakers have said, because of a late contribution of arts and crafts money or swimming money or for a disciplinary issue and, instead, are part of decision-making and policy formation and so there is a greater role for parents beyond fundraising. They have wanted that for years and this sets it out. It has been happening for years and this formalises it.

Section 28 deals with standardised grievance procedures. I was glad the Minister referenced vexatious complaints in her contribution. The Teaching Council is the professional body tasked with investigating complaints against teachers. That is right and there is no profession that should not be subject to scrutiny at times. There are bad people in teaching. The vast majority of people I trained with in Mary Immaculate College in 2006 were there because they enjoyed working with children in education and were passionate about what they did. That is the experience I have seen in most scenarios, whether people are in the latter years of teaching or are new entrants to the profession. It is important there be a body to weed out bad practice, which exists in all professions, unfortunately. In the academic year 2018-19, there were 39 fitness to practise complaints about teachers made to the Teaching Council. Five were struck out because they were unsubstantiated, had no supporting documents and a few, incredibly, were not signed off and had no name on them. That is atrocious. I was appalled to hear that. It should not go that far.

People say teachers have the benefit of holidays and that is true. It is a nice, stable job and a fabulous career. There are many reasons people look at our profession with envy, but the one thing teachers need is not chalk or whiteboard markers; it is our reputation. That can be taken away in an instant, and when it is gone, it is gone forever. Even a bit of smoke about a certain guy or girl being referred to the Teacher Council can be hugely damaging to that individual as a classroom teacher, special educational needs teacher or someone who want to progress within the profession. The Minister needs to continue to have oversight and ensure only the real cases for complaint get to the council. There is a vexatious element in everything and that needs to be weeded out.

I hope the Minister will forgive me for referencing some schools in County Clare and their needs. She has been very good recently to come out and visit some of them. She has also met one or two of them on Zoom and has been good enough in the Chamber and around Dublin to meet and engage with me on them. Cratloe National School has applied for a minor extension to its general purpose hall costing in the region of €98,000. There will be construction workers on site in September developing an autism spectrum disorder, ASD, unit. They feel that, for a low cost, it makes sense to get the general purpose hall right while construction is happening on site.

St. Tola's National School in Shannon is developing and growing year on year. I was delighted last week to see a sanctioned developing school post there. The school has a need for additional space beyond classrooms, namely, a general purpose hall. There is an application pending with the Department on that. St. Tola's National School has a fabulous initiative getting under way in September with a mulitdisability class. It is not something I encountered often in my years teaching. There are only a handful in the country. The school is pioneering it in the county. It will need two additional SNAs to do that. I have sent a lot of correspondence into the Department and I hope it can be sanctioned before September.

St. Senan's National School in Shannon has an application for a new school building. This school is called, strangely, Shannon Airport 1 National School. It was one of the first schools in County Clare built at the time Shannon was taking off. It is a fabulous school but the building is not fabulous. It has been costed that the remedial works required would be far more significant than a new building. That is with the Department and I hope the Minister can look at it.

The Minister kindly met Ennis Educate Together National School on Zoom recently. A new site is being looked at for that school, either where it currently sits as a complex of prefabs or across the road at Our Lady's Hospital. We would love to see that progress. St. Joseph's Secondary School in Spanish Point has an application before the Minister for a physical education laboratory and equipment store. That school is leading the way in physical education and we want to see that approved. I think it is imminent, in fact.

The Minister visited Clonmoney National School recently, where she heard music and watched kids playing hurling in the AstroTurf area. Their argument, which could be repeated for any school in the country, is that year on year they are being approved for bits of accommodation but there is not a holistic view on how it should happen. When they get an extension, it is eating into their playing space where the kids go at lunchtime. They want the Minister, the Department and the building officials to engage with them on something broader in that regard.

I thank the Minister for everything she is doing in the Department. She has grasped the nettle and taken the good and the bad on. She is doing a great job and I fully support the Bill.

Deputy Ruairí Ó Murchú: We, like a lot of people have said, would welcome anything that improves engagement between schools and parents and students. I am fairly sure my parents would have liked a lot less interaction with the school and I possibly have that sense with my own young fella. That is generally related to us rather than the school being the difficulty.

I recognise there may be a need for this to be widened out to include other stakeholders such as staff. It would be remiss of me not to deal with our amendments on the voluntary contribution. It is a misnomer and it can be a huge cost on families already under severe pressure. It is about the terminology we use. We are a long way removed from the period of free education.

A wider audit of schools is required. I have spoken here many times about how we all come to education from a different place and have different family support structures and how we need a holistic intervention system from birth. That is before we get into the issues relating to special education, teaching allocations and all that.

3 o'clock

All of these issues need to be examined. As Deputies, we all deal with issues relating to children in our constituencies who fall outside particular areas and cannot necessarily access

7 July 2021

primary and secondary schools and other issues that impact on their ability to choose a school. There are specific issues relating to school transport. We sometimes find an Irish solution whereby we can get around a corner but we need a holistic audit of the issues. I recognise that we cannot always deliver for every person but we need a system that at least takes into account their needs and works on that basis.

We should use this opportunity to deal with some of the issues that have dogged us all for a long time. We need a complete overhaul and audit of the supports and interventions available. Some of them may need to be delivered as part of a community-type approach that involves all the agencies, State and otherwise, and that has the school entirely centred within it.

Deputy Gary Gannon: For the benefit of the next speaker, who may wish to make his or her way to the Chamber, I do not intend to take the full 20 minutes allocated to me.

I like this Bill. A large portion of what it seeks to do is to provide for better communication between students, parents, teachers and school staff, as well as embedding the student voice in every level of our educational system. My colleagues in the Social Democrats and I welcome it. However, I greatly worry that there is an appalling lack of self-scrutiny from the Department when it comes to better communication and transparency with stakeholders, including education leaders, students and parents. There is a danger of hypocrisy in that regard.

We are in a much better position now to appreciate the value and worth of having students' voices at the table. Prior to becoming a Deputy, I worked with schools via the Trinity access programme. Much of my work focused on supporting students to take on leadership and autonomy within their schools, helping them to ensure their voice was heard and aiding them in developing ideas they had to enrich their school experience, both for their own benefit and that of their peers, present and future. The evidence demonstrates, as does my own experience, that just knowing they will be listened to and heard has knock-on effects for learning, self-confidence and teacher-student relationships.

Over the past 18 months, with the closure of school buildings, disruptions to teaching and uncertainty around examinations, students' voices and experiences have been incredibly important. They have led us through this time, especially in regard to the State examinations, but we should always have been listening to them. I take this opportunity to pay credit and homage to the students who have been unrelenting over the past 18 months in holding us as legislators to account, both Opposition and Government, in terms of their experiences and rights and how they were assessed and examined. It has truly been remarkable and we cannot ever unsee it. In particular, I commend the continued work of the Irish Second-Level Students Union as part of the advisory group on planning for State examinations. We need student voices to be facilitated and firmly embedded at every level, both locally and at national policy level. Currently, while there is a student voice present at the table, which we are all grateful for and have seen the benefit of, it is only one voice at a table of many. We may need to look at how we can broaden the voices of students in discussions on issues affecting them. Indeed, the old line, "Nothing about us without us", comes to mind when considering the importance of the student voice.

In 2019, the Trinity access programme conducted research that involved gathering 3,863 student surveys. It found that first-year students in secondary schools self-reported the highest scores when it came to student voice, while fifth-year students were significantly lower than all other year groups on this point. While one might expect students to grow in confidence and self-esteem over the years, the research found that the sense of a student voice did not natu-

rally grow over time in secondary school but, rather, contracted inward. Research set out in Jigsaw's report, *The National Study of Youth Mental Health in Ireland*, supports this, with first years reporting the highest self-esteem and life satisfaction, whereas sixth-year students had the lowest levels of optimism. We need to empower young people to feel they have a sense of control, ownership and optimism about their future. This needs to happen at all levels of their educational journey. It is not a coincidence that students in sixth year have the lowest level of optimism given the attention and stress that is placed on the manner in which they are assessed for the leaving certificate. That has implications for mental health, well-being and general life satisfaction for students. We cannot separate that issue out when developing a student and parent charter.

Recent research from the Economic and Social Research Institute, ESRI, examining the experiences of students and teachers at Educate Together second level schools highlighted the important contributions students can make when it comes to decision-making at school level and how this leads to students having greater ownership of their schools and schools being more responsive to local needs. The focus in this Bill on better communication between students, parents and schools in terms of decision-making, complaints procedures and general information on what can be expected from the school is undoubtedly a worthwhile development. There are benefits for the many schools in which this is already happening. I urge the Minister to ensure the Department is part of this culture of active listening, which is necessary if the aims of the Bill are to be achieved. How many times have we heard from school leaders and parents that important information from the Department came late on a Friday evening or just before the school broke up for holidays? This was a particular feature during the 18 months of the pandemic, when people in schools were waiting with bated breath for information to come from the Department. That information inevitably came after 4 p.m. on a Friday. This issue has been raised many times in the Chamber. It reflects a corrosive culture that has been damaging to the relationship between the Department, schools and parents. I hope we can address it as we move forward.

The past year and a half has been exceptional in many ways but that failure of communication is a well-established practice. The Department and the Minister cannot remove themselves from the culture they are aiming to foster between schools, parents and students. The Department is not a bystander without power or impact. For example, the details of the summer education scheme came too late from the Department for many schools that wanted to participate. The Department was warned about this happening and the information being needed as early as possible. Parents and students, particularly students in special schools, have again been left wanting. The media and Government spin is that one third of all special schools will run the summer programme, not that two thirds of children in special schools will not have access to it. That situation has arisen largely because of the failure by the Department to communicate the necessary information to schools on time. It is a really perverse form of public relations spin to say that one third of special schools will run a summer programme when we all know that means two thirds of schools will not participate. It is very wrong and it is something on which we can do better.

The Department of Education cannot act as if it has no responsibility when it comes to listening and communicating. This Bill cannot be a "do as I say, not as I do" attempt at legislation. How well the Department listens, operates and communicates is as important as the provisions this Bill is seeking to strengthen. I urge the Minister to reflect on that. The Bill seeks to instil a greater culture of listening between schools, students, parents and guardians. I respectfully ask

7 July 2021

that such a culture extend beyond that to include the Department. The schools for which it has responsibility need to be heard and supported by the Department in the same manner that those schools should listen to and support their students and staff.

Will the Minister indicate whether dedicated funding will be provided for any additional costs that may arise out of the provisions in the Bill, including mediation, training and additional administrative duties? Stakeholders are worried about facing additional burdens without corresponding resources. Reading through the Bill made me think of the assessment of needs process. As we all know, assessments should start within three months of receipt of an application and finish within a further three months. In fact, fewer than 10% of assessments are completed on time. We cannot allow a similar situation to arise in this instance. There is little point in introducing mandatory compliance if we know it cannot be achieved.

We all know language matters and I have grave concerns about how the Bill is couched in neoliberal terminology. We must resist any attempts to codify public services such as education. I cannot emphasise enough that our schools are not service providers, and parents, guardians and students are not customers. Far from it. The previous Minister for Education referred to school charters as being akin to customer service charters. Education is about empowerment, certainly in a republic, not a business transaction. Education is a public good and citizens of the State have a right to education. The language in this Bill should reflect that. Issues will inevitably arise and they must be dealt with appropriately, not through the lens of a disgruntled customer but in the context of students as rights holders and with all parties respected and treated as equals.

Let us not forget the 210 children who require but cannot get a place in a special school or special classes and are currently in receipt of home tuition, as reported in *The Irish Times* some days ago. What will this Bill do for those individuals and families? Will it treat them as disappointed customers or individuals who are not able to access fully their rights? Will it have any impact at all? It is an infringement of their human rights as citizens of the republic and that needs to be addressed very quickly. In this regard, I would like greater powers to be provided to the Ombudsman for Children. We must respect the expertise and experience of the office of the ombudsman, which should be empowered to work with schools when deemed necessary and ensure that recommendations are followed as directed.

A Barnardos survey on back to school costs in 2020 found that 65% of parents of children in primary schools were asked for a voluntary contribution, while 74% of parents of secondary school students were asked for a contribution. Although we do not know the extent of voluntary contributions, the Catholic Primary Schools Management Association estimated that they bring in €45 million annually. We are told that there is free primary school and secondary school education, but that figure reveals the fallacy of that lie. Education is free at the point of access to education, after which massive pressure is placed on parents, many of whom do not have the means to afford schoolbooks or school outings. That brings an inequality into the education system that has ramifications beyond the school gate.

The Bill originally sought for schools to be obliged to provide information relating to voluntary contributions to parents and the Department of Education, such as the amount collected annually and a breakdown of expenditure. This information would then be made available online by the Department of Education. The Bill was amended at the last hour during its passage through in the Seanad in 2019 by the then Minister for Education and Skills, Deputy McHugh. That small but crucial amendment removed transparency relating to the reliance on and use by

schools of the so-called voluntary contributions.

Within the Constitution is a commitment that the State shall provide for free primary education but we know this is not the case. Every year, schools across the country raise funds to keep the lights on or to get much-needed laptops, technology or other essentials. A large part of this is parents and voluntary contributions. The level of technology inequality that exists was revealed during the pandemic and if it was not for parents, schools and related organisations such as the Trinity access programme, for which I previously worked, that work tirelessly to get laptops into the hands of students, the level of inequality would have been significantly greater. That should not be what education is about within a republic.

If we continue to let voluntary contributions be swept under the rug - I refer to the practice within the Department as a whole; not individual schools - then we will never know the extent to which we are failing our commitment to provide free education to children and young people. We do not yet know the extent of the underfunding as all we know for sure is that parents and guardians have to pick up the tab, with many getting into debt in order to cover all the costs. I will never forget the phone calls I got from people who were raising funds just to keep the heating on in schools. It is an extraordinary indictment of the State that parents have to raise funds to get the heating on in a school during winter. I welcome the Bill but much more conversation and scrutiny is needed and I look forward to time being made available for that on later Stages.

I and many other Members present in the Chamber took part in a discussion yesterday on the future of education, organised by the Children's Rights Alliance. I refer to Kai, Darren and Sarahann, the youth representatives who took part in the event and asked very probing questions of us as public representatives. If the Bill helps to foster increased dialogue and communication with students such as them, we can only welcome it. However, we can go much further in the context of a student and parents charter, not just in the realms of education but beyond. Having student voices and those of young people present in our discussions at all levels of society can benefit us. In the discussion yesterday, the Children's Rights Alliance asked Oireachtas Members how the scope of the student voice can be widened, whether that be in the context of education or access to basic services or just in terms of what it means to have a voice for students and young people in this republic. My response was that, having spoken to the Irish Second-Level School Union and the students who engaged with us throughout the past 18 months on their learning experience and journey and how that was infringed by the pandemic and the absence of leadership at all levels of society, we need to lower the voting age to allow those young people to have a substantial engagement in society and then their voices will truly be listened to. In the meantime, the Bill is a good start. We have a way to go and I look forward to working with the Minister in order to deliver what is needed.

Deputy Marc Ó Cathasaigh: I was momentarily confused when Deputy Gannon mentioned neoliberal terminology and referenced "service providers" and "customers", so I had a quick check through the Bill and saw that neither of those terms is used within it. To confirm, I believe we are discussing the same thing.

I thank the Minister. Although the Bill dates from the previous Government, the pandemic has made us look afresh at the idea of what schools are. They are much more than the four walls of the classroom or the built environment, although those things and the quality of them are, of course, very important. However, when we are discussing schools, we are discussing communities and that extends inside and outside the school gate, not just from 9 a.m. until 4 p.m. but much later than that. The job of a teacher does not finish at 4 p.m., just as the role of a parent as

an educator does not only begin at 4 p.m.

Over the past 16 to 18 months, the pandemic has forced us to consider homeschooling, blended learning and the role of the parent in providing education as never before. It made us explore in a new way the possibilities offered by technology, as well as the challenges for and additional asks on the resources of teachers. Please God, in September we will get back to a more normal school environment. However, before I look at the specific provisions of the Bill, I make the point that this is the time to consider the lessons of the pandemic and using the school community, staff and maybe the inspectorate - there may be a role in the context of providing in-service in this regard - to glean some of those lessons we have learned. I would like the Government to take that on as an initiative. Let us not lose those lessons that were forced on us.

I welcome the Bill, which is relatively straightforward. I think all present understand its objectives. I very much welcome its proactive element. The Minister acknowledged that the 1998 Act was very reactive in terms of grievance processes. One will very often get a much better outcome both for parents and the wider school community if one engages in that process proactively at an earlier date, so I very much welcome that aspect of the Bill.

It sets down clear parameters relating to providers but we are somewhat blind in this regard as it will be necessary to see those guidelines set out in greater detail in order to ascertain whether they are doing a good job or otherwise. I understand that we need to engage with the stakeholders before those lines can be developed. I emphasise that this has to help boards of management. They are made up of people who voluntarily give their time to aid the State in the running of schools, so it cannot be an additional burden. We have to make sure the charter is streamlined in such a way that it helps boards of management in the running of schools. That is a very important consideration.

To turn to the specific detail of the Bill, I welcome the amendment the Minister proposes to make to the Title of the Bill. I was not going to speak to it. The inclusion of the full school community in the Title of the Bill is very welcome. I refer to the definition of “parent” in the Bill. Is it wide enough? Does it include guardians in terms of the charter being drawn up? Does it provide for relationships that are more difficult to define, such as a new partner within the relationship at home? It would be helpful if the Bill helped school communities to understand how they should interact with those partners.

Section 27B(3)(d) relates to “the procedures to be established by a board under section 20 for the purposes of informing students and their parents of matters relating to the operation and performance of the school.” The word “performance” rings an alarm bell for me in the context of how that performance is defined. One thing the pandemic definitely taught us is that schools do much more than deliver academic content. They also care for the well-being of their students. There are schools that are outstanding in terms of their performance, the service they provide to communities and how they nurture the children in their care who may not have the best academic outcomes in the world. When I see the word “performance”, it always gives me pause for thought. I do not want to end up in a league table situation.

I welcome section 27B(3)(j) as a provision. It is about the idea that data should be provided on grievances that happen within the school and that it should be anonymised. Certainly, we have to have that transparency built into the charter. However, we also have to accept that in the reality of a small school and a community setting, anonymised data will not exist in that way.

We might write it in a Bill but it does not exist in reality. Therefore, perhaps that is something that we should look at when we come to Committee Stage.

Paragraphs 27C(b), (e) and (f) are really about the student voice and the voice of the wider school community. I welcome that. It is one of the things that makes this legislation very welcome and progressive.

I join other Members in praising the role of the student voice in the last 18 months, and in particular, the Irish Second-Level Students' Union. It has been outstanding in how it has put its point across. The Minister has also done a very good job in responding to the issues it has raised and the challenges involved.

Finally, I wish to state that we must be mindful of our teachers in this. The move to blended learning or home schooling has been difficult. It is not just specific to teachers. For all of us who have been working from home, it has been very difficult to define when we are working and when we are not. We must be mindful of that. Of course, we want students, teachers and parents to communicate in a much better way, but parents are normally ready to communicate after work and teachers should only be communicating during their working hours. We need to be mindful of the need to strike a balance between those things and to respect the right of our teachers to disconnect.

I welcome the Bill. I think it is good legislation. I look forward to supporting it in its passage through the Dáil.

Acting Chairman (Deputy Jennifer Murnane O'Connor): The next slot is Sinn Féin and the speaker is Deputy Violet-Anne Wynne.

Deputy Gary Gannon: On a point of information for the previous Deputy, who said the language that I used was not in the Bill, it was actually introduced on First Stage by the then Minister, Deputy Joe McHugh, which I referenced when I mentioned the language.

Acting Chairman (Deputy Jennifer Murnane O'Connor): Thank you.

Deputy Gary Gannon: The Deputy was able to point out language as being important.

(Interruptions).

Acting Chairman (Deputy Jennifer Murnane O'Connor): Thank you, Deputy. You can-----

Deputy Gary Gannon: When the Minister introduced the Bill, he used that phrase.

Acting Chairman (Deputy Jennifer Murnane O'Connor): Deputy-----

(Interruptions).

Deputy Gary Gannon: If the Deputy is not aware what happened on First Stage, that is up to him.

Acting Chairman (Deputy Jennifer Murnane O'Connor): Sorry, Deputy-----

(Interruptions).

Deputy Gary Gannon: He introduced it that way. He should not make comparisons like

that. Do your homework.

Acting Chairman (Deputy Jennifer Murnane O'Connor): The next speaker is Deputy Violet-Anne Wynne.

Deputy Violet-Anne Wynne: This Bill essentially seeks to address the unused legislative powers under section 28 of the Education Act 1998 that gives the Minister powers to intervene and have more of an active role in resolving disputes and complaints that are lodged by parents in respect of schools and their operations. It stipulates that the Minister will engage with stakeholders and prescribe procedures for dealing with such complaints.

The Bill is also welcome as it details and provides for the construction of a charter between parents and students and their respective schools. It provides for the statutory oversight of the Minister and her Department in the process of devising this charter in which the school boards have to consult with various stakeholders in their preparation, including parents of students, parents associations, principals, students, staff, patrons and student councils. Generally speaking, that is a great call. Hopefully, it will remedy certain issues that were being reported across national media over the last few years, including ambiguities and pressure around so-called “voluntary” school cost contributions which have effectively pitted schools against parents and created unnecessary animosity between the two. Why? The schools are not resourced properly by the Department and as such need supplementary income from parents to cover the day-to-day running of them. Parents who cannot easily afford this voluntary payment feel judged, pressured and uncomfortable with the request. I can relate to that. I completely understand it and fully believe it should not be allowed to continue. It is just one of the issues that a student and parent charter would clarify and rectify.

I appreciate that the programme for Government includes a commitment to enact the Education (Student and Parent Charter) Bill. However, it would be remiss of me to not mention the distinct lack of progress on other legislation in respect of education. I find it hard to stomach the fact that we can stand here in these Chambers and discuss a Bill like this when so many other Government commitments to equitable, accessible, local, integrated education remain grossly overlooked. I refer specifically to the Ennis Educate Together school. I cannot help but mention the inhumane pressure that the principal of the school is being put under. The misallocation of DEIS band, the refusal to provide long-term accommodation and the lack of supports for children with ASD are just a few of the numerous challenges that the school faces on a daily basis. The charter is a welcome development indeed, but it does not compare to the emergency situation of human rights negligence and the health the safety nightmare that is occurring at the Ennis Educate Together school.

This Bill is necessary, but what about the wide array of other legislation that has passed through the Houses but has yet to be fully enacted or commenced? I believe it is ultimately counterproductive to bring forward more legislation when there are copious amounts of law yet to be implemented. The Education for Persons with Special Educational Needs Act, from 17 years ago, for example, is among other existing legislation that is yet to bear fruit and benefit the educational experiences of children on this island.

Deputy Richard Boyd Barrett: To be honest, I am worried about this legislation and what it is trying to achieve. In theory, the principles of having proper grievance procedures, having a charter for parents and students, having proper information that is available about how the school operates, its funding and where the funding goes, are not bad ideas. However, I worry

that it essentially lets the Government off the hook and brings with it an internal focus, wherein the school board and the staff are held responsible for failings which are actually the failings of the Government. If you were to ask school communities - parents, teachers or, most importantly, pupils - what their list of priorities were and what rights they would like to have in terms of their education, I strongly suspect the sort of rights which are not going to be in this charter, because they are actually the responsibility of Government, would be the things they would be asking for.

They would be asking for the right to have class sizes that are not the highest in Europe and where the quality of education is seriously undermined by excessive class sizes. They would certainly be asking about the right to have a proper school building and not to be in a temporary building for years. They would ask about the right to proper equipment - computer equipment and other equipment and facilities in their school. They would ask for proper sports and recreational facilities, including sports halls and amenities. They would ask for the right to services where they need them. They would ask for the right to SNAs and the special education resources that they need. They might ask for the right to a properly ventilated classroom. They might ask for the right of teachers to have funded professional development to deal with issues like special educational needs and emotional behaviours. They might ask for the right to have hot school meals. They might ask for the right to have free school transport and free school books. They might ask for the right not to have to fundraise in order to pay for basic things within the school, or be forced to make voluntary contributions to provide those things and spend huge amounts of time fundraising for things that, in fact, should be funded by the Department of Education and the Government. They might ask for the right not to have religious patron bodies sell off their school facilities while the Department washes its hands of it, saying it has nothing to do with it because, even though it funds the schools in question, a religious school patron body can just sell off sports facilities, as has been done at Clonkeen secondary school. They might ask for the right not to be put through an archaic and stressful examination system such as the leaving certificate system, which dictates to a substantial degree their life chances, opportunities and choices, putting extraordinary stress on them and their parents. This system is unnecessary and archaic and should be done away with because it is simply a way of gatekeeping access to higher and further education, which should be a right in itself.

Those are some of the rights I suspect people would ask for. They are all rights that the Government should be obliged to grant. That is what the charter should include. I am not saying the other matters in the Bill are matters of inconsequence but all the focus is on internal responsibility for structures that exist. We have the Teaching Council to deal with grievance procedures and complaints against teachers. We have school boards of management, parent-teacher associations and so on. As even a Government Deputy said, most schools are doing what this Bill is requiring them to do anyway. Therefore, the problem is not teachers. By and large, we have fantastic teachers. The problem is not school staff or school secretaries. School secretaries were rightly mentioned earlier because the ability of a school to deliver on many internal matters concerning parents and teachers depends on them. Many of them have to sign on to the dole during the summer because the Government will not give them a proper contract of employment.

I worry about where this is going. Having spoken to several teachers, I have learned they are concerned. I suspect this is the reason for Deputy Gannon's reference to neoliberal models and so on. Even Deputy Ó Cathasaigh was alluding to these when he spoke about performance. The main concern has to be that, because of the removal of the responsibility the Department

7 July 2021

and Minister should have regarding school students and the placing of responsibility within schools' internal structures, schools will end up in a league table situation. That is a significant concern. The measure encourages competition and performance targets for schools. It pits schools against one another in meeting targets. Inevitably, if education is pushed in that direction, as it has been in England, where similar charters were set up very much according to a Tory neoliberal idea of pitting schools against one another in a competitive process, the schools that will lose out will be those that inevitably and invariably lose out, namely those in more disadvantaged areas catering for families with less income. Such schools are less able to meet the demands or targets the charters oblige them to meet; they do not have the resources to do so because they are not given them by central government. We are concerned about this, the logic behind it and where that logic leads. The Government should focus far more on giving people the right to a high-quality education, with minimum standards in class sizes, which should be substantially smaller than those we now have, with quality school buildings and without the shocking circumstances that certainly persist in many of the schools in my area. In my last minute or so, I will mention some of these circumstances.

We have a system in which it is recognised that an area needs a certain number of schools. There is a democratic process whereby people decide what patron body their school will have, be it Educate Together, a Gaelscoil or another. The school is recognised, yet school after school in my area does not know where it is going to be located.

Debate adjourned.

Sitting suspended at 3.35 p.m. and resumed at 4.36 p.m.

CervicalCheck Tribunal (Amendment) Bill 2021: Second Stage

Minister for Health (Deputy Stephen Donnelly): I move: "That the Bill be now read a Second Time."

We are here today to introduce the CervicalCheck Tribunal (Amendment) Bill 2021 to Dáil Éireann. I begin by thanking my colleagues, the other Deputies, for facilitating the Second Stage debate at this early date. While this is a technical amendment, I acknowledge the profound impact the CervicalCheck debacle has had on women and families who have been affected. It will take some time to restore the loss of trust but I am very confident in the management team at CervicalCheck and I know there is some great work being done by the CervicalCheck steering committee.

The purpose of this amendment to the CervicalCheck Tribunal Act 2019 is to extend the period for receipt of claims by the CervicalCheck tribunal and to provide that I, as Minister for Health, may by order extend that period further. The tribunal was established under the CervicalCheck Tribunal Act 2019 which implements the recommendations of Mr. Justice Charles Meenan by providing the CervicalCheck tribunal as an alternative to the courts for eligible claims. Mr. Justice Meenan was asked by the then Government to review, in the case of women affected by CervicalCheck issues, mechanisms which would avoid, wherever possible, women and their families having to give evidence in the courts. Mr. Justice Meenan proposed that claims arising out of CervicalCheck could be resolved outside the court process and that a tribunal should be established under statute for the purpose of hearing and determining these claims.

In December 2018 the then Government agreed to establish the CervicalCheck tribunal. The legislation necessary to establish the tribunal, the CervicalCheck Tribunal Act 2019, passed through the Oireachtas and was signed into law by the President on 23 July 2019. The tribunal was established in October 2020. Following a pause in the steps towards full establishment to allow for discussions with the 221+ patient representative group about the tribunal and CervicalCheck cases more generally, establishment of the tribunal was completed with the appointment of the nominated members to the tribunal on 1 December 2020. At that time I gave a commitment to the 221+ group that their members would not be disadvantaged by the five-week pause in establishment during which claims could not be made.

As we all know too well, the past 15 months have been a challenging time for everyone. Covid-19 has affected every aspect of life and the CervicalCheck tribunal has been no different. The tribunal experienced delays in the development of its premises, which are a welcoming, modern and purpose-built space, and have been designed with the specific sensitivity to the needs of claimants. Unfortunately, as we now know, after the appointment of the members on 1 December, the epidemiological situation in Ireland worsened considerably and the necessary restrictions imposed on movement and working practices caused significant disruption to all legal proceedings, particularly those where claimants had to attend medical practitioners to secure reports on their conditions.

It was only in March of this year, when restrictions had eased somewhat, that the tribunal received its first claims. The tribunal suffered a further blow in May of this year when it too was impacted by the criminal cyberattack which resulted in the tribunal's email and databases being taken offline. This measure was purely precautionary, and there is no evidence that any information was accessed or compromised in any way, but it was only at the end of June that the tribunal was again fully connected. This combination of circumstances has had the effect of substantially reducing the timeframe during which eligible women and families can access the tribunal. This amendment ensures they will be given as much time as possible to consider the options available and to make the choice they believe is right for them.

The 221+ support group made a number of requests in advance of the setting up of the tribunal. We would very much have liked to accommodate all these requests. Unfortunately, some of them were not possible to deliver because of clear legal advice laid out by the Attorney General. I acknowledge the group's disappointment that we were not able to allow for recurrence, for example. It was, thankfully, possible to accommodate many of the requests made for ongoing support for the 221+ group, supports for women and families affected and other assurances relating specifically to the tribunal itself.

The tribunal has received five claims to date. The State Claims Agency has advised that additional plaintiffs have made formal requests to transfer their claims to the tribunal from the courts and that more claimants have expressed interest. I am advised that the tribunal and the 221+ support group are getting queries also, so it is expected that the tribunal will ultimately deal with more claims.

I can also inform colleagues in the House that I have requested, and the tribunal has agreed, that the tribunal premises will be made available to women who are eligible for the tribunal for the hearing of their claims even if they choose to remain in the High Court. As Mr. Justice Meenan recommended, the tribunal's premises have been designed with privacy in mind, so they are not suitable for public hearings. It is also true that women who choose to keep their claims before the High Court will not be able to take advantage of the streamlined procedures

7 July 2021

available to them in the tribunal. Nevertheless, women should not feel pressured to take a claim to the tribunal solely because of the superior facilities available. As many women as possible should have the benefit of these. The tribunal has similarly agreed to make its facilities available for the mediation of CervicalCheck claims, which is very welcome.

The current time limits for making a claim to the tribunal are set out in section 12(1) of the 2019 Act. The current relevant time limit for all eligible women is nine months from the date of establishment, which is 26 July of this year. The Bill proposes to extend the final date for receipt of claims to the tribunal by way of an initial six-month extension and allows for one further extension of six months.

As well as the tribunal's function in hearing and determining claims, the CervicalCheck Tribunal Act 2019 provides for restoration of trust meetings. The intention behind a restoration of trust meeting is to document experiences, facilitate discussion and provide information to women affected by the issues relating to CervicalCheck, or to her family if it is the case that the woman has died. The meeting process is open to all women who are eligible for the tribunal, regardless of whether they make a claim to the tribunal. A facilitator of the meetings has recently been identified and preparatory work necessary to offer the service is ongoing. I am advised that the facilitator intends to carry out a wide-ranging stakeholder consultation process while the moderator recruitment campaign is being conducted.

The amendments to the CervicalCheck Tribunal Act 2019 will ensure that any woman who is eligible for the tribunal will have ample time to consider whether they will make a claim to the tribunal. I commend the Bill to the House.

Deputy David Cullinane: I will start by setting out a number of points I made when the tribunal was first established. Obviously, I will support what is a technical Bill to extend the period during which women may make claims to the end of July. It is welcome that this period is being extended. The fundamental question, though, is why it is being extended. I have spoken to members of the 221+ group and their legal representatives, and their view as to why it is being extended is that very few women have lodged claims. Rather than deal with the substantive and genuine reasons most of these women have not made claims, we will simply extend the period during which they may make a claim. Their view is that, without dealing with the very real issues that were not dealt with and their concerns leading up to the establishment of the tribunal, we are not really making any changes at all.

I have said from the outset that the CervicalCheck survivors deserve compassionate treatment. They have asked from the outset for this process to be non-adversarial, and I think we would all accept that was a very reasonable ask, as were their requests that the State should be prepared to settle rather than contest claims where they are clear-cut and that, where possible, the labs should be pursued separately and the State should not use the survivors to do its work for it.

I also asked at the time of the establishment of the tribunal that no woman or her family be statute-barred from making a claim due to the delays in setting up the tribunal. The Minister said at the time that the chair of the tribunal would have discretion and that it was his view that no woman would be prevented from making a claim. Essentially, however, as the women saw it, they were being asked to take a leap of faith, and that was one of the difficulties. We cannot expect women in these circumstances to take a leap of faith because the Minister himself said it will take some time to rebuild trust. There has to be a cast-iron guarantee that no woman in the

221+ group will be statute-barred from making a claim at the tribunal. Every option, including a return to the tribunal where there is a recurrence, should have been fully explored and put in place. It is important that the tribunal has the confidence of the women and their families.

The Minister and the 221+ group published correspondence exchanged between them just prior to the establishment of the tribunal. The Minister stated in a letter on 8 November 2020:

I strongly believe that proceeding with the final steps necessary to commence a tribunal is the right thing to do. Doing so will enable women and families who are seeking access to the tribunal to proceed with their claims without further delay.

The question is this: has it worked? Have women lodged claims? How many claims have been lodged? How many have been heard? We know how much the tribunal has cost. That should not be the issue, but it has cost more than €2.5 million. It was set up to give women an alternative to the courts system and a less adversarial approach. Hundreds of women had access to the tribunal. As the Minister knows, we cannot get information now - or at least were not able to do so up to last week - because of the cyberattack, but the most recent information I have is that five claims were lodged. Maybe that number has gone up slightly. I do not know. That number suggests that women are voting with their feet and saying to the Minister loudly and clearly that there are problems with this tribunal and that there were problems from the get-go with recurrence, the Statute of Limitations and whether their legal advisers sought an alternative to the courts system. There is little point in establishing a tribunal for a section of society and for those women who were so badly wronged by the State and so badly let down and who feel genuinely so hurt if it does not have the confidence of the women. That was a problem.

I extend my best wishes to Vicky Phelan. We all know she is in a battle and we all wish her the very best. I also extend my solidarity to all the women affected, as I am sure the Minister and everybody else in the Chamber would. It is our job to make sure we do right by them and that we stand by them and stand with the families. By standing with those families, the Government would set up a tribunal that works for them. Quite clearly, with the figures we have, that does not seem to be the case. While I will support this Bill to extend the deadline for women to make more claims, I am really concerned that so few women have stepped forward.

Deputy Rose Conway-Walsh: While this Bill seeks a necessary extension to the duration of the CervicalCheck tribunal, we have to face the fact that, with only a single-figure number of claims, it is not working and is not fit for purpose. The Minister has heard that loud and clear. I welcome what he has said today about the consultations that will take place. He says women will have more time. Well, unfortunately, in the CervicalCheck scandal, many women did not have more time, and that was the issue. This needs to be addressed once and for all. Trust needs to be earned. The Minister needs to fix this and do so now.

I have spoken about trust. I raised the affordability of the HPV vaccine on 15 December, 13 January, 26 April and 6 May. I ask the Minister to listen to me again today. There are women who cannot afford this. Some have been medically advised by their consultants and doctors. They do not have medical cards. The €600 being demanded for the HPV vaccine is not right. Can the Minister include it in the drugs payment scheme, at a minimum? It should be free. I am not asking for it for everybody. I know the programme is there but I keep getting back benign answers to my questions. There are women who cannot afford this €600 who do not have medical cards. I know that the Minister will say this is NIAC advice and so on but he is the Minister and the buck stops with him. Will he give the HPV vaccine to those who are medically deemed

to need it by the medical practitioners?

Deputy Sorca Clarke: This Bill, which proposes to amend the CervicalCheck Tribunal Act 2019 to allow for more time to make a claim, will ring hollow with many of the women most affected by the failings of that programme because it does nothing to address the reasons the extension is needed. The Minister mentioned Covid and the cyberattack on the HSE but it is 19 days away from the deadline and here we are. The fact remains that driving licences were extended for longer as a result of Covid than the plans for an extension in this Bill. If a fraction more care and attention had gone into the administration and logistical oversight earlier, we might not be here today, these women might not be sick today and these women might not be dying today. I ask the Minister not to add to that failure. It is not only the decent and humane thing to do but it is the responsible course of action to accept that if a person is entitled to institute proceedings, the limitation period should not be applied to them - they should not be excluded from doing so because time is not on their side. There is no closing date for sickness and there is no closing date for the worry that the women, their families and children are experiencing. Why should there be such a tight closing date on their right to justice and recompense?

There is a growing perception that the Minister is wedded to getting this tribunal done and dusted so that it can be brushed under the same carpet as many other failings in women's healthcare, such as the mesh implants or the hepatitis C scandal. I ask the Minister not to add to that. This Bill does nothing to address the concerns of the women most affected. With only five claims to date, instead of apologising, compensating and rectifying, there is now a pattern of aggressive confrontation, of clouding central issues and of victim blaming. Let us not add insult to injury. Let us stop injury being compounded on injury. The Minister has an opportunity to show further commitment to these women by accepting that the limitation barrier should not be applied.

Deputy Alan Kelly: I want to begin by welcoming Vicky Phelan home. I am delighted that she is on her way home to her family. I hope she gets to spend a lot of quality time with them in the coming days and weeks. Without her, I do not think we would be here today discussing all the issues, failings and positive aspects. I was in touch with her last night and she is looking forward to coming home.

We will support the Bill. I do not know if anyone would oppose it because it is purely a technical Bill to extend the tribunal which was established by these Houses. I accept that. We all know it is limited. Five women are using the tribunal. That says it all for me. I have had many discussions with the Minister on this and also with the Taoiseach. While we will vote the Bill through tonight, unfortunately I do not think it will have much impact, to be honest. It is unfortunate because that is not the way it was meant to be.

Last October, the Minister signed a statutory instrument to commence the tribunal even though he had made pledges about consultation and what he would do to try to make the tribunal better, but it just did not work out. I felt the way that was done was so haphazard and wrong. I told the Minister that at the time and that is on the record.

Good faith was lost around then. I know because I was dealing with the 221+ group. I dealt with Lorraine Walsh, Stephen Teap, Vicky Phelan and many others. That was when good faith was lost and when they said they would not advocate for any woman or family to go through this process. Now €2.5 million has been spent for five cases and I do not believe there will be many more. It is overstating it to say that there will.

When we gathered in Leinster House on 22 October 2019, the then Taoiseach said:

We have found the truth and the facts and are making changes to put things right. We need to restore trust and rebuild relationships that have been severely damaged.

On 2 September 2020, the Minister for Health met online with the 221+ group. The meeting went through all the group's concerns. Where the Taoiseach spoke of restoring trust, the issues were never dealt with. One issue was that the tribunal would be non-adversarial. That has not been the case. Lorraine Walsh, in particular, highlighted the need to allow women whose cancer recurred to be able to go back to the tribunal. She put a great deal of effort into trying to sort that out but it has not been dealt with. The question of why laboratories have to be brought into it has not been fully addressed. The HSE is primarily liable, and that is something I will return to in a minute. They sought a guarantee that the HSE would not object. There was the issue of the Statute of Limitations, which has already been raised. All five of those issues were sincerely raised but were not dealt with. There is a lack of respect for the Chief Justice's decision following the Ruth Morrissey judgment. I have spoken of this often in the House. It is a stain on us as a Legislature that we have not dealt with what the Chief Justice asked us to do in relation to the Ruth Morrissey judgment, which was appealed by the last Government. I stood almost alone - there may have been one or two with me - in saying that was wrong. The judgment was held up by the Supreme Court. It changed everything. Ruth Morrissey was an amazing woman and because of her case and the way she stood up, she will have changed Ireland for so many in this area.

The HSE is now primarily liable for these cases where negligence is found so why are these cases not being dealt with beforehand? Why are they not being dealt with far more quickly? Following the recommendation made by the Chief Justice to us as legislators, why is it not a requirement in the Government's legislative programme to change the Civil Liability (Amendment) Act to ensure that women are not faced with having to choose between taking cases or allowing their families to do so after they pass away? That is scandalous. These are not equal options. It is neither tolerable nor fair. I have told the Taoiseach and the Minister that I have drafted a Bill to deal with this so that women do not have to face the choice of taking cases or allowing their families to do so after they pass away. I have never received a response of any substance. I am not saying that the Bill I produced is perfect - in fact, it probably is not - but it is a start and one that was made a year and a half or two years ago.

5 o'clock

We must deal with what the Chief Justice, Mr. Clarke, said, but we have had radio silence on it. The draft Bill I prepared permits both legal actions to be taken, while prohibiting double recovery. The draft amends section 48 of the 1961 Act to provide that, where:

– a person before their death has brought an action and recovered damages in respect of a wrongful act that caused their death, and

– a court, if it was awarding damages in an action under section 48 for the benefit of the dependents, would be entitled to take account of heads of damage additional to those in respect of which damages would have been awardable in an action brought by the person before their death,

At times, the Minister and the Taoiseach justifiably castigate some in the Opposition for not having alternatives and bringing forward solutions. I have brought forward a solution to an

7 July 2021

issue that has been identified by the Chief Justice as a massive issue. It is unfair on so many people to be left in this position. Will the Minister please engage with me? My party has made the first steps in this regard.

My good friend Vicky Phelan, when speaking about the establishment of the tribunal, asked why was it so hard for the Government to do right by the women of Ireland. She is right. Everything that has been done in the aftermath of the CervicalCheck scandal has been done through a paternalistic lens, in particular in how we ploughed on with the tribunal. We now have a situation where many women are being advised not to participate in the tribunal. The cost is €2.5 million. We have five cases and an empty building that has been fitted out for the purpose at a cost to the State of €600,000 a year. It is not good.

This legislation is required because the term of the tribunal must be extended given the circumstances in which we have found ourselves in the past year, but it does not deal with the fundamentals of how we ended up here. This is flawed. I have probably met more of the women and their families than anyone else in this House, but I would not advise any of them to go through this tribunal. As somebody who had to vote on it, that is not good.

Women and their families want to have confidence not just in the tribunal but also in the screening programme. We all know that screening is not diagnostic but bringing screening home would go a long way to help build up confidence in the system. Knowing that their smears are not being sent off to different corners of the world would give women peace of mind. That must be a big priority for the Minister.

I welcome the changes in the appointments to various roles across the screening programme. However, I want to sound a word of advice: the paternalistic attitude in any form must go. What Vicky Phelan exposed was how a minority in the medical profession spoke to their patients and looked down on them. That must stop. Patients are entitled to ask questions about their own health. I would be worried if a little bit of that paternalistic “I know better” attitude from some people were to creep back in. I am flagging that for the Minister because I am seeing some stuff that I am not very happy about.

I want to end with the words of the great woman that is Vicky Phelan. She said:

Confidence comes from actions not words. If an absence of trust continues it is in the absence of action by the State to deal fully with the past. The change that is needed must come from within the system. It is never too late to do the right thing. The discourse will follow.

Deputy Cathal Crowe: I join the previous speaker in paying a short tribute to Vicky Phelan. I was pleased to hear earlier this week that she is on her way home. She has had six rough months in the United States. She was on “The Late Late Show” with Ryan Tubridy last summer, a day or two before her departure. She was filled with hope but also trepidation and fear. She has embraced the science of this from the get-go and is clinging to every tree that she can. I wish her every success going forward.

It is important in the same breath to also mention a woman from my own county, Laura Brennan, who was also an ardent campaigner on the CervicalCheck fiasco. She was a young lady who lost her life in March 2019.

I hope the Bill will enjoy the support of all Deputies. It is essential that we extend the period

within which claims can be made by the CervicalCheck tribunal. An initial six-month extension is proposed right up to 26 January 2022. If we enact the Bill, it also entitles the Minister for Health to extend the period further for another six months up to 26 July 2022.

Each year 6,000 women attend CervicalCheck. With or without tribunals, it is a functioning mechanism in the healthcare system. We must do everything we can to ensure it functions well. There have been very few claims going to the tribunal. I heard what previous speakers have said. We must look at some of the reasons for that and address them. Moreover, in the spirit of both Vicky Phelan and Laura Brennan, we must fully resource CervicalCheck to ensure that it functions, regardless of Covid, detects cervical cancer early and allows women to get proper and effective treatment so that they are not left in a battle for their life. Sin é.

Deputy Patricia Ryan: It is no accident that we are here today discussing an extension of time for anyone making claims to the CervicalCheck tribunal. The families have no confidence in the process and are not engaging with it for good reason. The Government must talk to them and address their concerns.

I pay tribute to the members of the 221+ patient support group, and their families, for their bravery in coming together to support each other. I remember in particular those who have died. As one member of the group said:

The day I found out I had cancer was what I thought was the worst day of my life! I was wrong; the day I found out that I shouldn't have got cancer had my smear been read properly was the worst day of my life!

We must prevent a repeat of scandals like this. We must spare any other family the torture of having to go through anything like this in the future. This must start with the repatriation of CervicalCheck screening services to Ireland.

Deputy Róisín Shortall: As others have stated, this is a technical Bill and I am happy to provide support for it. The Bill provides for amendments to the CervicalCheck Tribunal Act 2019 to extend the period for receipt of claims by the tribunal and provides that the Minister, by order, can extend it on one further occasion, giving a total extension of one year. There is no issue with that as far as I am concerned. I will support the Bill.

It is important though that we pay tribute to the women and families who were so tragically impacted by this failure of the system, and the many women who died as a result of the errors that were made. I also pay tribute to the leadership of the 221+ patient advocacy group, which has done the State and women so much service. The group continues to do the State service in improving the health system. In that regard, I identify Vicky Phelan, Lorraine Walsh and Stephen Teap for the outstanding work that they have done.

I join others in welcoming back Vicky Phelan after her period of treatment in the US. I was delighted to hear her in such good voice and in such good form on Sunday talking to Miriam O'Callaghan. I wish her the very best for her time with her family before she returns for further treatment. I hope everything works out well for her in that regard, as I do for all of the women involved in this issue. I acknowledge what the Minister said about his meeting with the 221+ group. My concern is that further work could have been done to reach an understanding with them. The decision to go ahead and establish the tribunal probably should have been given further consideration and thought to see if there was a way of addressing the very real and genuine concerns that the 221+ group had in terms of trying to find a non-adversarial route for

7 July 2021

the tribunal which would not oblige the women to fight the labs. I fully recognise the legal difficulties involved in that, but I think it might have helped if more time had been taken to see if another route was possible.

The Government's position is clearly that the labs may need to be present in proceedings as a third party because they have indemnified the State and will need to take their responsibility and be part of any settlement agreement for compensation. This eliminates the possibility of the State in turn suing the labs and dragging out the number of hearings. While I accept that, I would also say a mistake was made in proceeding to the tribunal without teasing out the full implications of that for women who are to attend the tribunal and be part of what is inevitably an adversarial route, and maybe more time should have been taken in that regard.

Obviously, the 221+ group also wanted applicants to the tribunal who receive an award to be eligible to return to the tribunal if they suffer a recurrence of cancer. I am not sure why that could not have been addressed satisfactorily. I do not believe the Minister responded to that issue in his opening statement and maybe he will in his wrap-up. However, that is a very reasonable request to have made and I feel it should be accommodated.

The 221+ group also has concerns about the Statute of Limitations, given that a large group may not be in a position to partake because of how long it took to set up the tribunal. It would have been good if there had been a more positive response to that request to extend the Statute of Limitations. I am not sure why that could not have been done.

All of the concerns that have been expressed by the 221+ group in regard to the tribunal, and all of the issues which gave rise to the need for this tribunal, are issues that have not yet been dealt with. There are two elements that Dr. Gabriel Scally found in his examination of the whole issue. First, there was the fact of the original decision that was taken by the State some years ago to outsource the processing of smears in labs that were outside this jurisdiction, and to effectively move to the private sector to do that. Most of us would accept now that this was a serious mistake. It has given rise to problems, obviously, and it is the reason we are in the situation we are in now, but there are also issues in regard to how the concerns raised by the women can be addressed. There was a recognition of that at the time this issue came to light but we have not yet got to a position where there is full capacity within this country to do the processing of the smears in Ireland and through a State system. We absolutely have to get back to that and we have to be in a position to provide our own service.

The other issue which is at the heart of all of this is the question of mandatory open disclosure. In May 2019, in a review of HSE practices after the CervicalCheck controversy, Dr. Scally found that the deeply flawed policy of open disclosure was still in place at that stage. I know there is legislation on Committee Stage at the moment and it is making its way through very slowly, but that legislation does not go far enough. We know from looking back that when the whole CervicalCheck debacle came to light, many promises had been made and the Government of the day had backed down, finally, before the legislation was due to be introduced to provide for mandatory open disclosure. We also know that the Crowe consultancy team submitted a report on the evidence to support the Independent Patient Safety Council for the development of recommendations on a national policy framework for open disclosure in healthcare in Ireland, and that report was provided in January of this year to the Department.

We need to make amends to the women and families who were so tragically impacted by this incredible failure of our health service to provide basic services and to meet the needs of

this group of women. We need to make proper amends to those women and to their families, if that can even be done, but there has to be a significant element of compensation, at a very minimum. The best tribute we can pay to those women is to take the steps that were so clearly recommended by Scally, first, in terms of the processing of smears and doing that within our own public health care system, but also by ensuring there is full mandatory open disclosure, as recommended by the Crowe report. It is regrettable that the Minister did not reference those two fundamental issues which go to the very heart of this debacle, and it would be helpful if he could have provided an update on where we are and what his current thinking is in that regard.

I will leave it at that. Again, I pay tribute to all of the extraordinary women and their families who have been so tragically impacted by this failure of our system and the failure of leadership within the healthcare system which led to this appalling situation. I will be happy to support this legislation going through this evening but so much more needs to be done.

Deputy Jennifer Murnane O'Connor: Sadly, we have learned that time is not on the side of women impacted by the CervicalCheck scandal but time is something we must give now to those we can give it to. Women have felt betrayed and, let us be honest, we have a storied history with tribunals. To extend this timeframe is the only thing we can do, but we must also look at what is wrong.

The three-member tribunal, which was established in December 2020, has received only five of 221 claims transferred from the courts or lodged, and to have the clock run down at the end of this month would be a travesty. It has been well reported that there were many issues around the setting up of this tribunal and, of course, we have had Covid to contend with. However, there is something wrong when women are choosing the courts over this tribunal. My understanding is that its purpose is to deal with these claims quickly, and the Minister knows how important that is. It is vital that the timeframe be extended and that we try to fix the issues raised. It is, of course, entirely up to these women as to whether they use the tribunal, but for it to be a valuable alternative, it has to be used. We must do all we can to ensure we repair what trust was broken and to make sure it does not happen again.

Here, on the floor of this House, is the place to have a proper debate on making the tribunal better for these women, removing any barriers to them using the system and giving them the time to come forward in some way, now or in the future. We absolutely must listen to the voices of women affected by the CervicalCheck scandal and ensure we do no more damage by pushing a system that is adversarial or that does not put them at the centre of the process. We cannot force them to use a broken system but we could fix what is broken, and if that means a live review, then so be it. There has not been a balance for far too long and many who have used such processes report not being heard, not feeling believed or being undermined and being treated poorly. These women have fought too much to have to fight the system again so we must do all in our power to get it right this time. The Minister has given a commitment on this and will follow through. He is listening to these women. It is important that we listen to them and do all that we can to recognise what has happened.

Deputy Bríd Smith: I do not agree with the previous speaker that extending the time limit is the only thing that we can do. We could scrap the current tribunal structure and listen to the 221+ patient support group, which pulled out of talks with the Minister because the group was not being listened to. The fact that this Bill exists at all is an admission by the Government and Minister that the original Act has failed. If the Act had succeeded in its aims, it would not be

7 July 2021

necessary to extend the deadline. The extension is an admission of failure and an extension in time will not address that failure. It has not failed because of Covid, time delays or any other external event. It failed because the Act and the tribunal itself failed the women affected, just as the State has largely, since the start of this scandal, failed those women.

It is astonishing that this House passed the original Act in July 2019 and that two years later just five women have applied to the tribunal. When this Act was introduced, the Opposition, including the current Minister, warned Deputy Simon Harris, the then Minister for Health, that it was seriously flawed, exclusive to some victims, risked being overly adversarial, excluded victims' families and did not offer the supports needed to them, and did not allow for subsequent claims for compensation in the case of recurrence of cancer. The Act has spectacularly failed in its stated aim to provide a fast, cheaper, less adversarial route for the women affected, and the Minister's insistence on proceeding with it, despite the concerns of the 221+ group, is an example of how the State has failed yet again to listen to the women affected. If Vicky Phelan's case was just starting today, she would not be eligible to apply to this tribunal. Most of the household names that we are now familiar with would not be eligible to go before this tribunal.

It is clear that the laboratories involved have actively resisted progressing cases in the courts and have tried to delay them. Unfortunately, there is nothing to suggest that this tribunal will be any different or less adversarial and this is just one reason many women have failed to seek to have their cases heard there. It is bitterly ironic that with the current trends, the tribunal is more likely to spend more State funds on itself than on the women affected by the screening failures.

Unless the tribunal is reformed in line with what the 221+ group quite reasonably asked for, it will continue to be a failure. The fears of many of us about this tribunal have been proven correct. It is not about the State making amends to women affected or following through on its apology; it is about the State circling the wagons and ensuring secrecy about its failures. Two of my amendments have been ruled out of order on grounds of costs. Ironically, the purpose of the amendments was to make the tribunal more open to women affected who are not included in the 221+ or Royal College of Obstetricians and Gynaecologists groups. I ask the Minister how he intends to address the issue, given that when he was in opposition, he seemed to agree with and share these concerns when we discussed the original Act.

I will make some general comments on the CervicalCheck scandal. Women affected by this scandal, and some of us who have raised it here, have had to listen continually to an avalanche of commentators and experts explaining to us that screening programmes are not diagnostic, they are not perfect and it is perfectly natural to miss some discordant slides. Women have been talked down to and told that their raising concerns is threatening the screening programmes that have saved thousands of lives. We are warned that if the legal claims continue, the poor laboratories will have to withdraw from providing the vital service. The hidden and not-so-hidden message has been to shut up and move on.

The women affected know exactly what the natural limitations of screening are and so do I. We do not need that to be repeated. Screening is not a diagnostic check. There will be natural and unavoidable errors in screening. False negatives can mean different things depending on the actual smear. Some false negatives are not negligent. There are different grades of errors in each individual test. I and other women understand that but we also know what negligence is. The CervicalCheck scandal is about negligence. Multinational corporations have paid out millions of euro and the HSE and State have apologised because negligence has cost lives.

The question of how this happened remains unanswered. From the start, I believed that contracting out the screening service to private for-profit laboratories in the USA, competitive tendering for such a vital service, and closing down domestic and publicly controlled laboratories that did the screening were mistakes. Since the scandal broke, we have been repeatedly told that there is nothing to see, to move on, and that the privatisation of the screening programme was not an issue. Ministers and HSE officials have become angry with me at committee hearings for suggesting that there were any connections.

At no stage has the State seemed interested in why catastrophic errors have been made by private laboratories while conducting a service on the behalf of the State. That is astonishing. What we know about the US laboratories as a result of the past three years is that laboratory screeners could examine 100 slides a day, whereas when we had Irish laboratories, an individual screened between 30 and 60. Screening is laborious, difficult work. That is why the NHS and the HSE insist on a high level of qualifications and put limits on how long examiners can screen in one day. Some US laboratories did not have ISO accreditation. Some US laboratories subcontracted cervical check screening to other laboratories. There were only two site checks of the US laboratories in ten years by the HSE.

The rate of false negatives from Ireland that were subsequently judged to contain high grade abnormalities was astonishing. Quest Illinois had an incidence rate five times that of the Coombe, while Quest New Jersey had an incidence rate four times higher and CPL Texas had an incidence rate seven times higher. I did not believe the previous Minister, Deputy Harris, then and I do not believe the current Minister now. The scandal has shown the devastating effects of contracting out vital public services. I thank the 221+ group, which has fought to show this up. Despite their courage, tenacity and dignity, they have failed to get justice. The extension of this tribunal by one day or even by the months that the Minister is proposing will not bring that justice any closer. The State has created an impression that this is a compensation tribunal; it is not. It is just as adversarial as the courts.

Deputy Mick Barry: The Minister needs to listen and take on board the concerns of women and those of the 221+ group. They want a non-adversarial approach in this tribunal and a tribunal that will not oblige women to fight the laboratories. They want the right for a woman to return to the tribunal if her cancer recurs. They want the Statute of Limitations to be extended as well as other reasonable, modest demands. They feel that the tribunal is not working for them. It is meant to be the Minister's job to ensure that the tribunal works for them. I support the extension of the deadline but it is not the key issue. The key issue is that the way in which the tribunal works needs to change and the Minister needs to listen to the concerns and to the women in the 221+ group.

I will make some other, more general points that were raised in this debate. On the issue of HPV screening, not having specialised capacity to examine slides in public laboratories in this State is no longer a relevant issue with the new techniques that are available. Has the State ended the contracts with the private laboratories or are tests still being outsourced to for-profit agencies? I would like an answer to that question. The scandal raises broader points about women's healthcare in the State and the treatment of women as second-class citizens by the health system. That has undeniably been the case, as shown by this and other cases. The average wait for a woman or a girl who wants to get checked for endometriosis, while going through extreme pain in some circumstances, is nine years. That is not acceptable. Many GP practices deal with the menopause as though we were in the 20th century. Medicine and techniques have moved on. Why do only 10% of women presenting with menopause have hormone

7 July 2021

replacement therapy, HRT, treatment? There are three beds in the entire State, in one public hospital, for the 200,000 people affected by eating disorders. Many people are forced abroad for treatment. Second-class citizenship for women in the healthcare system must be ended. There should be justice for women in relation to cervical cancer. We can start by extending the deadline for compensation but that is not the key issue. The key issue is that the way in which this tribunal works has to change.

Deputy Mairéad Farrell: We have a long, dark history in this State when it comes to the treatment of women, especially when it comes to our healthcare. However, the devastating reality is that this is not just something that happened in the past; this reality still hurts women today. While we regularly hear Government politicians lament the treatment of women in the past, those words ring hollow when we consider the CervicalCheck scandal.

The fact that women with cervical cancer were told that smear results, which showed them to be clear, were in fact inaccurate, is nightmarish. Not only this, the revised test results were also kept from them for years. Let us be clear that the reason this came to light, and we are even having this discussion, is the tireless work of campaigners, who are people affected by this issue and people whose families have, sadly, passed away as a result.

This Bill seeks to extend the period of the CervicalCheck tribunal but we need to listen to campaigners and their concerns about this. Of course, nothing will ever give them justice but we need to listen to them now. This must be the end of this State's systemic mistreatment of women, once and for all. I urge the Minister to listen to the campaigners and to those affected.

Deputy Verona Murphy: This Bill appears to be simple. I will support it. What does not seem to be so simple is the process these women have to go through. The purpose of the Bill is to extend the period for making claims for compensation to the CervicalCheck tribunal from January 2022 to July 2022. In line with Deputies from the Regional Group, I urge the Minister to take that time to review the situation and engage with claimants.

Everybody seems to be affected in some way by Covid. The extra time available to make a claim goes some way towards allowing for delays during lockdowns, which were inevitable when it came to many services. People working from home or not working with their usual colleagues, and a variety of other issues, make the preparation of claims, such as the ones related to CervicalCheck, a little more time-consuming and slow than might otherwise be the case. From that point of view, the extra time being made available in this Bill should be welcomed.

I hope that once the deadline for claims has been reached, the tribunal will progress at relative speed given the nature of the topic and the health status of the victims involved. We have seen some examples of tribunals lasting for way too long in the past, but it is important that progress is made swiftly on this one. It took 14 years to publish the Moriarty tribunal report and 15 years to publish the Mahon tribunal report. I hope for the sake of these women and their families that the CervicalCheck tribunal will produce a published report and compensation arrangement far more quickly than that.

The CervicalCheck scandal continues to have a major daily impact on the victims still lucky enough to be alive. Vicky Phelan is perhaps the most well-known of those involved because it was her original court case that brought this scandal to light. Some 208 women were falsely given the all-clear. It was subsequently discovered that 162 women were not informed of their false results when they were discovered. One of the most shocking elements of all is that one

of the main reasons for the delay in informing the women was a difference of opinion as to who should tell them. I understand it was not until six years after Vicky Phelan's test, and three years after the error was discovered, that she was informed of the mistake in her test result. No doubt, many others were left in the dark for similarly unacceptable lengths of time.

The Chief Medical Officer, Dr. Tony Holohan, was quite determined in his attempts to avoid an independent review of this scandal. He warned the then Minister that to announce a review would unnecessarily undermine public confidence in CervicalCheck when there was no evidence, at that stage, of quality or patient safety concerns about the programme. Surely, it was outrageous for Dr. Holohan to claim there was no evidence of patient safety concerns about the CervicalCheck programme. There were more than 200 false results, a three-year delay in identifying the mistake and a further three-year delay in informing patients of the mistake. I cannot understand how Dr. Holohan was of the view that those matters did not fall into the category of quality or patient safety concerns.

I have a major fear of history repeating itself. There will be a need for a Covid-19 tribunal. Many things have happened in the past 14 months that will require investigation by a tribunal. While Dr. Holohan's every word with regard to Covid is venerated by the Government, we saw a scandalous neglect of our cancer patients in the early stages of the Covid-19 response. Cancer screenings were shut down, treatments were disrupted and there were, no doubt, countless missed or delayed diagnoses, which will, unfortunately, have devastating effects on many people and families. As I have said previously, it seems the authorities did not mind what you died from as long as it was not Covid.

I do not know if all these things were recommended by the National Public Health Emergency Team, NPHE, or if they were part of a Government solo run, but judging by how little Government has been willing to deviate from the advice of NPHE, I would be surprised if the closure of services was not done at its behest. There is no doubt of the need for a tribunal of inquiry into all the Covid-related decisions, that the citizens of Ireland have been subjected to for the past 18 months. Dr. Holohan suggested he should have been the one to conduct the inquiry into the CervicalCheck scandal. I sincerely hope that any suggestion that he, or NPHE, conduct the inquiry into the various Covid-19 scandals will be met with short shrift by the Minister of the day.

I welcome the extension of the time available to make a compensation claim under the tribunal examining the CervicalCheck scandal. I hope that those who apply for compensation are justly compensated for the pain and suffering inflicted on them and are given a fair hearing. I also hope those who are requested to appear before the tribunal do so and that they provide open and honest evidence to the patients affected by the scandal, who are still putting up a good fight. I wish those patients all the best. I hope they will receive the answers and compensation they deserve in a timely fashion and that their families will know they fought for them so that a broken system would be called out, giving us all hope for the future.

Deputy Peadar Tóibín: Before Christmas, I held a meeting with the clinical director of CervicalCheck regarding the content of a letter she sent me. In this meeting, and in the letter, CervicalCheck criticised remarks I made in the Dáil on the scandal. I was criticised for suggesting that women had been wronged and for my use of words such as "mistakes" and "misreadings". CervicalCheck stated women had not been wronged; they had just been unfortunate. When probed at a meeting, CervicalCheck clarified its position was in contradiction of court rulings and the position of the Government. It should be remembered that the Government had

7 July 2021

issued a State apology to the women affected. It is significant that CervicalCheck does not accept that women have been wronged, slides have been misread or mistakes have been made. Different arms of the State, the Government and the courts are in conflict with another arm of the State, that is, the HSE and CervicalCheck. When I raised this at the time with the Taoiseach he said he would check out this contradiction immediately because, he said, “We all have to uphold the decisions of the courts and the Supreme Court.” The Minister for Health, Deputy Donnelly, subsequently wrote to me saying that CervicalCheck had confirmed that its position was not as I had alleged it to be. When I probed as to how he had arrived at his conclusion, the Minister, confirmed to me in a reply to a parliamentary question that he had not met or corresponded with CervicalCheck on this issue but had instead studied the remarks that it had made in the media. That is an incredible situation on an issue of such gravity. A blatant contradiction remains at the heart of the Government approach to CervicalCheck, which says to the women who have been wronged, “Sorry, but we’re not sorry.” This has caused major hurt to the survivors of CervicalCheck.

Responding to the remarks made by the clinical director of CervicalCheck in the health committee, Vicky Phelan said she was shocked to see that such an attitude “is still in place two and a half years after my case broke open the CervicalCheck debacle and an independent review by Dr. Gabriel Scally found that CervicalCheck was doomed to fail, identifying serious gaps in governance structures and misogynistic treatment”. The 221+ support group also said that it was deeply concerned by the comments attributed to Dr. Russell. The group immediately wrote to the CervicalCheck steering committee to express concerns that comments betray the commitment of Government and operational agencies to cultural change within CervicalCheck.

Tributes have been made here this evening to many women, such as Vicky Phelan, who have fought for justice. I would dearly like to echo those tributes. The tributes that have been made by the Government ring hollow if one arm of the State still maintains that nothing wrong has been done. It is an incredible situation that there still hangs within an arm of government an attitude that the Government has never done anything wrong. The reason that attitude is maintained by that one arm of government is that the instinct remains within the HSE to fight every individual, if necessary, through the courts.

Deputy Martin Browne: The purpose of the CervicalCheck tribunal was to foster and rebuild trust between women and the health services as an alternative option to the courts dealing with claims against the State. It was supposed to be a forum where women affected by the CervicalCheck scandal and their families and survivors could give an account of their experiences and be compensated for the dreadful failings to which they were subjected. Instead, it was a process that was badly put together because it did not meet the wishes of the women concerned and their representative groups.

What is the point in extending the claims period if the concerns about which women have been very vocal are not addressed? Concerns were raised about the adversarial nature of the process. We need to know what other options for mediation have been explored. The State should be prepared to settle rather than contest claims where it is clearcut. Where possible, the laboratories should be pursued separately. The State should not use the survivors to do the work for it. All of this is borne out of the fact that as of the end of May only three claims had been made to the tribunal. To put that in relative terms, it equates to 1.2% of the eligible claims which could be transferred from the High Court.

We must ensure that no woman or her family is statute-barred from making a claim due to

the delays in setting up the tribunal. My colleague Deputy Cullinane has tabled an amendment to permit a claim to be heard where a person may be statute-barred. Sinn Féin is also seeking to permit anyone who may have grounds for a claim, whether or not an award was previously made or where there is recurrence, to be heard by the tribunal and to provide for the tribunal to determine if a future award is warranted. This must be explored by the Minister and his conclusions must be communicated transparently. Ultimately, it is important that the tribunal has the confidence of the women and their families and that the women affected are given answers and justice.

Deputy Michael Collins: I am sharing time with Deputy Danny Healy-Rae. Although the tribunal was established as an alternative to bringing a compensation claim to court, to date very few claims have been submitted to the tribunal. On 22 March 2021, no claims had been made to the tribunal. On 30 June 2021, the Minister for Health, Deputy Donnelly, stated that five claims had been received. In contrast, to date 199 legal proceedings relating to the CervicalCheck issue have been issued, of which 195 are claims received since 1 January 2018 and 170 relate to the alleged misreading of a smear test of a service user. The 221+ patients support group provides support and advice to women and families directly affected by CervicalCheck failures and it has been critical of some of the processes of the tribunal. For example, the group has proposed that a non-adversarial route be found for the tribunal, one that does not oblige the women and families affected by these incidences of cancer misdiagnosis to fight the multinational laboratories. This approach was rejected by Government. In October 2020, the group stated that it was seeking further engagement for change in the tribunal, as previously requested, or it would recommend that members not engage. I would urge the Government to get this sorted. We have had enough cock-ups on this issue. This is people's lives Government is dealing with. Women and their families have suffered enough.

Many of the Government slots for contributions on this issue have been passed over because none of the Deputies has the guts to stand here before the people in regard to the shocking way Government has treated women's health in terms of this issue. It is easy to understand why they are embarrassed and they have turned their backs on coming here to, maybe, issue an apology. This is an appalling attack on a woman's basic right to know the results of a test. These results, which are a life and death issue for many women, were withheld and nobody has been held accountable. That is the astonishing thing in all of this.

We heard Deputies speak about the Chief Medical Officer at the time, Dr. Holohan, saying that there were no patient concerns. He made many other statements at that time. I want to know from the Minister who was held accountable for this absolutely shocking situation whereby women were left without test results that could have helped to save their lives. There are great people in this country, such as Vicky Phelan, who are fighting for their lives and to be with their families, but also fighting to show other people what a great fight they can put up in regard to the awful things that were done to them. In my time here, I have yet to see someone from this Government or the previous Government stand up and say, "We got this terribly wrong, but heads did roll." I think most of the people that were involved in this scandal down through the years have been promoted and given extra pay when instead heads should have rolled and we should have had accountability. People want accountability. The word "sorry" is a small word, but it seems, for politicians, it is a difficult word to say. In my time as a Member of this House I will do everything I can to help smooth out the road for people who are going through such a horrific ordeal in their lives and have had terrible wrongs done to them. We must make sure that wrong is never repeated in this country. The only way that can happen is if we have ac-

7 July 2021

countability for those who committed the wrongs and who continue the cover-up, which is what it was. That cover-up has led to a lot of suffering for families in this country. It is unfortunate that no matter what advice Government gets on this issue it continues to make people suffer.

As I said earlier, the 221+ group proposed that a non-adversarial route be found for the tribunal, one not obliging the women and the families affected by these incidences of cancer misdiagnosis to fight the multinational laboratories but this approach was rejected by Government, leading to the continued suffering of these women. It is not good enough for there to be error after error and for their suffering to continue. That must be stopped immediately.

Deputy Danny Healy-Rae: I thank the Acting Chairperson for the opportunity to speak on this very sad saga and on the desperate treatment of so many of our fine women. I think of poor Emma Mhic Mhathúna, who lived in Dingle in our county for a while. My sympathy goes out to her family and to the families of all the other women who lost their lives because of incorrect diagnoses. Emma was a witty and charming woman who fought as hard as she could up to the very end. Our thoughts and prayers are with her family and with the families of all the other women.

The worst part of this whole saga, in addition to the incorrect diagnoses, is the length of time it took for women and their families to be informed that incorrect diagnoses had been made. We all know that time is crucial with regard to cancer diagnoses. Outcomes are very different where there is delay. People should be brought to task. Whether it was Dr. Tony Holohan or someone else who was responsible for the delay, there are certainly questions to be answered because time is so important. More than 200 people got the wrong results and there was a great delay in informing many of them. We applaud Vicky Phelan for the fight she has put up on her own behalf and on behalf of all of the women who were affected.

Another thing is happening and has happened. More people are dying as a result of another delay, one which has continued since the Covid pandemic began. Many people with other serious issues are affected, including a man I know whose wife told me he has just four months to live. He was supposed to have been seen after his first round of treatment in January of this year. This was delayed and put back from month to month. It was only last month, in June, that he was seen. It had spread all over him. He has a young family and a young wife. I know there are miracles but it is unlikely that he will survive. I am very sorry for him. There are many others suffering such delays. We know that Covid is very serious and had to be dealt with but people with other medical problems should not have had their treatment held up as it has been, and is being, held up. I have asked the Government before to ensure that does not happen anymore. It needs to get its house in order because it is not in order. People from Kerry are facing delays in being seen.

I cannot understand why the Government is cutting the time so tight in extending the deadline to, possibly, 26 July 2022. Why can it not be extended to sometime in 2024 or 2025? Some women may live longer and come forward later. I ask the Government to give them more time. Why is it trying to cut the time? It is not a grant for which farmers are applying. It is a serious matter and these women are entitled to get retribution, to be shown respect and to be treated properly in light of the wrongs that have been done to them. I cannot see why it should be limited to July 2022. While I welcome its extension to 26 July 2022, I ask the Government to extend it for a couple of years beyond that to give women a chance to come forward. This is a desperate scenario. People were given the wrong information. We all trust medical advice and are taught to respect it but the wrong advice was given and someone should have to explain why

and why it took so long - three or four years - to inform the women involved. That is where the desperate wrong was done. I ask the Government to ensure all of these women are treated fairly because they have not been treated fairly up to this point.

Deputy Violet-Anne Wynne: This Bill seeks to extend the operation of the CervicalCheck tribunal until January 2022 and to provide for an additional extension to July 2022, available at the discretion of the Minister for Health. Of course I support this Bill. It makes sense for the period of time in which a compensation claim can be lodged to be extended significantly if we consider the fact that, up to two months after its establishment, the tribunal had not received any claim whatsoever. This clearly demonstrates the job of work to be done on the Government's behalf. This was unusual in and of itself in that, following Vicky Phelan's journey for accountability, more than 100 women came out and revealed that they were in the same situation. The whole thing reeks of a lack of respect and due diligence for women's health. We have, lamentably, seen this on countless occasions in the history of this State. Women, their bodies and their reproductive rights have suffered insult after injury, with salt repeatedly rubbed on the wound.

The fact that the consultation between the Minister, Deputy Stephen Donnelly, and representatives of the 221+ support group, which was intended to provide meaningful engagement between the Minister, his Department and the women impacted, broke down and did not conclude in satisfaction for the advocates involved does not bode well for respectful handling of the cervical smear scandal. The least these women deserve is an extension of time and for that reason I support this Bill and the proposed new timeline.

However, it is not as if all is well in the world of women's health. Due to Covid-19 and limited HSE services, many constituents who have come to me are seriously anxious about the fact that their scans and appointments have essentially disappeared, with appointments for March of this year being rescheduled for May of next year and the likes. As the Minister can imagine, this does not inspire confidence that hard-learned lessons are being heeded.

Deputy Catherine Connolly: Cervical cancer is the fourth most common cancer in women worldwide. This was mentioned in Dr. Gabriel Scally's report, which was published in September 2018. It goes on to say, "In Ireland in 2015 (the most recent year for which data is published), there were 241 cases of cervical cancer." It then goes on to talk about the importance of screening and of an effective screening service. We all know about that. I heard Deputy Brid Smith speak earlier about being patronised with regard to screening. As women, we know how important screening is. That is not what this was about. Before I go into the body of what I am going to say, I will say that when I was on the Committee of Public Accounts, I remember what truly horrified me were the internal memos we eventually elicited. These showed that officials were more worried about publication and screaming headlines than about the failures that had taken place. That stays with me. I will not personalise the matter but the medical people from the Department of Health utterly failed to see the relevance of that for women. Indeed, Dr. Scally did not put much emphasis on it in his very welcome and methodical report. He certainly failed to see that the memos were more concerned with avoiding screaming headlines than with dealing with the issue.

We are here today to extend the time. None of us could disagree with doing so. What are we extending? We are extending the provisions of legislation that allows for women affected by this scandal to come forward and go to a tribunal while we know that nobody has come forward. When we look at the Bill digest, we read:

7 July 2021

Although the Tribunal was established as an alternative to bringing a compensation claim to court, very few claims have been submitted to the Tribunal to date. No claims had been made to the Tribunal by 22 March 2021.

This should set alarm bells ringing for any government. There were no claims by March 2021, but the digest continues:

The Minister for Health stated on 30 June 2021 that 5 claims had been received. In contrast, 199 legal proceedings have been issued to date

I looked at why this was brought in. The Minister has quoted repeatedly from the Report on an Alternative System for Dealing with Claims Arising from CervicalCheck.

6 o'clock

It is a very succinct report of 32 pages which comes down in favour of a tribunal. That is how the tribunal was set up. That report said many other things. The final chapter stated, "There is a clear urgency that this legislation be passed without delay", and it was duly passed. Many things were said about High Court hearings and the fact Mr. Justice Kevin Cross, the judge in charge of the personal injuries list, with the co-operation of the solicitors and barristers "has ensured that these cases have been dealt with in an efficient and timely way" and so on.

There was provision in the existing court system to deal efficiently with these cases but we went for a tribunal. I had serious reservations about that because language was being misused in relation to it not being adversarial. That was not true. It is a little less formal than a court setting but not less adversarial. The consent of all parties was needed. Surely, if the consent of all parties was got in court and liability was not an issue, it would proceed quickly in the courts system.

We set up the tribunal and nobody availed of it. Some women are availing of it now and I am glad they are, in the sense that that is the decision they have made for many reasons, including speed and illness. Within that Bill, we were to restore confidence but nothing has happened. Over two years later, the Minister has informed us that he is going to set up the process and that "A facilitator of the meetings has recently been identified and preparatory work necessary to offer the service is ongoing". We say we will restore confidence and bring in legislation. Two years later we have nothing and say again we will restore confidence. My confidence and trust are at an all-time low.

I have a very specific question before I go back to the general. When I sat on the Committee of Public Accounts, we were told by the head of the Department that the audit of cervical test results had stopped temporarily. Was that ever reinstated? If not, why not? That should be part of the Minister's speech today. It is an essential. That is how we learned - we did not, actually, but I will come to that. An audit was carried out and the women affected spoke out, starting with Vicky Phelan, who was extremely courageous and refused to sign a non-disclosure agreement. We learned then an audit had been carried out. We were told repeatedly it was for the purposes of learning, but we did not learn anything until Vicky Phelan had the courage not to sign the non-disclosure agreement and tell us. Then a lot of stuff came out.

Remember the number of women who have died in the meantime. Out of the 208 women whose results might have warranted a different action, 17 have died. A total of 162 women were not told their smears had been audited and that the audit found a different action should

have been taken. I will not name out the women but we are deeply indebted to them and their families for their courage in persisting and bringing this matter to attention.

If we look at the speech given today, we get a clear indication of the mountain the women had to climb. I would have expected at this point a detailed speech on all the aspects of the tribunal, the various parts of the legislation I have mentioned, the audit and mandatory disclosure. We have a Bill sitting somewhere on disclosure. Scally had two reports and 52 recommendations. I quote from the digest but I have read the full Scally report. It states, “In the Scally Report, a number of chapters dealt with open disclosure in the context of the HSE, the Medical Council and CervicalCheck.” It goes on to refer to leaving a decision to disclose or not to disclose to “the unfettered judgement of the clinicians” as unacceptable and that is what happened. It refers to the “lack of a systematic evaluation of the implementation of the policy”. On the following page, it says, quoting the Scally report:

When disclosure in the substantial majority of the cases eventually happened, [this is with the cervical smear cases] it was hurried and took place against a fevered media and political backdrop. The way in which women and families were treated was responsible for substantial hurt and anger.

I do not think we needed a scoping exercise from Dr. Scally to tell us that but at least it is down in black and white. The digest goes on to quote the Scally report:

A situation where an organisation can be allowed to impede the speaking of truth to patients in relation to their health care is totally unacceptable. Nor should it be acceptable for an organisation to give permission to health professionals, of whatever seniority, to withhold the truth from patients.

There are many other things I could quote from, including the Madden commission, going back to 2008, which set out the necessity for mandatory and open disclosure. It has not happened.

I ask for clarity on the audit. Why, if we want to restore trust, has that part of the Bill never been used? On the outsourcing of tests, what progress have we made? That was a fatal decision made by a Progressive Democrats-led Government. The Government inherited that but now it has the chance to change it. When we outsource something as essential as cervical smear tests, we are in serious trouble as a civilised society. What update has there been on that? Are we on the road to ending the privatisation of our laboratory services? It is extraordinary that the restoration of trust part of the tribunal legislation has never been used. Trust on every level has not been restored. The women are still fighting with the Government - I take back the word “fighting” - they are still struggling to get their voices heard and say this tribunal is not the most suitable mechanism. The High Court would do a more efficient job if it was adequately resourced to hear the cases. There is provision for private hearings and that could have been done.

Minister for Health (Deputy Stephen Donnelly): I thank all colleagues across the House for their contributions on the Bill. It has been a useful and important session so far. I welcome the broad support that has been indicated for the Bill and for the extension of time. I join colleagues across the House in welcoming Vicky Phelan back from the United States. I acknowledge, as I and many of us have before, the huge contribution she has made to this issue from the start.

I have listened carefully to the speakers and will consider the issues raised. I will revert to

7 July 2021

colleagues on specific issues raised, including the audit raised by Deputy Connolly and other issues. I would be glad to update the House, or the health committee if that is appropriate, on the progress of the tribunal in as much detail as is useful.

The central purpose of the Bill is to extend the period for receipt of claims by the Cervical-Check tribunal. It will ensure women eligible to make a claim to the tribunal have adequate time to consider whether they wish to do so. In my opening remarks, I explained some of the reasons an extension to the deadline is considered necessary. They include the pause in establishment. That was an issue last year. It should not have gone the way it did. There was no bad faith intended. A statutory instrument was lodged which, it turned out, could not be stopped under the law of our land. It started a time period.

The moment I found out it could not be stopped, I personally phoned several of the people who have been referenced in the Chamber today to say that the statutory instrument is what it is but I was giving a commitment that day that nothing would commence in any meaningful way until there was a lot more engagement. Today's Bill is about honouring that commitment. I gave a commitment personally that whatever period we needed, we would extend the time period of the tribunal by that amount. Indeed, the Bill extends it by an amount further than that because there were then other issues, as we discussed, one being the cyberattack and another being the huge disruption that was caused by Covid. We spent approximately two months after that point going through the various issues, many of which were raised again today.

It is important to acknowledge, as Mr. Justice Meenan did in his report, that the tribunal is not a redress scheme. I acknowledge that the tribunal is not exactly what the 221+ group wanted it to be. There was a lot of engagement in October and November with the group and, indeed, here in the Chamber on these issues. I would like to stress again that my only interest was, and is, in establishing a tribunal, within the bounds of the law and what is possible, that does as much as possible for the women and families affected. There is not a single Member of the Oireachtas - in the previous Dáil, where this came to light and where we passed the Bill, in this Dáil, or in the Upper House - who would not want this to be pushed as far as is possible. I want to re-emphasise that.

I looked into the issues at great length, as did the Department, the Attorney General and the Cabinet. This was discussed at several Cabinet meetings and the question was asked again and again as to whether we can do more and push further. Can we do more on recurrence, the Statute of Limitations and the different asks and guarantees that were very reasonably being asked for by the 221+ group? Where we got to, and I am very happy to go into some of the detail because it is important, was we brought it as far as is possible to bring it, partly because of the Constitution. We cannot constitutionally change the Statute of Limitations retrospectively. We cannot do it under our Constitution. We found another way, which was the next best way. I personally wrote to all of the women and families eligible to say that if they were in one of the groups that may be statute-barred, there has been engagement, they should lodge their claims and there is a very reasonable argument they can make, because of Covid, as to why they might have missed the High Court deadline.

Another point that was raised again today was one I supported when it came up in the legislation. I remember the debate around recurrence. I still think it is a very reasonable request for everyone, whether in regard to CervicalCheck or any other issue, that if there is recurrence, one could go back and say, "I had a recurrence of whatever this may be and I need more financial support because of this." Every Member of this House is sympathetic to that ask. It is a very

reasonable ask. It is not that I, the Government, the Department of Health or anyone else did not want to accede to that. I think we all accept - certainly, most Members of this House would accept it - that, under Mr. Justice Meenan's report, the tribunal is voluntary for the women and for the laboratories. We cannot legally compel them not to avail of the High Court.

A few things would happen if we brought in recurrence. The first is that the representatives of the laboratories would walk out the door and simply go to the High Court. Under the law of the land, the High Court does not do recurrence like that. The way the High Court deals with it, and the way the tribunal would deal with it, is to factor it into the initial settlement amount. Even if people went to the High Court and somehow it was facilitated in this other way, which it cannot be, what would happen? First, the initial amounts would be lower because those initial amounts include the possibility of recurrence. What else would happen? Let us say there was a recurrence three, four or five years later. People would have to go back to court and the laboratories would be allowed to say, "Well, hang on a second, there may be no link between this occurrence and what happened previously." The women and families might be asked to go through it all again.

I promise the House that if we, as a Government, could have done what was asked, we would have done it. It is not that anyone did not want to do this. We pushed and pushed as far as we could. I am the first to acknowledge that we were not able to deliver on everything that was asked, but we delivered on everything we could deliver on and we set up the tribunal. That is where it stands and that is the position the previous Government took. We all, or certainly most of us, voted in support of the legislation, even though we debated exactly these issues in 2019. The advice is still the same. I hope colleagues will accept that these decisions were made in good faith and every effort was undertaken to push each of these issues as far as they could be pushed.

The tribunal has received claims and it is a small number of claims. Obviously, we would like there to be more claims. What is happening is that a lot of people are waiting to see what will happen with these initial claims and reserving judgment. One could not blame anyone for doing that. I know that some of the claims in the courts have been waiting for several years, while the tribunal provides that a new claim will come to hearing in 30 weeks and a claim transferred from the courts can be heard more quickly than that again.

Before we move on to Committee Stage, I thank colleagues again for their contributions. I would like to put on the record that I take issue with comments made by Deputy Verona Murphy with regards to Dr. Holohan and his motivations. They were entirely inaccurate and unfair and he is not in any position to address them. The Scally report deals with those issues and I hope the remarks can be withdrawn. I do not think they were right and I want to take issue with them. I thank colleagues for their contributions. As I said, I am very happy to come back. Colleagues are asking very reasonable questions about the tribunal and details around it. I am very happy, at the health committee or in the Chamber, to have that discussion at a later date.

Question put and agreed to.

An Ceann Comhairle: In accordance with an order of the House, we must suspend now until 6.30 p.m., when we will take Committee and Remaining Stages.

Sitting suspended at 6.19 p.m. and resumed at 6.30 p.m.

7 July 2021

CervicalCheck Tribunal (Amendment) Bill 2021: Committee and Remaining Stages

SECTION 1

An Ceann Comhairle: The amendments submitted under section 1 have been ruled out of order.

Amendments Nos. 1 to 3, inclusive, not moved.

Question proposed: “That section 1 stand part of the Bill.”

Deputy David Cullinane: I accept that the amendments have been ruled out of order. The Minister dealt with some of these issues on Second Stage with regard to recurrence and the Statute of Limitations and the reasons he was not able to deal with these issues at the time the tribunal was being established. He also stated while responding to Deputies on Second Stage, and in dealing with some of the issues addressed in the amendments that have been ruled out of order, that we have to wait and see whether more women will make claims. He stated that some women are themselves waiting to see how all of this pans out. On what is that based? Is it based on hope? Is it based on engagement? The engagement I have had with the 221+ group indicates that it does not expect more women to make a claim. I certainly am not going to offer an opinion to any woman as to whether she should make a claim before the tribunal because it is not my job to do so. It is entirely up to each woman, her family and her legal representatives. Each woman should be free to make whatever decision she wishes, rather than politicians or anybody else making the decisions for her.

I wish to read into the record a letter sent to the Minister. It was published. It is important because it deals comprehensively with the concerns of the 221+ group, which makes the arguments better than I could. The letter is dated 26 November 2020.

As we have outlined both in meetings and correspondence over recent weeks, the sole focus of the 221+ support group is and has always been to reflect and represent the views of our members whether that is in respect of the CervicalCheck Tribunal or any other matters arising from the past failings of the national cervical cancer screening system.

In respect of the Tribunal specifically your letter of 19 November set out clearly that it has not been possible to meet our requests on members’ behalf in respect of the Statute of Limitations or the issue of Recurrence on the basis that the advice received from the Attorney General on both issues is “unambiguous”.

We have relayed that position to our members and advised them seek their own advice on the matter. We have advised also that the talks in which we have engaged with you and your colleagues since 2 September last have run their course and that the letter of November 19, which was unambiguous in tone, represents the definitive position of Government on the matters outstanding.

Your letter of yesterday (Wednesday, 25 November 2020) now appears to contradict that position. You will appreciate that there have been a number of missteps on communication around this issue since the establishment of the Tribunal was first announced four weeks ago which have undermined the confidence of this group in the approach of Government.

In that context, it is unclear to us as to whether this most recent letter shows that anything of substance is being offered over that represented in the letter of Thursday last week.

We are unclear as to how expressions of hope and an aspiration that “no woman will be left behind” would offer any relief from the obligations of the legal process as it would be applied.

If there is an opportunity to get the Tribunal to a point where it is fit for purpose for the women impacted, then we will play our part but as things stand, we would need to have an unambiguous commitment in writing and with any caveats set out clearly.

We cannot in conscience go to our members with anything less and it would be an abuse of their faith in us to offer only a verbal or second hand briefing of what seems to us to be a nuanced political promise rather than a formal commitment of government.

In the absence of that detail, we don't see any basis to meet at this time. We would however be happy to consider a more developed explanation of this new ‘commitment’, written in consideration of it being shared with our members. Were that available to review, a meeting at that point may be an appropriate medium by which to clarify any matters outstanding.

I do not think there has been any correspondence since then or, if there was further correspondence, the public position of the 221+ group was that it did not have confidence in the tribunal and was disappointed that its concerns were not met. It certainly was not in a position to recommend the tribunal to women, but it did say that it was a matter for women and their families.

To bring up costs of the tribunal in the context of this issue can come across as crass because we all know that it should not be about costs. If the tribunal is fit for purpose and is working, it does not matter what the cost is because it needs to be in place. It is in place because women have been wronged. The tribunal is there to make it less adversarial, to give them an option other than the High Court and to give them additional comfort and support they did not have up to now. The problem is that is not happening.

I may be wrong and the Minister may be able to correct me if I am, but I referred to five cases earlier. Is it still five cases? Has the number gone up? It is a very small number. Surely the Minister must be concerned that the number of women who have availed of the tribunal and made a claim is low. Surely, as the Minister who set the tribunal up, that is of concern to him. It is certainly of concern to me and to the 221+ group. If the number continues to stay low and the deadline for women to make claims is extended by six months, and then maybe another six months, but no more women make claims, how long will the tribunal have to last, with all the additional costs that will incur, before there is a recognition that there is a more fundamental problem? That is a reasonable argument to make, albeit not necessarily in respect of costs but, rather, in respect of the rationale for a tribunal being in existence when it does not have the support of the very women it wishes to make claims before it. Those are reasonable arguments. I will say no more as I know other Members wish to come in and we are short on time. I hope the Minister will be able to respond to some of the points I have made.

An Ceann Comhairle: Are any other Members offering on the section?

Deputy Bríd Smith: Are we taking the whole section together?

An Ceann Comhairle: Yes.

Deputy Bríd Smith: I believe amendment No. 2, which I tabled, has been ruled out order.

Is that correct?

An Ceann Comhairle: Yes. We cannot debate amendments that are out of order.

Deputy Bríd Smith: Okay. I wish to back up the arguments made by Deputy Cullinane. At the end of the day, there is a significant exclusion of all sorts of categories of women from the tribunal. For example, if one's case involves a spouse, one cannot go before the tribunal. That would mean that Vicky Phelan and Jim Phelan and Ruth Morrissey and Paul Morrissey would be excluded from the tribunal were they to try to apply to it. As I stated earlier, if Vicky's case was starting today, she would be totally excluded from it. The other category relates to dependent children in the context of families not being eligible to apply unless the cancer sufferer is dead. That would have excluded Emma Mhic Mhathúna. There is a significant gap in the Bill that does not allow for the representation that is required for families and women. The Minister should address that issue. I will later come to my amendment to section 2.

Deputy Mattie McGrath: I too support the comments of Deputy Cullinane. Why is it so finite and why are so many categories of people excluded? Surely we should have a proper no-holds-barred investigation and proper access for all people. The access should not be as wide as a field, but anybody who was misdiagnosed or involved in this should have access, as should their families, no matter whether the woman is unfortunately no longer with us or is still alive or whether both spouses are involved or children are involved. I support that point as well.

Minister for Health (Deputy Stephen Donnelly): I think there is broad agreement on accepting the section. As to the point made by Deputy Cullinane, I agree that, ultimately, this is a choice for women. It is a choice for the women and families involved as to whether they want to go to the tribunal or to the courts. There is an onus on all of us, as Oireachtas Members, to make the tribunal as advantageous as possible. The tribunal that has been set up broadly reflects what the House agreed to in the 2019 Act. The recurrence issue was then as it is now, as was the statute issue. That was the Act that was passed. As I stated earlier, we have pushed in a lot of areas in response to very reasonable requests from the women, the families and the 221+ group, as far as we can. As Deputy Cullinane stated, it is not for me or for him to say what choice people should make. It is their choice.

What I can say is that having spent a lot of time last year going through what it means to go to court versus what it means to go to the tribunal, I believe there are some very important advantages for women and families of using the tribunal. I could not find any advantages that the courts provide over the tribunal. Essentially, whatever you have access to in the court you have access to in the tribunal, but the tribunal has advantages over the courts. When you line up the choice of going to the tribunal or going to court, I have not been able to see a single advantage of going to court, but there are very clear advantages to the tribunal, some of which we have agreed on today, including timing. Timing is a real issue here. The tribunal is much quicker. The premises have been set up specifically for the process. There has been very good feedback in respect of the facilities and how they are appropriate. The tribunal is set up in cognisance of the fact that the process needs to be dealt with in as sensitive a way as possible.

One of the points that was raised by several colleagues on Second Stage concerned the adversarial nature of the proceedings. It is worth responding to the points raised. I wholeheartedly agree with all of the comments made about the tribunal not being adversarial in the way that we all talk about things being adversarial, some of the testimony we all heard from women who were taking their cases, and the lines of questioning, which sounded completely unacceptable,

around their sex lives and all sorts of things to potentially try to discredit them as witnesses. I found some of the questions to be outrageous. Indeed, one of the amendments that is tabled - I do not know if it is in order or not - addresses exactly that issue. It provides that aggravated additional damages could be awarded in the case of the use of an unacceptable line of questioning or harassment. Actually, the good news on that is that I do not need to accept the amendment because it is already covered. When the Bill was being passed, I raised this matter, as I am sure other colleagues did. It is already allowable within the tribunal and indeed within the courts. To lawyers, the term “adversarial” just means they are allowed to cross-examine. The way we all use the term “adversarial” is different from that. We do not use it in the technical sense. We use it in the sense that none of us would accept these women and families being harassed under hostile cross-examination. The tribunal is very sensitive to that. It has been set up to try to deal with that as well as it can be dealt with. However, there is one important caveat, namely, cross-examination, which is what the lawyers refer to as adversarial. That is part of the process. Indeed, I know from my own meetings with the 221+ group that the members accept that negligence has to be established. It is accepted that for negligence to be established, questions have to be asked. Indeed, representatives from the laboratories have to be cross-examined.

Therefore, the tribunal is set up to be as unadversarial as possible in the sense of how we all use the term. I think that most people agree - and the 221+ group members in their meetings with me have agreed - that negligence needs to be established. It is not a redress scheme. It is about establishing negligence and then the State pays. The State has an indemnity agreement with the laboratories and it deals with that end of it. The State pays.

An Ceann Comhairle: I am loath to interrupt, but there are only 16 minutes remaining.

Deputy Stephen Donnelly: I beg your pardon. I will address the last point very quickly.

An Ceann Comhairle: Of course.

Deputy Stephen Donnelly: Thank you, a Cheann Comhairle. It concerns eligibility. I am very sympathetic to expanding eligibility. An opinion was given some time ago in favour of allowing the current groups to have access to the tribunal. However, I think there is a case to be made for the expansion of that. Indeed, the memo that I brought to the Cabinet on Tuesday addressed exactly that issue. It is something we can look at

Question put and agreed to.

NEW SECTIONS

Deputy Bríd Smith: I move amendment No. 4:

In page 4, between lines 6 and 7, to insert the following:

“Amendment of section 17 of the CervicalCheck Tribunal Act 2019

2. Section 17 of the CervicalCheck Tribunal Act 2019 is amended by the insertion of the following after subsection (6):

“(7) The Tribunal shall be entitled to award aggravated damages in circumstances where—

(a) the Tribunal determines that a claimant has been cross-examined in an un-

7 July 2021

necessarily aggressive and/or adversarial manner by a respondent, or

(b) the Tribunal determines that the respondent advanced a defence that it knew or ought reasonably to have known was not justified by the evidence available to that respondent.”.”.

First of all, when the Minister said he cannot see the advantages of going to court, I suggest he might ask the women what advantages they see in going to court as distinct from the tribunal because clearly they are walking, talking and voting with their feet on this issue.

I know that the Minister tabled this amendment previously. I basically copied and pasted the Minister's amendment from the last discussion that we had before the CervicalCheck Tribunal Act was passed. The former Minister for Health, Deputy Harris, told the Minister that he should not worry and that aggravated damages are allowed for in the circumstances. If the Minister has accepted that, and he has repeated it here today, that is fine. However, since there is a huge kickback against this tribunal and all of its mechanisms from the actual sufferers themselves, I ask the Minister how he can guarantee the provision for aggravated damages. Therefore, I ask him to accept the amendment, because it copper-fastens the idea that aggravated damages will be awarded rather than just accepting that it is something that is stated. We have not seen anything here that would make women want to go to the tribunal more than the High Court. Considering the lack of trust that they have in the tribunal, accepting and passing this amendment might at least signal that we are serious about addressing their concerns.

The Minister stated that he would like to see a broadening out of the circumstances under which women can go to the tribunal. Why is that expansion not contained in the Bill today? If eligibility could and should be expanded, why is that provision not being brought before the House to address the concerns of the 221+ group? The group members' impression of the discussions they had with the Minister was that they were not listened to. If the Minister is listening to them and he thinks eligibility should be expanded, the provision should be brought before the House.

Deputy Stephen Donnelly: I did not realise the Deputy had copied and pasted my own amendment. It looked very familiar. Indeed, she will be aware that when I tabled the amendment, the then Minister for Health, Deputy Harris, told me that the powers were already provided for in the High Court and at the tribunal, because it replicates the procedures in the court. I checked that myself and received exactly the same advice that it is covered. I am satisfied that the tribunal already has exactly the powers that the Deputy is calling for in the amendment, and indeed, that I called for previously.

While we are talking about some of the advantages of the tribunal, I will set out one that I think is important. Unlike in the courts, the tribunal has very extensive procedures for non-expert witnesses, as they are known. For example, women can give their statements in writing. Responses to questions can also be given in writing. Some real thought has been put into this to prevent the circumstances under which some of the more adversarial interaction, which I think we all disagree with, can happen.

There is no need to accept the amendment. I am satisfied that the powers are already there. However, I thank the Deputy for raising the issue. I absolutely share the core concern that she has raised.

Deputy Bríd Smith: I do not understand that response. We have all gone through the de-

bate here today, as short as it was. It was a short debate on a most important topic. The Minister is telling me that the safeguarding of women against adversarial proceedings is built into the process, but the provision for it is not in the Act. If the Minister accepts that, and I am tabling the amendment that he originally tabled, why would he not accept the amendment, at the very least to indicate to those who do not trust the tribunal that he is trying to establish at least an element of trust? There is enough lack of trust in the tribunal, particularly in the case of reoccurrence, which we have discussed. The Minister gave a convoluted answer about how to prove reoccurrence. It is simple medical science. A biopsy is taken to show whether the cancer is a recurrence of the original or a new cancer. It is not rocket science; it is medical science. The Minister needs to give at least some reassurance he is taking this issue seriously. Ruling my other amendments out of order on the basis of cost was slapping this down. It does not make sense to slap down amendments based on cost because I am an Opposition Deputy and cannot incur a cost to the State. What we are trying to do here is make a tribunal process fit for purpose. At the moment, it is not. It is not me saying this; it is those who are suffering. They are not going to the tribunal. They will likely choose the courts instead of this very inadequate tribunal. Therefore, I ask the Minister to accept, at the very least, an amendment that would indicate he means what he says rather than saying the powers already exist.

Deputy David Cullinane: I want to make a contribution on the amendment and make a wider point. The amendment seeks to improve the working of the tribunal. What we are all trying to do is find ways in which we can make the tribunal more attractive to women so they can make a claim in the first instance. We have had some discussions on the advantages of the court system by comparison with the tribunal. It seems the only thing we are doing here today is extending the timeframe for a woman to make a claim. Will it be possible at any other time to make changes to the tribunal process, or is it the case that it simply cannot be done and that the only option is to leave the tribunal as it is such that no changes of any description can be made, whether through amendments by us or anybody else, and to extend the time period? The core problem is we are just extending the time period in which women may make claims but we are not dealing with any of their concerns. In some respects, that is why this legislation could be a wasted exercise, keeping in mind all the additional costs it will incur.

Deputy Stephen Donnelly: I thank both Deputies for their comments. On Deputy Smith's remarks on the amendment, the powers are contained in the Act. The 2019 Act essentially states the procedures, powers and running of the High Court are transferred to the tribunal. That is how this power is brought across. It is already in the Act. I do not believe it would be wise to complicate the Act, which has been legally and constitutionally proofed, by inserting in the Bill duplications of its powers. If the Deputy is asking me again whether I am satisfied the powers are available to the tribunal, my answer is that I am. I tabled the same amendments myself so I am very sympathetic to them. The powers already exist.

Deputy Cullinane asked a fair question. On the first aspect, the answer is "Yes". The purpose of this very short Bill is to extend the time period. On the question as to whether that excludes the possibility of making changes, we have already discussed the potential for expanding eligibility, for example. Maybe that could be done through regulation or maybe it requires legislation, but if it requires legislation and we can agree on the parameters in that regard, we can legislate.

If, in the running of the tribunal, problems occur that require legislative change, of course we will all be able to meet and make that change. If the question is whether there is an intention to change the parameters now according to some of the issues that have been raised, all I can do

7 July 2021

is repeat — I hope colleagues will take this in good faith — that the Department and Government, as with the previous Government, have pushed these issues as far as they can go without making the tribunal unconstitutional or simply having the laboratory say it is just going to the High Court. We really did push it as far as we believed it was possible to push it. Therefore, I do not believe there is anywhere else to push. If, as the tribunal occurs and the cases are heard, the judge or women involved raise questions in respect of which it appears there are changes we should make to the operation of the tribunal, we should keep the matter under review and have the conversation. If we all need to come back with amending legislation, we should keep an open mind on it.

An Ceann Comhairle: Deputy Smith has a right of reply.

Deputy Bríd Smith: I want to reply to the Minister because he said at the outset the Bill was necessary because time is of the essence and people are very sick and need access and things to move along. Why, therefore, did he not listen to the women and their representative organisation, the 221+ group, when they made the point to him that eligibility criteria to gain access to the tribunal must be extended for it to be real? If it is not, the Minister is excluding around 300 women from access to the tribunal. That is why there are so many cases waiting in the High Court. If the Minister believes we can sit around and wait to see what happens at the tribunal in the belief the eligibility criteria may need to be extended and, if they do, legislation can be brought to the House, he is making a negative case for himself. If the Bill is about time sensitivity, let us expand the eligibility criteria now and give the women access to the decent, proper, fully representative tribunal they have asked the Minister for. It is not as if he has not had negotiations with the representative group. It is very much representative of most of the women affected but it was not listened to. It is not as if the argument has not been heard. It has been heard by the Cabinet, including the Minister, by all sorts of people the group has appealed to and written to, and in negotiations the group has had to walk away from because it was so frustrated.

Where will this end up? Will it end up with a tribunal that will take years and years, after which we will all be scratching our heads saying we should have extended the eligibility criteria to include dependent children and spouses and that we may have been wrong? The Bill does not represent time-sensitive behaviour of a Minister. If the Minister believes the matter is time sensitive, he should behave accordingly and introduce the measures now rather than wait to hear the response of the women. He knows what it is. They have already told him.

An Ceann Comhairle: Does the Minister wish to comment?

Deputy Stephen Donnelly: I think we are-----

An Ceann Comhairle: We are practically out of time.

Deputy Stephen Donnelly: I am very happy to respond. I am not trying to dismiss what the Deputy is saying at all. The Bill before us is to extend the time. The Deputy has asked me very reasonably whether we will consider extending the eligibility criteria and I am just saying we will. She is making the point there is time sensitivity and urgency. I accept that. It is not a matter for the Bill before us today, however. The Bill before us is simply about timing. On the Deputy's question as to whether we will consider eligibility, the answer is "Yes." On whether we will do so with urgency, the answer is also "Yes."

Amendment put and declared lost.

Deputy Bríd Smith: I move amendment No. 5:

In page 4, between lines 6 and 7, to insert the following:

“Reports

2. Within 3 months of the passing of this Act the Minister shall prepare a report for the Oireachtas which shall detail---

- (a) the costs of the Tribunal to date,
- (b) the spend on the Tribunal’s own costs,
- (c) and the amount spent on compensation to victims of screening failures, and
- (d) the numbers of applications to the Tribunal,

and provide to the Oireachtas a statement on whether the current Act is fit for purpose in addressing the issue of negligent screening practices and its impact on the woman affected.”.

This is simply asking that the Minister prepare a report within three months of the passing of the Bill on the costs of the tribunal to date, the expenditure on the tribunal’s own costs, the amount spent on compensation to victims of screening failures and the numbers of applications to the tribunal. It also asks that he provide to the Oireachtas a statement on whether the current Act is fit for purpose, particularly in addressing the issue of negligent screening practices and their impact on the woman involved. It is self-explanatory. I would like the Minister to accept it.

Deputy David Cullinane: I have a question. I asked several parliamentary questions on the cost of the tribunal. I keep repeating that the cost is not the fundamental issue. The fundamental issue is to make sure we have a tribunal that works. Obviously, we also have to watch costs. By extending the time period by six months, taking that as the first part, are there any anticipated additional costs? What are the expected annual running costs of the tribunal? As a consequence of this Bill being passed and the extension of the eligibility period for six months, what will be the anticipated cost above the overall operating cost we have already been told about?

7 o’clock

Deputy Stephen Donnelly: On Deputy Cullinane’s point first, I will get him an answer on that. It is important to note that significant costs have been incurred and most of these are fixed costs relating to the premises. The running costs are much lower. By extending the tribunal for six months, we are not doubling or near doubling the costs and the facility we have will be available for a long time to come for other uses as well.

On Deputy Smith’s amendment, the tribunal is currently required to submit its annual report for every financial year to the Minister for Health under section 35 of the Act and the first annual report was submitted to me on 25 June. The Act provides that the Minister can publish the information in the tribunal’s annual report if he or she thinks fit and I am undertaking to make a summary of the information submitted to me by the tribunal available to Deputies for its 2020 report. An amendment to facilitate that is not necessary as I will be doing it in any event.

7 July 2021

To address Deputy Cullinane's point on details of the tribunal's accounts, many of these have been released in reply to parliamentary questions but I am certainly happy to share any and all costs and financial information.

An Ceann Comhairle: The time permitted for this debate having expired, I am required to put the following question in accordance with an order of the Dáil of 6 July: "That in respect of each of the sections undisposed of, the section is hereby agreed to in Committee, the Title is hereby agreed to in Committee, and the Bill is accordingly reported to the House without amendment, Fourth Stage is hereby completed, and the Bill is hereby passed."

Question put and agreed to.

An Ceann Comhairle: The Bill will now be sent to the Seanad. My thanks to everybody involved in this piece of business.

Workplace Relations (Miscellaneous Provisions) Bill 2021: Committee and Remaining Stages

Sections 1 to 3, inclusive, agreed to.

SECTION 4

An Ceann Comhairle: Amendments Nos. 1, 3, 5 and 6 are related and will be discussed together.

Deputy Louise O'Reilly: I move amendment No. 1:

In page 6, to delete lines 24 to 28 and substitute the following:

“(13) Proceedings under this section shall be conducted in public unless the adjudication officer, of his or her own motion or upon agreement by both parties to the proceedings, determine that, due to the existence of special circumstances, the proceedings (or part thereof) should be conducted otherwise than in public.

(13A) Where there is an objection under this section by one party to the proceedings being held in public the adjudication officer shall hear and consider the objection and decide if the proceedings should be conducted otherwise than in public.

(13B) The adjudication officer shall provide and publish the rationale for decisions made under subsection (13A) of this section.

(13C) Where either party to the proceedings is dissatisfied with the decision made by the adjudication officer under subsection (13A) of this section they will have recourse to appeal the decision to the director of the WRC.”.

The genesis of this amendment comes from engagement that we had with officials and indeed with the Minister of State, and I thank them for all their engagement on this important legislation. At the committee I made clear the problem I envisaged with the legislation as it

currently stands where it may result in cases of employers who are alleged to have breached workers' rights wishing to force proceedings into private session. The amendment has left enough scope for the adjudication officer to make a balanced decision, where one party to the proceedings has made a request for the hearing to be held otherwise than in public.

As is ever the case we need to ensure that there is due process when decisions such as this are made so I have also included a subsection whereby the adjudication officer must publish the rationale for their decision. The best way to ensure fairness and to counter against accusations or allegations is to be transparent and fair and that is what this amendment is about. That is why I have included a final provision whereby if a situation arises where either party to proceedings is dissatisfied with the decision made by the adjudication officer under this subsection, they will have recourse to appeal the decision to the director of the Workplace Relations Commission, WRC.

That is just one appeal. I do not envisage that this will be an endless round of appeals or that there will be unlimited appeals available, and I understand the necessity for the making of a decision but I also feel that people should have the right to make the appeal.

I have tried with these amendments, as we are not taking separate Committee and Report Stages, to look for some words of comfort from the Minister of State. The difficulty we have in the holding of a hearing "otherwise than in public" is I have a genuine concern that there will be a chilling effect on workers, in particular, should they be forced into a situation whereby they have to have the hearing in public. If it is in public and their names are out there, that is all very well if they are going back to their workplace but they may not be in that workplace forever. Employers have recourse to simply enter someone's name in a Google search and the Minister of State will be aware of this point as we had a conversation about this at the committee. My fear is that this will act as a deterrent to employees and workers to take a case against an employer.

If someone is going in as an individual worker, in particular, the odds are already stacked against that person. The person on the other side generally has more money and resources and possibly top-flight legal representation whereas the ordinary person may not have that and is already in something of a David and Goliath situation even where if he or she is represented, most often, by a trade union organiser, like I used to be, who has no formal legal qualifications but with some experience. My concern is that would act as a deterrent to a worker taking a case.

The reason that I am proposing the amendment is I know that it is not the purpose of the legislation to act as a deterrent but I have a fear that will be an unintended consequence of the legislation. When a worker takes a case, and I know this from my own experience, they ask if their name will come out and be in the paper, who will know and how will they know about this and what details about them are going to be in the public domain. A prospective employer, a couple of years or even a couple of months down the road, might simply carry out a Google search and see that the person took a case to the WRC. The fear would be that if that person is applying for a job and another person is also applying for a job, and they are both equally qualified, the person who has taken his or her case to the WRC might be in a situation where they would not necessarily be discriminated against – that might be overstating it – but it might harm their chances of getting that job in what might be a 50–50 call by an employer.

Workers themselves might also be daunted by the prospect of taking a case if they know that their names are going to end up in the public domain. Notwithstanding the consequences down

the road, they might decide that they would rather not risk it at the first stage of taking a case.

I acknowledge that is not the intention of the legislation, and the Minister of State and I have had good engagement on it. I completely get that this is not the intention but I worry that that would be an unintended consequence of this legislation. That is why I have proposed these amendments and I hope the Minister of State will be able to assuage the concerns I have or indeed accept the amendments.

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Damien English): I thank Deputy O'Reilly for tabling these amendments. I understand what she is trying to achieve. I will try to give her words of comfort. We believe that most of what she is asking for is already in the legislation. I will outline the reasons for that belief. I understand the Deputy's concerns but I remind the House that this is a two-way street and that employers might not want their situations discussed in public either. That might encourage them to enter into mediation or to rectify the situation, so this works both ways. There should be no chilling effect on any employee. Our justice system is there to make sure people's rights are pursued and they feel they have the right to justice. They should not be afraid of any chilling effect. I understand why people may think that but they are entitled, if wronged, to have that wrong righted. That is what our justice system is about and what it should be about. I would not want to discourage anybody from trying to pursue his or her rights, and I think any fair-minded employer would assess a situation and see when a person is pursuing his or her rights after being treated poorly by a previous employer.

I checked the point about googling to make sure it is not as simple as that. If somebody wants to investigate whether a potential employee has had a case before the WRC, he or she will not be able to get that information from Google but will have to go into the WRC records and onto its website and pursue the matter there, so it will not be too simple. We could look at that because it should not be as simple as that.

In general, the issue we have is that the Supreme Court has been very clear that the administration of justice must be done in public. We have to allow for that as well as allowing for some exceptions and making exemptions to that rule. Such exemptions are subject to special circumstances such as cases involving a minor, a sensitive health or other social matter, sexual harassment or protected disclosures. These amendments would permit objections to be made to the proceedings being held in public by one party. We believe, however, that sections 4, 7, 9 and 10 already provide that either party can make an application to the adjudicator. They also provide the adjudicator with discretion. That is the key part. The adjudicator, who is the judge in this case, will have discretion to inquire into the matter on his or her own motion and, subsequently, to direct that either the whole or part of the relevant proceedings can take place otherwise than in public where this would be desirable in light of the nature of the circumstances of the special case. The employee coming forward with a concern about an employer can ask but the adjudicator can decide. Not everybody, as Deputy O'Reilly says, comes into these situations having full knowledge of the consequences of a public hearing or what might happen. The adjudicator, a person well experienced in these situations, can make that call or that suggestion for the employee. That is allowed for in this legislation. I hope that gives the Deputy some comfort. I trust the adjudicator will be in a position to do that. In making any such decision, the adjudicator must afford both parties an opportunity to be heard and provide reasons for the decision. That has to happen under law and under fair and proper procedures.

As for a proposal for an appeal of an adjudicator's decision to the director general of the

WRC, as the director general will have already delegated a complaint to an adjudication officer, who, as I said, will have been put in charge of the case as the judge, it would be inappropriate for an appeal relating to such a matter to be referred back to the delegator or chairperson. The case is given to the adjudicator. He or she becomes the judge, hears everything and is best placed to make the decision. If you go back to the chairperson of the WRC, he or she will not have heard the case or the evidence and might not be in the best position to oversee an appeal, but there is an appeal mechanism allowed for. Every decision of the adjudication officer on an employment rights case can be appealed to the Labour Court or through a judicial review. That is not ideal, but the Labour Court is there and that is what it is there for, so there is an appeal mechanism in place.

There was the suggestion at the committee that we put in place a review clause after 12 months. We will watch, track and measure this and keep an eye on it. If the Deputy is concerned down the line, we can come back to it. We will make regulations and guidelines to go with this. I would be very happy to sit down with the Deputy at that stage to make sure we have all the i's dotted and the t's crossed in order that when we publish the regulations and guidelines, the adjudicator is given very clear guidance as to what we expect in these situations. However, because of the Supreme Court decision and request that this be very clearly in public as the fallback position, we believe we cannot accept the Deputy's amendments in full. We do believe, however, that most of the suggestions in her amendments are dealt with in the legislation as it stands.

Amendment put and declared lost.

An Ceann Comhairle: Amendments Nos. 2, 4 and 7 are related and may be discussed together.

Deputy Louise O'Reilly: I move amendment No. 2:

In page 6, between lines 33 and 34, to insert the following:

“(b) The Commission shall not include in a published decision the name of a party to proceedings where it is felt that to do so would detrimentally impact on either party specifically with reference to the capacity of a party to secure employment in the future.”.

This amendment comes from the same place as the previous one. I have proposed it to ensure a worker's name is not included in a published decision where it will interfere with a potential employment in the future. The section of the Bill I have sought to amend is one which I believe needs to be strengthened. It could possibly be strengthened by the regulations, and I am very open to discussing that, but I would appreciate it if the Minister of State would put on the record of the Dáil this evening his intention to engage with us and to address this specific issue. It would be worthwhile to have engagement with the representatives of workers, including ICTU. I am thinking in particular of the workers' rights section in SIPTU, which takes on a lot of individual cases. A lot can be learned in that regard. It has a huge bank of knowledge on what motivates and demotivates workers from taking cases.

I appreciate what the Supreme Court has said about matters being in public but I am concerned that, as an unintended consequence of that, there will be something of a chilling effect. These are questions I have been asked. I was in the WRC a couple of weeks ago, although it has been a while since I have represented workers regularly, and among the first questions you are asked are, “Who will know about this?”, “Will my name be published?” and “Will this be

7 July 2021

public knowledge?” It is welcome that this will not appear in the results of a Google search, and I would be very interested to hear how that will be prevented if the decisions are in public and how it would not show up in the results of a Google search. The discretion needs to be given to the WRC not to publish the name of an individual where that person is the person taking the case. This amendment will allow for discretion to be shown and for a worker’s name to be redacted from the published decision.

I hope the Minister of State will accept this amendment and accept the spirit in which it is intended. It is not my intention to delay this. As the Minister of State will be aware, we waived pre-legislative scrutiny of the Bill, we engaged with his Department and we do not have very much time to discuss it this evening. It is important legislation.

The Minister of State will be aware I took on a case recently. I was there only in my capacity as a friend of the worker taking the case. She was very concerned because it had to be explained at the beginning that we were in the interregnum between the Supreme Court decision and the publication of the legislation. The adjudication officer was very patient and explained to us exactly what the ramifications were and exactly what had to happen in respect of publication of the name. The person I was accompanying did have to take some time to think about this and was worried about it. This is a guess on my part, but I would say that, had she known at the start of the process she could potentially have ended up having her name made public, she might have thought twice about it. Every person who takes a case to the WRC will probably tell you this but, to me, the case I was accompanying this woman on was a very straightforward case. It is pretty black-and-white and is a matter of a legal entitlement denied. She therefore has not done anything wrong and there was no suggestion she had done anything wrong. There is no suggestion of any impropriety at all on the part of either party. It was a matter of paperwork. My concern, however, from the conversation I had with her, is that she may not have pursued what is her legal entitlement had she known her name could have been made public.

We had to have a sidebar conference during the start of the hearing to tease out the potential implications. Had I been in a position to say to that woman we could petition for her name to be redacted, I know that would have given her a lot of comfort, and this was a case in which there was no real acrimony between the worker and the boss. It was one of those things. It was a procedural thing. The point is this was not a massive adversarial case in which people were preparing to take entrenched positions. Of course that can sometimes be the case, but you would not want a situation where any worker would have pause, or indeed any employer. An employer might not want their name associated for whatever reason with cases being taken to third parties.

The amendment allows for discretion and for the adjudicator in the WRC to have the discretion to redact a person’s name so that the person would have an opportunity to make his or her case as to why that person thinks his or her name should be redacted. That gives discretion to the adjudicator to be able to offer that to a worker when he or she may be considering withdrawing the case, even where the worker has a decent case to make. We were happy to work with the Government constructively. The amendments I have suggested are intended only to ensure this works. I understand and respect this came from the Supreme Court and that it has to be dealt with but the amendment provides that where discretion can be given, it should be. If it is not possible to accept this amendment, which I think is very reasonable - I am sure that the Ceann Comhairle has probably never heard anyone say they were proposing an amendment they thought was unreasonable, but this one is particularly reasonable because it strengthens the legislation - I want the Minister of State to explain the position and whether it is possible for the

discretion to be provided for under the legislation as it now stands.

Deputy Catherine Murphy: I share many of Deputy O'Reilly's concerns. I am not a member of that particular committee and have not had the benefit of the debate. We all know why the Bill has ended up before the House, and that is because of the Supreme Court judgment. Amendment No. 1 may be covered in the legislation but the second, on redacting names, would give a degree of comfort. It seems very reasonable to me. People do ask if their name will end up in the public arena around these things and they do not want to lose their privacy or they are worried it might impact on their future employment.

The Minister of State has said he will look at this in the review. Will that be more than a desktop review? I presume there will be engagement. Has there been a commitment about who will be consulted? That would be beneficial for us to know. A year might not be ideal for looking at how something like this plays out.

Deputy Damien English: As everyone knows, I will talk to anybody, so in any review I have no hesitation in talking to anyone after 12 months, especially those who have been affected by any decision we make here. My officials are the same because in drafting the legislation we have engaged directly with committee members as well as the relevant unions and people involved in this day to day. We are very open on this. I cannot accept the amendment but I do not oppose it because we believe it is already in the legislation. We are all at one on this. We want to make sure justice is visible and public, as per the Supreme Court decision. We want to make sure people are comfortable in vindicating their rights, which is what this is about. The concerns expressed have been put forward on behalf of an employee, but the opposite is that it should encourage any employer to behave correctly, treat his or her employees correctly and make sure he or she does not abuse them and instead respects them. It is a two-way street. I believe the protections are in there and the legislation does allow for discretion, but discretion can only be allowed for. It cannot be guaranteed because discretion is about making decisions. I cannot put it in the Bill that discretion must be given. That is a decision that has to be made by the adjudicator.

The anonymisation of parties in a published decision is already provided for in the Bill. While the judgment of the court did not address the issue of automatic anonymisation, which is currently provided for in subsection (14), it is the Department's view, supported by legal advice, that maintaining a policy of anonymisation of all published decisions is contrary to the requirement that justice be administered in public. We have to respect the Supreme Court decision. I am not opposing the Deputy. I have no choice, but we are trying to do the best that we can.

Paragraph (b) of subsection (14) provides an adjudication officer with the *vires* effectively to direct the commission, if he or she is satisfied that special circumstances exist, not to name parties in the published decision. Again, I have to accept that the adjudicator is a reasonable person, has the qualifications to do the job and can make that decision. The discretion is clearly there but discretion is just that. I cannot go beyond that in the legislation. Beyond this, it is difficult to see how an adjudication officer or indeed any other party could reasonably be expected to predict with a degree of accuracy the potential future impact of being a named party in a decision and, accordingly, I cannot accept this amendment.

I commit here to engaging on the guidelines and the regulations. I am a totally open book on that and will sit down with anyone who wants to before those guidelines and regulations are finalised. The 12-month review was suggested by Deputy O'Reilly and committee members.

7 July 2021

I have accepted that. I have said before in the other House and will say it again that the review after 12 months is to ensure we have got this right. We have to respect the Supreme Court judgment and we are doing that as best we can while allowing for all possible scenarios. We want people to be able to use the WRC to vindicate employees' rights, as they already do successfully. That is what it is there for and it does a good job, in my view.

Deputy Louise O'Reilly: I want to ask the Minister of State one further question on the consultation. He has said he will talk to anyone, and I know it is the case that he will. Just like me, however, no one's job here is guaranteed. I seek confirmation from the Minister of State that he will engage proactively with employers and unions, not only to monitor the progress of this but also to hear if there is a chilling effect. I have expressed my concern that this may inadvertently have a chilling effect. I sincerely hope it does not. I understand the need to legislate because of the Supreme Court ruling and that in many ways the Minister of State's hands are tied because the requirement is to implement the court's judgment.

I know the intention is not to discommode or disadvantage any worker or employer. I note the Minister of State has referred several times to decent employers but, to be honest, they are not usually the ones who end up in the WRC. Most employers never see the inside of the WRC. I am not sure if it is on Haddington Road or elsewhere now. Most employers are never down there. We are talking about legislating for all workers and employers, good, bad and indifferent, but in my own experience, most workplace disputes are settled at the level of the workplace. That is the best place to resolve them and the place where you usually get the most satisfactory outcome. That involves dialogue and maybe informal mediation. We are talking only of those cases that are sufficiently protracted to have ended up in the WRC. Plenty of good employers also end up in the WRC, but we are talking about those employers who are in the minority, or indeed those workers who are in the minority who might seek to take a case to put the name of the employer up in lights. Equally, an employer could seek to take a case or a worker could be taking a case and the employer might think, "Well, I'll soften your cough now and see how you like it when your name is up in lights", as they would perceive it. The vast majority of workers and employers deal at local level and do their business in a collegial way, and ensure they get the best outcome. It is for the minority we need to be careful. Talking about precarious employment, apart from one person, nobody in this Chamber who is elected has a guaranteed position. In general, our positions are not guaranteed. While I fully respect that the Minister of State does talk to everyone and anyone - I appreciate that he does, as it is a good thing - somebody else may not be so disposed, and I would like him to put on record that there will be engagement in a timely manner with a view to ensuring that those who are practitioners, which are not just the employers but also the legal people who will use it and the unions, will have an input into ensuring that should it be required and should any amendments be required to the legislation, that they will be based on their experience. With reference to the Supreme Court judgment, there has to be a win on that.

Deputy Damien English: I confirm that I am speaking on behalf of my Department. My officials are very much disposed towards engaging with everybody on this issue because they want justice to be administered properly and people's rights to be vindicated.

We have a concern with the term "chilling effect" being used all the time because we want to encourage people to use the WRC, not to be afraid to use it and the legislation allows for that. We cannot bring forward a statutory provision that expressly anticipates victimisation or penalisation of a person. We must assume that people will use the law to vindicate their rights and not be afraid to use it. For that reason, I do not refer to a chilling effect. While I recognise that

people might have concerns, we want to be able to say it should not happen because a person is entitled to have his or her rights vindicated. That is what justice is about and that is what we are about as well. Any future Minister of State in my seat or departmental officials will engage in 12-monthly reviews with the appropriate personnel who are familiar with the situation.

Amendment put and declared lost.

Section 4 agreed to.

Sections 5 and 6 agreed to.

Amendments Nos. 3 and 4 not moved.

Section 7 agreed to.

Section 8 agreed to.

Amendment No. 5 not moved.

Section 9 agreed to.

Amendments Nos. 6 and 7 not moved.

Section 10 agreed to.

An Leas-Cheann Comhairle: The time permitted for this debate having expired, I am required to put the following question in accordance with an order of the Dáil of 6 July: “That in respect of each of the sections undisposed of, the section is hereby agreed to in Committee, the Title is hereby agreed to in Committee, the Bill is accordingly reported to the House without amendment, Report Stage is hereby completed and the Bill is hereby passed.”

Question put and agreed to.

Companies (Rescue Process for Small and Micro Companies) Bill 2021: Committee and Remaining Stages

Sections 1 and 2 agreed to.

SECTION 3

Deputy Louise O’Reilly: I move amendment No. 1:

In page 7, line 29, after “brand” to insert “, social and cultural importance”.

I have chosen to include this amendment because in conjunction with having regard to the expertise, brand and historic success of the eligible company, the social and cultural importance of the company should be taken into account. In doing this, I am thinking about a brand such as Sudocrem. We all recall the furore when Madonna was photographed in her bathroom. It is an odd place to take a photograph, but there you go, and in the background there was a little tub of Sudocrem, a very iconic brand, which we now know is destined to leave these shores. Notwithstanding that, it might be that this is covered by the use of the word “brand” and perhaps the Minister of State, Deputy Troy, will be able to advise me in that regard, but many classic Irish

brands are not just a brand; they have a cultural and social significance. I want to hear the Minister of State's views on the matter. It could be that the word "brand" encompasses what I am trying to achieve in any event, but I would welcome confirmation from him if that is the case.

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Robert Troy): I thank the Deputy. She is correct: the social and cultural importance of a business does have an impact on its future viability. We have seen how members of the public have rallied around local businesses that matter to them during the pandemic and supported them to ensure that they would be in a position to continue to provide services to the local community as the economy reopens. However, I am unable to accept the amendment at this time. It is not because I consider the amendment to be without merit; it is because any amendment to the Bill drafted at this point would mean that we would not have the legislation enacted before the summer recess, given the time constraints. I am committed to working with the Deputy on the amendment later in the year. I hope she will engage with me and my departmental officials on that basis.

Deputy Louise O'Reilly: I am going to make two contradictory comments. It is a bit unfair not to accept an amendment that strengthens and improves the legislation only because time is tight, so that is not a sufficient reason. However, I will engage with the Minister of State. He understands the point I am trying to achieve and the purpose of this amendment. At the Joint Committee on Enterprise, Trade and Employment, we have facilitated the waiving of pre-legislative scrutiny and the passage of Government legislation. I absolutely understand how important this legislation is and it is not my intention in any way, shape or form to delay it unnecessarily. However, we are only starting the debate and the Minister of State has said he is not accepting any amendments because it will delay the legislation, which I do not think is very fair given amendments have been put forward.

I am happy to engage with the Minister of State at a later date. I believe the social and cultural importance of a brand has to be recognised. Some things are bigger than just the name. Some things are iconic and are part of history, and part of our social fabric. The icons are important and the brand, of course, is important, but the social and cultural significance of some brands should not be overlooked, and certainly should not be overlooked just because time is tight. I know the Minister of State's officials are present and that they have worked very hard to get this done. However, it is regrettable that amendments are not going to be accepted purely and simply because time is tight. That said, I am happy to engage with the Minister of State at a later stage to ensure we do our utmost to recognise the social and cultural importance of some brands.

Deputy Aodhán Ó Ríordáin: I want to make a general point. I cannot accept what the Minister of State has just said in regard to the amendment, namely, regardless of how justifiable it is or how it will enhance the Bill, he is just not going to accept it because he does not have the time. We have concerns about this legislation contradicting European directives, yet his stock answer to all the amendments is that he does not have the time. We were given a deadline for amendments to this legislation as being the day before the Second Stage debate. We often make this charge about things being rushed through but we have never heard a Minister or Minister of State stand in this House and say they are sorry, but they cannot take an amendment regardless of how well-intentioned it is, regardless of the fact their officials agree it might improve the Bill, or regardless of what the Attorney General says, because they just do not have the time. This is quite unprecedented, in my view.

Deputy Catherine Murphy: I want to add my voice to that. I raised the issue of the legislation being rushed in the context of the Second Stage debate, and the Minister of State refuted that and said there had been ongoing consultation over the past year with all sorts of stakeholders. We are not stakeholders; we are legislators. That is the point. Consultation is absolutely valid with other groups but this is not consultation; this is about the final stages of the legislation that will be in place. This proves the point that this is rushed. There is inadequate time to take amendments on a Bill that has been in the works, as the Minister of State himself said, with all sorts of stakeholders for the last year yet, when it comes to the final piece of fine tuning of the legislation, there is not enough time.

Deputy Richard Bruton: I thank the Minister of State for bringing forward the Bill so promptly. I know this idea has had a long history and was strongly resisted within the Department over many years. It is a credit to the Minister of State and the Government at large that this was pushed through because we have long seen in Ireland a very expensive and inaccessible system of examinership that has not facilitated viable companies to come through difficult periods. It is absolutely appropriate at this time that we would seek to bring forward this legislation.

It is an emergency measure and while I can appreciate Deputies wanting to scrutinise legislation in the normal course of events, a lot of thinking has gone into this by advocates over the years. The system has been perfected by some of those people working diligently in the background, including the Company Law Review Group, so a lot of effort has gone into trying to find a way to do this despite the resistance that had been there in the past. When it came before our committee, I know many of us would like to have had pre-legislative scrutiny but there was an understanding across all parties, including the Opposition parties, to their absolute credit, that this was something we needed to move upon.

Maybe we will have to tweak it and track its operation as it goes along. As recently as today, as Deputy O'Reilly will be aware, we received a delegation from Retail Excellence Ireland who were concerned about rents and were suggesting the need for a mediation system that could resolve some of the rent difficulties. When pressed, it was hard to see how a compulsory mediation system that obliged or compelled changes in private contracts could be done without the sort of mechanism the Minister of State is bringing forward here. Perhaps the Minister of State should examine the proposals that were presented by Retail Excellence Ireland. It may be they are not feasible in a legislative process but perhaps the code of practice the Minister of State and his Department put in place for overseeing rental contracts for businesses in difficulty can be re-examined to see if it could be made more effective as a backup.

Of course, the fact is that this small companies rescue programme is in place and it represents significant progress. I hope it will ensure many companies that would otherwise be forced to the wall are able to carve out a successful future for themselves. I strongly support the passage of this Bill.

Deputy Robert Troy: I appreciate what Deputy O'Reilly is saying and I see where she is coming from. If I was on that side of the House, I might be saying the same thing. As Deputy Bruton said, we have done a lot of work in the Company Law Review Group and preparatory work in terms of engaging with experts in this field, and we had a public consultation. I appreciate the co-operation of the committee in facilitating the waiver of the pre-legislative scrutiny.

To be fair, the Opposition saw the benefit of doing that and the benefit was that this legis-

7 July 2021

lation could be enacted before the summer recess. The reason we want it enacted before the summer recess is to ensure it is available to small and micro companies with fewer than 50 employees. I have no doubt the Deputy has the same intention as myself and all Members of the House, which is to protect companies. We want to ensure companies that have come through 18 horrendous trading months and that need to restructure in July, August or September of this year, before we come back after the summer recess, can do that. By enabling them to restructure, we are not only saving the businesses, but we are saving the jobs that are dependent on them.

I hope the Deputy will accept my sincerity when I say I will work with her. If there are other areas that we identify today, we can come back later to enhance the legislation. It would not be the first time we had to bring in amending legislation at a later stage to enhance something that had come through the Dáil. The point I would make is that a lot of this is coming on the back of the examinership legislation, which is internationally recognised as a very good model for companies that need to restructure. The problem with examinership is that the cost can be prohibitive for many small companies. This has been called for over a period of years, long before Covid-19 hit our shores. It is right and proper that we get it done before the summer recess.

I would make the point to Deputy Ó Ríordáin that I will not be rejecting all amendments just because we do not have time. We will be rejecting some amendments and I will outline the rationale when we come to them. This has merit. It warrants further consideration and I have committed that we will do that.

Deputy Louise O'Reilly: Nobody wants to delay this unnecessarily but the Minister of State is already talking about amending legislation. This legislation has not even passed and the Minister of State is already talking about amending legislation. We want to work with the Minister of State. I was content to waive pre-legislative scrutiny on the basis that this is urgent. This has happened before. We were under tremendous pressure to pass the termination of pregnancy legislation. I received correspondence from the National Women's Council of Ireland and other lobby groups. We were battered with messages to get it done. We went ahead and pushed it through. It was necessary legislation we were committed to ensuring was brought in but it did not provide for safe access zones and we did not have time to discuss it. Every time I drive past Holles Street hospital and see one of those vile, disgusting protests outside it, I wish that we had got that legislation right instead of bowing to pressure.

I appreciate this is necessary. It does not give me any comfort when the Minister of State says he has a range of reasons for rejecting the amendments, with it being due to a lack of time in some cases while there are other reasons for rejecting others. It makes a mockery of the democratic process. It is not about what side of the House you sit on. We are trying to engage with amendments I and others have tabled in good faith. We are not messing. We are trying to help, to strengthen the legislation and to ensure we benefit from the wisdom that emerges from debate. It is disappointing. I know SMEs and microbusinesses want and need this legislation to pass. That is why we waived pre-legislative scrutiny. The Minister of State cannot dispute that we have been more than accommodating. We were debating a Bill before this where we had waived pre-legislative scrutiny on the basis it was necessary. I will not be found wanting when it comes to being accommodating and doing the right thing. I do not propose amendments for the craic but because I think they have merit.

I welcome that the Minister of State will engage with me about this and I look forward to it. The Minister of State has to recognise that when the first response to an amendment is he

cannot accept it because of time, it does not matter what the reasons for rejecting any other amendments are. He has come in and is not accepting any amendments. It is a *fait accompli*, which, I am assured by those who know, is French for a ready-up. That is what it is. There will not be any amendments or changes. Even if a substantial flaw is identified in the legislation despite all the consultation, it simply will not be accepted. There may be some other reasons but ultimately it is about time. That is disrespectful to the democratic process. We do not want to stand in the way unnecessarily. We want this legislation. We know people are waiting for it and that it is necessary but there is precious little point in us rushing through something that will not work. The last thing SMEs and microbusinesses need is for us to pass legislation that will not work for them.

I welcome that we will engage on this and I look forward to doing so. I think there is some merit in it. The Minister of State recognises that. It may be possible to make changes through a code of conduct or such. I am gravely disappointed that the first response to the first amendment is about time.

Deputy Aodhán Ó Ríordáin: I accept that the Minister of State's function is to try to pass a Bill he believes will do a lot of good for many companies. I accept that is the reason he is here and why he feels so strongly about the legislation. We have no problem with that. I do not think we in the Opposition have a difficulty with that. He said we need to get this done. That phrase is generally that we need to get it done and that we need to get it done right. We believe this is not compliant with EU Directive 2019/1023. While we need to protect businesses, we also need to protect workers in those businesses. Our primary function, as Deputy Catherine Murphy said, is as legislators. This sometimes surprises people, especially schoolchildren, when they ask what a Deputy's job is. They think it is about being in the media, delivering leaflets or engaging in local activity. The primary function of a Deputy is in this House, passing and, it is hoped, improving legislation.

It is just not good enough to produce important legislation and then to inform Deputies that the deadline for tabling amendments is the day before Second Stage. I appreciate the Minister of State said there will be more comprehensive answers about other amendments. His very first answer is that there is no time. He is right that it is important to get this done, but as Deputy O'Reilly has quite rightly said, it is important to get it done right because rushed legislation is bad legislation in far too many cases and does not protect the people whom we are genuinely trying to help. Nobody is trying to do political theatre or to accuse the Minister of State of not coming from a good place or not having bona fides about enhancing protections in the economic whirlwind that people are going through with the pandemic. At the same time, he has to accept our job is being curtailed by what he is saying as a Minister of State.

Deputy Denis Naughten: I welcome this legislation and I think we all do. It will streamline the processes for small businesses to be able to restructure and to do so in a simplified and effective manner rather than the current cumbersome, expensive examinership process that is in place. Everyone across different parties and the Independents fully supports the thrust of this legislation, but in the haste to enact this legislation, anomalies are being created which will be gone through with a fine comb at some stage in the future and which may have an impact on the viability of some businesses.

I will raise a specific anomaly where an error has been made in the drafting. Sadly, I did not get an opportunity to table my amendment on time because of the bizarre situation where the amendments had to be in before Second Stage took place. The Bill as it is drafted borrows

7 July 2021

a section from the Criminal Justice (Perjury and Related Offences) Act 2021. The Minister introduced an amendment on Committee Stage of that Bill whereby directors may be found to be personally liable where an offence is committed by a body corporate with the involvement or facilitation of a particular director. At the time when this amendment to the Bill was tabled by the Minister of State, Deputy Browne, he stated:

This is a necessary and common provision in statutes such as this whereby offences can be committed by a body corporate but there stands an additional liability for directors if the offence is proven to be committed with their consent or connivance. It is important, therefore, that I make provision for it in the Bill so that offences of this type are not overlooked.

That refers to white-collar crime. In plain English, it means directors of a company who make a false statement or are aware of false claims being made can be held personally liable for such a statement. We all agree with that. It is reflected in this legislation. However, the difficulty is that the penalty for the offence in this legislation is different from the penalty under the Criminal Justice (Perjury and Related Offences) Act 2021. In this Bill, on conviction and indictment, the penalty is a fine not exceeding €50,000, or imprisonment for a term of up to five years, or both. However, the offence in the Criminal Justice (Perjury and Related Offences) Act on conviction or indictment is a fine not exceeding €100,000, or imprisonment for a term not exceeding ten years, or both. This is a blatant anomaly. Provisions which are now enacted in law in the Criminal Justice (Perjury and Related Offences) Act 2021 have been incorporated into this Act, which I welcome.

8 o'clock

The difficulty is that the penalties for the one offence are very starkly different in both pieces of legislation, which are being enacted in this House within a couple of weeks of each other. That needs to be amended before this legislation is enacted.

Deputy Robert Troy: This is good legislation. It achieves what we set out to achieve and is largely based on an internationally recognised examinership process that the world will look at and say is good. Perhaps it could be improved slightly, but it will achieve our aspirations if we enact it before the summer recess. The purpose of that is to save companies and protect jobs. Our domestic economy contracted by 5.5% in 2020. The companies dependent on this legislation being enacted need it now. We are looking at companies that support 788,000 jobs in this country, that employ fewer than 50 people and that have a turnover of less than €12 million per annum. They need help and support. They have got it through various funding mechanisms and supports over the past 18 months, but as we come out of this pandemic, reopen the economy and supports are tapered off, these companies need the ability to restructure. This Bill is about giving those companies the ability to restructure.

I said quite clearly and honestly in my opening statement, and perhaps I was too honest, that we do not have the time to accept this amendment. However, I accept the bona fides of the Deputy and I have given a commitment to work with her when we return later this year. If we can enhance this legislation, we will do so then. However, let us not forget who we are trying to help. We are trying to help small and micro companies which are currently supporting 780,000 people in jobs. A previous government was able to bring in an internationally recognised examinership process in a week. Surely, after 12 months, and the significant work that has gone in by officials in my Department and the Office of the Attorney General, which Deputy O'Reilly has acknowledged, we can enact this legislation. I am just asking that we enact it before the

summer recess. If there are places where we can amend and improve it later in the year, we will do that, but let us not ignore companies that need it now. Companies called for this in 2011 and from 2012 to 2020. I was not in a position to do anything in those years but I am now. I made it a priority and I do not apologise for it.

Amendment put and declared lost.

Deputy Aodhán Ó Riordáin: I move amendment No. 2:

In page 16, line 39, after “proceedings” where it secondly occurs to insert the following:

“, other than proceedings taken by or on behalf of an employee to the Workplace Relations Commission or the Labour Court,”.

The Minister of State will see what we are trying to do in the section on relevant courts powers to stay proceedings or restrain further proceedings is to ensure that those proceedings are not those taken by or on behalf of employees to the Workplace Relations Commission or the Labour Court. While we understand what the Government is trying to achieve with the Bill, with this amendment we are trying to ensure the worker always has recourse regardless of how small the business is.

Again, we table these amendments in a constructive fashion because none of us wants to be in a position where people will say to us in six or 12 months’ time that we passed a problematic Bill, that workers within this new system we have just legislated and voted for are not protected and how come we did not know that. The amendment addresses that and I will be interested to hear the Minister of State’s response.

Deputy Robert Troy: Section 558N of the Bill is based on the existing section 520 of the Companies Act, which gives the court full flexibility to put a stay on proceedings if it sees fit. Section 20 provides that no proceedings in relation to a company may commence except by leave of the court and that the court may stay existing proceedings. Employees will not find themselves unfairly prejudiced by this provision or unable to assert their legal rights.

First, where it is proposed to stay proceedings, all interested parties will be put on notice and provided with an opportunity to be heard by the court. The court will not make an order until all those who have indicated they wish to be heard have been heard. The court will only make an order under the section where it considers it to be necessary for the survival of the company as a going concern. It is not typical for precedents in relation to employees’ statutory rights to be stayed in examinership.

Second, even if the court did determine that it was appropriate to stay proceedings of this nature, an employee would not find him or herself unfairly prejudiced or unable to assert his or her legal rights as a result. The stay simply pauses proceedings. It does not stop them from being taken and, therefore, we do not propose to accept this amendment.

Deputy Aodhán Ó Riordáin: I noticed the word “typical”. The Minister of State’s reply indicates this situation is not typical but that does not mean this provision will not necessarily be needed. We want it to be explicit within this legislation that workers will still have the opportunity to take these proceedings as they see fit.

Amendment put and declared lost.

7 July 2021

Deputy Louise O'Reilly: I move amendment No. 3:

In page 18, between lines 27 and 28, to insert the following:

“(3A) The process adviser shall provide proof that the ‘reminder notice’ served on a creditor has been received by the creditor concerned.”.

Given that it is an offence under section 558O(8) for a creditor not to comply with and respond to the process adviser’s notice, it would be prudent to ensure the notice has actually reached the creditor in question. This amendment is possibly by way of what might be called belt and braces and baler twine. The best way to address my concerns is by accepting this amendment and ensuring that when a reminder notice is issued, it is certain it has been received. If a notice is sent to a creditor and no reply has been received, it might be because he or she has received it and is ignoring it, in which case that is an offence under 558O(8), but in the instance where it is not received, that person will be in the position of being guilty of an offence under subsection (8). However, that person cannot know that if he or she does not know the notice has been sent.

I am willing to hear the Minister of State out on this, notwithstanding the disagreement we had on time being the only reason for passing this Bill. If there is provision elsewhere in the legislation for this, I would be grateful to hear from him about it. If there is not, again, I would be grateful to hear from the Minister of State about how this is to be dealt with. It is a genuine concern given that you could find yourself guilty of an offence by virtue of the fact you simply did not receive the relevant piece of correspondence.

Deputy Robert Troy: I had the very same query during drafting of the Bill. I am happy to give the Deputy the clarification I received. It eased my concerns and I hope it will ease hers. Officials from my Department considered this point in detail in consultation with the Attorney General and the advisory council, and examined how best to guarantee that creditors received the various notices required under the Bill. In doing so, we examined existing provisions in examinership, general notice requirements under the Companies Act 2014, notice requirements under the rules of the Superior Court as they relate to examinership, as well as notice requirements under the Personal Insolvency Act 2012. The Bill, as drafted, is consistent with the notice requirements in all cases. Placing an obligation on the process adviser to provide proof that the creditor received the reminder notice raises the practical issue of how he or she is expected to do this and the consequent effect this may have on the timelines outlined in the Bill.

First, the process adviser would need to send a notice by registered post or to seek further confirmation by way of email that the notice was received. Registered post can be only delivered where the individual is available to receive it. In the event it is not capable of being delivered within the timelines set out in the section, this would impact the delivery of the rescue plan. There are also significant cost implications given that, on its own, the cost of sending a registered letter is €8.20, but very often there can be in excess of 100 creditors and that would amount to a significant cost each time a notice is issued.

Second, unless the notice is sent by registered post it is not within the control of the process adviser to confirm that a creditor has received it. It would not be practical or fair for the process adviser to provide proof that the reminder notice was received by the creditor concerned. He or she is reliant on the creditor concerned providing him or her with this proof. Under the Bill as currently drafted, the process adviser is obliged to retain proof which demonstrates how a

notice was issued. Failure to do so will result in the process adviser being guilty of a category 3 offence. There are also further provisions which require the notice of appointment of the process adviser to be placed in a prominent position on the company's website and published in *Iris Oifigiúil*, thus making information publicly available.

I am satisfied the notification requirements in this Bill are robust and, therefore, I do not intend to accept this amendment.

Deputy Louise O'Reilly: I do not know how widely *Iris Oifigiúil* is read but the process as outlined by the Minister of State gives me comfort. The Minister of State can understand where I am coming from on this issue. Again, we will not know how some of the provisions operate until such time as this is up and operational. I thank the Minister of State for his clarification.

Amendment, by leave, withdrawn.

Deputy Louise O'Reilly: I move amendment No. 4:

In page 25, between lines 27 and 28, to insert the following:

“Further provision with respect to employees

558S. A rescue plan for an eligible company shall not contain provision that provides for either or both of the following:

- (a) a reduction in the number of employees after the date from which the rescue plan would come into effect under section 558ZB or 558ZE, as the case may be, unless this has been done by agreement with employees and their recognised trade union, save in the case of voluntary redundancy; and
- (b) a failure to honour a collective agreement.”.

This amendment is fairly straightforward. It pertains to the rescue plan for eligible companies under this legislation. The inclusion of this amendment is to ensure that if a rescue plan contains advice on restructuring of employees, this is not done without the agreement of the workers or their recognised trade unions, save in the case of a voluntary redundancy package because clearly a voluntary redundancy package, which is ideal if negotiated with the representative body, can in some instances be offered by an employer. If the Minister of State can confirm the rescue plan cannot include a reduction of the workforce without its agreement, I am happy and satisfied to withdraw this amendment.

We talk a lot about the owners of the businesses who, of course, are important as part of this measure. However, at the business end of these deals will be the workers and they may find themselves in a situation where the workforce numbers are to be depleted or reduced as per the plan. I want to ensure this is not done without recourse to consultation or agreement with workers. In my experience, workers can be imaginative and flexible. Nobody wants to be faced with the prospect of losing their job. I have seen first-hand instances of workers engaging proactively to ensure they are active participants in a rescue plan. It is not intended this would act as a mechanism to deter the rescue or anything like that. As I said, if the Minister of State can confirm the rescue plan cannot include a reduction of the workforce without its agreement, I am happy to withdraw this amendment.

Deputy Robert Troy: The Bill is consistent with the provisions in the examinership process

relating to redundancy and collective agreements. Redundancies which may arise as a result of a company facing trading difficulty must be dealt with within the existing employment rights legislative framework. Employees may be made redundant under the Redundancy Payments Act 1967 if the circumstances of the redundancy fall into one of the five definitions set out in that Act, that is, closure of the employer's business or its cessation in a particular location, the disappearance of the employee's job, specifically, a reduction in the numbers of the workforce overall, the replacement of the employee by someone who can also do the work in a manner for which the employee is not sufficiently qualified or trained, and the replacement of the employee by someone who can also do other work for which the employee is not sufficiently qualified or trained.

Where there is a collective redundancy under the Protection of Employment Acts 1977 to 2014, the company is obliged to enter into consultations with a view to agreement with employee representatives. This legislation is separate from the Redundancy Payments Acts 1967 to 2014. The consultations must take place at the earliest opportunity and at least 30 days before the notice of redundancy is given. The aim of the consultation is to consider whether there are alternatives to the redundancy. The company is also obliged to provide the following information in writing to the employee representatives: the reason for the redundancy, the number and description of employees affected, the number and description of employees normally employed, the period in which the redundancies will happen, the criteria for selection of employees for redundancy, and the method of calculation of any redundancy payment. The existing suite of employment protections will be applicable in such circumstances provided by this Bill.

Deputy Louise O'Reilly: I asked the Minister of State to confirm that the rescue plan cannot include a reduction of the workforce without its agreement. His answer is that it can and that is disappointing. The description of how redundancies work is welcome but that is probably known to most of the Deputies who are here. The purpose of my amendment is to ensure the rescue plan cannot result in a reduction in the number of employees or lead to compulsory rather than voluntary redundancies. If the Minister of State had been in a position to confirm that the rescue plan cannot include a reduction in the workforce, which he is clearly not in a position to do, I am unable to withdraw the amendment.

Amendment put and declared lost.

Deputy Louise O'Reilly: I move amendment No. 5:

In page 27, lines 4 and 5, to delete "49 days" and substitute "31 days".

This amendment is tabled to ensure the process does exactly what I believe is the intention, that is, to deliver a quicker and cheaper alternative to administration. We spoke about this at the Joint Committee on Enterprise, Trade and Employment and the Minister of State, Deputy English, indicated the process may not be quicker than the current administration process. I note the Minister of State, Deputy Troy, said in some instances it would be but in others it would not. That is disappointing. I know from talking to the representatives of business and industry that they will be disappointed with that too. With that in mind, I believe the timeframe for meeting in relation to the proposed rescue plan could be reduced from 49 days to 31 days. I think that is a reasonable amount of time. I am interested to hear the Minister of State's views on this proposal and on whether we can encourage and ensure there is a quicker process. The two main requirements in terms of our discussions on this were that it would be quicker and cheaper because the current process is slow and expensive. Whatever about cheaper, if it will not be

quicker, that is regrettable. I would welcome the Minister of State's views.

Deputy Robert Troy: I accept the amendment has been brought in good faith and in an attempt to improve the process and provide cost savings. However, it is not workable from a practical perspective. I will explain why. On initial appointment the process adviser must notify creditors, the Revenue Commissions and employees of his or her appointment. The notification must be sent by the fifth day and include a request for information from parties concerned in respect of the debts owed to them and any other information they consider material to the development of a rescue plan in respect of the company. The Bill provides people with 14 days to respond to this request and a further 72 hours where they fail to do so. This means that it could be the 22nd day after a process adviser is appointed that the adviser has all the information he or she requires to start formulating a rescue plan.

Once the plan is prepared, the process adviser must give members and creditors seven days' notice of the meeting to consider the plan and must report back to the company by the 49th day. This means that, in reality, the process adviser has 20 days to prepare the rescue plan. If I were to accept Deputy O'Reilly's amendment, this would be further reduced, to 11 days. It is highly unlikely that even the most skilled insolvency practitioner could prepare a comprehensive rescue plan within that timeframe. In circumstances where the process adviser receives all necessary information and can quickly prepare a plan, however, he or she can report in advance of the 49th day. This is the outer limit. If the adviser has all the information to hand earlier and if the company is smaller, less cumbersome and able to do so earlier, it may be done. The Bill simply mandates that the 49th day after appointment is the latest point at which the rescue plan can be delivered to the company. The timelines in the Bill have been carefully examined by my officials and the Attorney General's office. As drafted, they reflect a fair balance between the company's need for a speedy resolution and the creditors' need to have sufficient time to consider their position and seek legal advice, if necessary.

Amendment, by leave, withdrawn.

Deputy Louise O'Reilly: I move amendment No. 6:

In page 27, between lines 10 and 11, to insert the following:

“(6A) A meeting under this section—

(a) need not be held at a physical venue but may be held wholly or partly by the use of electronic communications technology as long as all members and creditors have a reasonable opportunity to participate in the meeting,

(b) a process adviser may provide for participation in a meeting by providing or facilitating, for that purpose, the use of electronic communications technology, including a mechanism for casting votes by members and creditors, whether before or during the meeting,

(c) the use of electronic communications technology pursuant to this section may be made subject only to such requirements or restrictions put in place by the process adviser as are necessary to ensure the identification of attendees and the security of the electronic communications technology, to the extent that such requirements or restrictions are proportionate to the achievement of those objectives,

7 July 2021

(d) a process adviser shall inform members and creditors, before the meeting, of any requirements or restrictions which he or she has put in place,

(e) where a meeting is held using electronic communications technology for participation in a meeting the process adviser shall ensure, as far as practicable, that such technology—

(i) provides for the security of any electronic communications by members and creditors,

(ii) minimises the risk of data corruption and unauthorised access, and

(iii) provides certainty as to the source of the electronic communications,

(f) in the case of any failure or disruption of such technology, that failure or disruption is remedied as soon as practicable,

(g) such technology enables members and creditors to—

(i) hear what is said by the process adviser and any member or creditor who speaks at the meeting, and

(ii) speak and submit questions and comments during the meeting to the process adviser,

(h) any temporary failure or disruption of electronic communications technology shall not invalidate the meeting or any proceedings relating to the meeting, unless such failure or disruption is attributable to a wilful act.”.

This is a fairly straightforward amendment. I welcome the fact that the Bill seeks to place virtual annual general meetings, AGMs, on a permanent statutory footing. As much as we are all looking forward to non-virtual meetings in the very near future, such virtual meetings have become a very important part of discussions and engagements. Notwithstanding the current situation with regard to Covid, allowing for meetings as part of the consultation process and other engagements to take place virtually, and putting this on a statutory footing, would be very beneficial. I welcome the Minister of State’s views in that regard. I am not sure the amendment will necessarily cover the scale and breadth of what is required. There may be knock-on consequences with which it does not deal. I am happy to work and engage with the Minister of State in that regard. For ease and to make sure as many people as possible are engaged in the process, the use of technology would be very welcome. If it is not possible to accept this amendment, perhaps we will have an engagement on the matter at some stage in the future because there is merit in including virtual meetings as part of this.

Deputy Robert Troy: I am opposed to this amendment because I do not believe it is necessary. The Bill already provides for a discrete amendment to section 690A of the Companies Act 2014, as inserted by the Companies (Miscellaneous Provisions) (Covid-19) Act 2020, to ensure that meetings required by the process can be held virtually. The 2020 Act set out temporary company law measures required to mitigate the impact of the pandemic on the normal operation of company law for an interim period. This period was extended to 31 December 2021.

Deputy Louise O’Reilly: On the basis of the clarification provided, I will withdraw the amendment.

Amendment, by leave, withdrawn.

Deputy Aodhán Ó Ríordáin: I move amendment No. 7:

In page 31, line 2, after “be” to insert “other than the employees,”.

This is a very straightforward amendment which aims to include in the Bill the amended wording:

Where a company is a creditor, any person who is duly authorised under the seal of that company to act generally on behalf of that company at meetings of members and creditors may fill in and sign the instrument of proxy on that company’s behalf and appoint himself or herself to be other than the employees, that company’s proxy.

I await the Minister of State’s response.

Deputy Robert Troy: I hope the Deputy can clarify his amendment because we are not sure we fully understand what he seeks to amend. He has tabled an amendment to the new section 558X proposed in section 3. This section provides for supplemental provisions relating to proxies at a meeting of members and creditors to consider rescue plans and directly mirrors existing provisions of the Companies Act. The proposed section 558X(5) provides that, where a company is a creditor, any person authorised under that company’s seal to act on its behalf at such meetings may appoint him or herself to be the company’s proxy. The Deputy’s amendment would provide that persons so authorised to act accordingly could not include employees of the creditor company. The intent of this amendment is unclear. The Department’s officials consider that the Deputy may have made an error with this amendment and that he may have meant to amend provisions dealing with cross-class cramdown to exclude employees. Perhaps the Deputy will clarify his intent.

Deputy Aodhán Ó Ríordáin: I was going to say that I will revisit the matter and bring forward an amendment on Report Stage but I will not be in a position to do that. I will revisit it.

Amendment, by leave, withdrawn.

Deputy Aodhán Ó Ríordáin: I move amendment No. 8:

In page 31, lines 17 and 18, to delete “60 per cent in number representing a majority in value” and substitute “66 and two-thirds per cent in number representing 66 and two-thirds in value”.

This amendment is very simple. It aims to increase what is considered to be a majority in the Bill from 60% to 66%. This is two thirds and represents the normal practice.

Deputy Robert Troy: The threshold at which the rescue plan is deemed to be accepted by a class of creditors has been carefully considered in consultation with the Office of the Attorney General. In cases of examinership, section 540 of the Companies Act 2014 provides that a rescue plan “shall be deemed to have been accepted by a meeting of creditors or of a class of creditors when a majority in number representing a majority in value of the claims represented at that meeting have voted, either in person or by proxy, in favour of the resolution for the proposals.” While we have largely replicated the provisions used in cases of examinership, it was decided to increase the threshold from a simple majority in value and number to 60% to reflect the fact that the process will take place outside of court. Any further increase to this threshold

7 July 2021

would make it more difficult for rescue plans to be accepted and would do nothing to further protect creditors. All creditors who vote against a rescue plan ultimately have the right to object to it and to have the court consider their objections further. On that basis, I do not propose to accept the amendment.

Amendment, by leave, withdrawn.

An Leas-Cheann Comhairle: Amendments Nos. 9 to 11, inclusive, are related and may be discussed together by agreement.

Deputy Louise O'Reilly: I move amendment No. 9:

In page 34, line 27, to delete “21 days” and substitute “15 days”.

May I check the time?

An Leas-Cheann Comhairle: We are about to run out of time.

Deputy Louise O'Reilly: That is fine. This amendment was included to ensure-----

An Leas-Cheann Comhairle: We have just over six minutes left.

Deputy Louise O'Reilly: That is great. I thank the Leas-Cheann Comhairle. The amendment seeks to ensure the process does what it is intended to do, which is to be quicker than existing arrangements. When the Minister of State and I spoke in the committee meeting, he indicated that the process may not be quicker. That is a disappointment but we should try our best to do whatever we can to encourage and speed up the process without making it unworkable. I am interested to hear the Minister of State's views on this. As I have said, if it is the case that moving from 21 days to 15 is not appropriate, I would be happy to hear that, but we need to make every effort possible to ensure the legislation does what it is supposed to do, which is to ensure the process is not only cheaper, but also faster.

Deputy Robert Troy: The process will be quicker if there is no need to go to the courts. We cannot determine its speed if there is a need to go to the courts. This amendment has been brought in good faith in an attempt to improve upon the process and bring cost savings to companies. The 21-day period provided for creditors and members to object to the rescue plan was carefully considered and drafted in line with advice from the Office of the Attorney General. That was considered the minimum period to ensure that the process was constitutionally robust in terms of procedural fairness. Any reduction in this period would be contrary to the advice received. It is considered that this time is necessary to ensure that all affected parties can consider their position, seek legal advice, if necessary, and then make their objection. It is important to remember that we are attempting to balance the sometimes competing interests of those involved and to be fair to the creditors. The 21-day period gives creditors the opportunity to do due diligence and consult with the relevant professional people before deciding to accept or reject it. It is a fair number of days.

Amendment, by leave, withdrawn.

Deputy Louise O'Reilly: I move amendment No. 10:

In page 34, line 30, to delete “21 days” and substitute “15 days”.

Amendment, by leave, withdrawn.

Deputy Louise O'Reilly: I move amendment No. 11:

In page 34, line 34, to delete “21 days” and substitute “15 days”.

Amendment, by leave, withdrawn.

Deputy Louise O'Reilly: I move amendment No. 12:

In page 54, between lines 7 and 8, to insert the following:

“(4A) Where a process adviser does not make use of the services of the staff and facilities of the eligible company to which the process adviser has been appointed, the process adviser shall give a written reasoning for this decision.”.

Section 558ZY covers the remuneration costs and expenses of the process adviser. Section 558ZY(4) covers the process adviser in so far as is reasonably possible to make use of the services of the staff and facilities of the eligible company to which the process adviser has been appointed.

This is a welcome part of the Bill and these people will assist the process adviser. However, I have a concern that we will have a situation where a company in the new small business administrative rescue process, SCARP, ends up incurring additional costs because it has staff that are appropriate but those staff may not be used by the process adviser. I am not necessarily talking about cases where there are straight-up academic qualifications that one has and another does not. If somebody has those facilities, it will end up costing them more. The process adviser probably comes from a company which has these facilities and these personnel they contract out to other companies. We do not want to end up with additional costs on the company where such costs could potentially be defrayed. Where a company's staff and facilities are not used, a written reason should be given to at least explain why and give them a chance to engage in that regard.

Deputy Robert Troy: There is merit in the amendment, and it is important that there be provisions to prevent the process being abused by someone seeking to accrue professional fees. Following the concerns raised by the Joint Committee on Enterprise, Trade and Employment, a number of additional provisions were inserted in the Bill regarding the process adviser's fee. The Bill requires that this fee is notified to the directors of the company in advance of the appointment of the process adviser. This means the directors can make an informed commercial decision as to who to appoint. The fees are notified to the creditors of the company as part of the provision of information concerning the proposed rescue plan. Creditors are entitled to question and object to any part of that plan, including the process adviser's fees.

Section 588ZZ provides for the ability of any creditor to seek a court review of the process adviser's fees. The court may confirm or adjust the fees, as it sees fit, having regard to the extent to which the process adviser used appropriate resources. We inserted a further provision requiring the process adviser to keep the company's prospect of survival under constant review and places an obligation on the process adviser to resign where he or she no longer considers the business capable of rescue.

An Leas-Cheann Comhairle: I am sorry but I have to interrupt. The time has elapsed. We have done well and got through the 12 amendments but the guillotine is coming down.

The time permitted for this debate having expired, I am required to put the following ques-

7 July 2021

tion in accordance with an order of the Dáil of 6 July: “That in respect of each of the sections undisposed of, the section is hereby agreed to in Committee, the Title is hereby agreed to in Committee, the Bill is accordingly reported to the House without amendment, Report Stage is hereby completed and the Bill is hereby passed.”

Question put and agreed to.

Gender Pay Gap Information Bill 2019: From the Seanad

The Dáil went into Committee to consider amendments from the Seanad.

Seanad amendment No. 1:

Section 1: In page 3, line 17, to delete “Minister for Justice and Equality” and substitute “Minister for Children, Equality, Disability, Integration and Youth”.

Minister for Children, Equality, Disability, Integration and Youth (Deputy Roderic O’Gorman): I am pleased to state that the Gender Pay Gap Information Bill passed all Stages in Seanad Éireann, with Report and Final Stages completed on Monday last. I acknowledge the support it received from the various parties and, in particular, the work Deputy Stanton did when he was Minister of State with responsibility in this regard.

We are here to take note of two Government amendments made in the Seanad that required the Bill to be recommitted to this House. These amendments are purely administrative in nature.

On amendment No. 1, the Bill, as passed by the Dáil, provided in section 1, which outlines the various definitions, that “Minister” means “the Minister for Justice and Equality”. Certain functions of the then Minister for Justice and Equality transferred to my Department in October 2020 under Statutory Instrument No. 436/2020. Given where the Bill stood in October 2020, it does not fall within the scope of that statutory instrument and the definition is not automatically read as “the Minister for Children, Equality, Disability, Integration and Youth” The purpose of the amendment is to change the definition of “Minister” in section 1 to “the Minister for Children, Equality, Disability, Integration and Youth”.

Seanad amendment agreed to.

Seanad amendment No. 2:

Section 4: In page 10, line 36, to delete “section 85D” and substitute “section 85C”.

Deputy Roderic O’Gorman: This is a purely technical amendment. Section 85C was originally section 85D. With the deletion of the original section 85B, it has become renumbered. Section 85C allows for an employee to make a complaint to the Workplace Relations Commission, WRC, of non-compliance with reporting regulations by his or her employer. The director general of the WRC or an adjudication officer will investigate the complaint if satisfied that there is a *prima facie* case. Subsection 5 provides for an appeal by the complainant or the respondent to the Labour Court within a specified period.

Section 4 inserts a further category of parties into section 88 of the Employment Equality Act 1998. Section 88 of the 1998 Act provides for the form and content of the decision of

the director general of the WRC or the termination of the Labour Court. Section 4 intends to include the complainant and the respondent where a decision or determination is made under section 85C in the definition of parties to whom section 88 applies.

The Bill as passed by this House incorrectly referred to section 85D, which, due to the Dáil Report Stage amendment, no longer exists. The purpose of the amendment is to replace section 85D with section 85C.

Seanad amendment agreed to.

Deputy Roderic O’Gorman: I indicated that I might make a brief comment at this point if that is all right.

An Leas-Cheann Comhairle: Certainly.

Deputy Roderic O’Gorman: I acknowledge the significance of this legislation as it passes its final Stage in the Dáil. It will be sent to the President for signature. Pay transparency on its own will not end the pay disparity between men and women but it is an important further step on the road to equality. This Bill will provide transparency and accountability for employees. It will demand of employers real and substantive action to reduce any gender pay disparity that exists in their organisation and help ensure workplaces become more equal.

Most organisations want to be better employers. This legislation can support them in reporting their gender pay gap data, understanding it and, most important, taking measures to address it. Women have taken the lead in demanding equality but the onus cannot just be on individual women to force these changes. The Government has to play a key role in creating a more equal society and economy.

We will continue to support women in the labour market, whether by way of my Department improving the affordability of childcare, extending breastfeeding breaks, increasing parental leave and introducing paid domestic violence leave or by wider moves to create a more flexible work week. After 18 months of working at home, we have a chance to radically reimagine what work looks like and for whom it works. My Department and the Government will continue that work. We have a strong equality agenda, as set out in the programme for Government. We have achieved a significant part of that agenda today by passing the Gender Pay Gap Information Bill 2019. I look forward to bringing more progressive legislation forward in the next Dáil term.

Seanad amendments reported.

An Leas-Cheann Comhairle: Agreement to the Seanad amendments is reported to the House and a message will be sent to Seanad Éireann acquainting it accordingly.

Air Navigation and Transport Bill 2020: Report and Final Stages

An Leas-Cheann Comhairle: As there are no Report Stage amendments, we will proceed to Fifth Stage.

Bill received for final consideration and passed.

An Leas-Cheann Comhairle: The Bill will now be sent to the Seanad.

7 July 2021

Sitting suspended at 8.43 p.m. and resumed at 8.49 p.m.

Finance (Covid-19 and Miscellaneous Provisions) Bill 2021: Committee and Remaining Stages

Sections 1 to 3, inclusive, agreed to.

SECTION 4

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

In page 6, to delete lines 12 to 23 and substitute the following:

“(i) in paragraph (a)(i)(I), by the insertion of “or, where the claim relates to a period specified in subsection (8)(b)(ii)(I) or (II) or to any full week falling within the period beginning on 5 July 2021 and ending on 18 July 2021, 20 per cent,” after “10 per cent”,

(ii) in paragraph (a)(i)(II), by the insertion of “or, where the claim relates to a period specified in subsection (8)(b)(ii)(I) or (II) or to any full week falling within the period beginning on 5 July 2021 and ending on 18 July 2021, 10 per cent,” after “5 per cent”,

(iii) in paragraph (a)(ii)(I), by the insertion of “or, where the claim relates to a period specified in subsection (8)(b)(ii)(I) or (II) or to any full week falling within the period beginning on 5 July 2021 and ending on 18 July 2021, 20 per cent,” after “10 per cent”,

(iv) in paragraph (a)(ii)(II), by the insertion of “or, where the claim relates to a period specified in subsection (8)(b)(ii)(I) or (II) or to any full week falling within the period beginning on 5 July 2021 and ending on 18 July 2021, 10 per cent,” after “5 per cent”, and”.

This amendment amends subsection 4(1)(d) of the Finance (Covid-19 and Miscellaneous Provisions) Bill 2021, as initiated.

Section 4 amends section 485 of the Taxes Consolidation Act 1997 and gives effect to the enhanced restart repayments and the extension of the Covid restrictions support scheme, CRSS. This is a targeted business support introduced in the Finance Act 2020 for businesses that are significantly impacted by restrictions introduced by the Government under public health regulations to combat the effects of the Covid-19 pandemic. The scheme is designed to assist those businesses where Government restrictions prohibit or restrict customers from accessing their business premises and the trade has been significantly impacted or temporarily closed as a result.

The amendment is introduced to provide for the double rate of Covid restriction support scheme payments for businesses that continue to be subject to Government restrictions, which prohibit or significantly restrict members of the public from accessing the business premises for the weeks commencing 5 July 2021 and 12 July 2021. The maximum weekly payment of CRSS will remain at €5,000. When the applicable Government restrictions are eased, these businesses will qualify for the enhanced restart repayment of double the normal rate of CRSS for a period of three weeks, subject to a maximum payment of €10,000 per week. This measure is designed to support businesses in various sectors that remain subject to ongoing public health

restrictions in July.

Deputy Danny Healy-Rae: There is a need for support for businesses that may not be closed but do not have as much business as they had heretofore. County Kerry predominantly relies on tourism. Suppliers of fish and meat that were supplying hotels, restaurants and small hospitality businesses have not been able to command as much business as they could previously. They are very worried that they will have to shed employees or close down altogether because their business has been seriously impacted, even though they have not been ordered to close. As a result of other businesses being closed, they have been hurt very badly.

I refer to people such as taxi drivers or bus operators. Taxi drivers have been told they will go back for a few weeks but they can see trouble looming. When the local people who are on vacation dry up or children go back to school at the end of August or in early September, they may not be able to survive. In fact, they believe they will not be able to survive without payments. Even drivers working for other operators who have gone back to work are very concerned and will need the pandemic payment to be continued, at least until the season begins next March, by which stage we hope everything will be back to normal. The Minister needs to consider their needs. I am asking him to consider the needs of those in the two sectors I have mentioned.

There are other businesses that are semi-operational but, as tourists are no longer coming in their droves and business is not at the level it was previously, they will not be able to continue. They are very keen to stay working and would be delighted to be able to continue working but that is not going to happen.

Deputy Mattie McGrath: I agree that it will be difficult. I had an argument with the Minister on the night that Covid payments were introduced with regard to students and young people who work weekends or on a part-time basis. The Minister gave them €350. That was silly. Anybody who employs people now knows that personal public service number returns are done weekly. I am an employer. It would have been a simple exercise to find out what such people were earning, whether they worked a Saturday, a Sunday or a few nights in hotels and clubs and so on. The Minister would not do that and the Government gave them money. Many of them have saved the money they received. Now there are implications for Student Universal Support Ireland, SUSI, and many other things in the context of the payments made. Some of those who received the payment have spent it but some, although not many, are not interested in going back to work. Why would they go back to work? It is very difficult for employers to get people back.

Employers are in difficulty in terms of trying to function and keep their businesses going. Some businesses are half open and suffering uncertainty. Some of them will never get going again. Some of the employers whose businesses are open again have told me the custom just is not there. A lot of it has gone online, but it is not in shops and the various businesses to which I am referring, never mind taxis and many other sectors, such as musicians and those involved in the arts, who have just been wiped off the face of the earth. They will need ongoing supports. If the Government had been prudent and sensible in the context of the pandemic unemployment payment, PUP, in the first place, we may not be in such chaos now. I know it all has to be paid back. It is a serious situation.

I spoke to Caoimhe Kavanagh of Kavanaghs of Urlingford last week and met her on Sunday morning. They went for this so-called rocket take-off in the context of our outdoor summer and

7 July 2021

marketed it to the Irish people. I met a busload of 25 people on a big luxury coach at Kavanaghs of Urlingford on Sunday morning. They were so delighted to be getting out and to alight from the bus in Urlingford, get some refreshments and to go on then to various sites. All the Office of Public Works, OPW, sites are refusing to take the bus tour even though it is operating at half capacity. They will take people if they are registered in twos. These sites are prepared to have 12 or 13 cars at the site rather than one bus. That makes no sense whatsoever. It is time that officials dusted themselves down and got back to work because we need these people. They have 500 bed nights booked in Ballina, Deputy Calleary's area. Caoimhe Kavanagh was speaking to him as well. If we cannot get OPW sites open, it is madness. They are being very careful regarding Covid. The buses are restricted and partitions are in place. Some sites do not even have facilities, such as toilets, open. This is shocking. Is the Government interested in getting people back to work? I am not talking about a sky rocket like the Tánaiste suggested, but certainly getting back to some bit of normality. There are bigger issues here, and many of them, to be teased out.

Deputy Richard Boyd Barrett: I pointed out to the Minister and to other Ministers previously that certain cohorts of people who should get support and tick all the boxes for the support schemes are mysteriously excluded from them, which is really unfair. Obviously, I support the CRSS and have done so previously. I agree that the new business resumption support scheme dealt with in the Bill should be established but, once again, unless I am wrong - the Minister could just answer the question directly - I am assuming that drivers of public service vehicles, that is, taxi drivers, are being excluded from this scheme. Similarly, jobbing lone trader musicians and many of those who work in live performance have been excluded from all of the support schemes for no good reason, although I accept there are other supports for elements in the music, arts and live entertainment sector. I would love to hear that will change under this new scheme, but I am assuming that, for reasons that are inexplicable and, to my mind, completely unfair, the Government has once again excluded those particular cohorts, who continue to be impacted by the pandemic in both cases because they are linked to things like travel, tourism, hospitality and so on and, therefore, are not able to earn the sort of income and livelihood they were able to earn previously. Many taxi drivers have not even returned to work because they know there is not enough income out there. Rather, they are waiting for a full recovery of their sector.

To add insult to injury in that regard, they are now discovering that they are facing a cliff in terms of the one support they did get, namely, the PUP. They are being told that as soon as they hit the €203 rate they will be pushed onto a jobseeker's payment even though they are not jobseekers - they are taxi drivers, musicians or performers. If they do not accept that, they will face the loss of the PUP altogether, even though they cannot earn a full livelihood on the road or, in the case of music or whatever, because gigs have not recommenced.

9 o'clock

There is still huge uncertainty around these areas. These people will almost certainly not be able to make a living. They seem to be losing out on both fronts, in terms of the PUP and their exclusion from the support schemes, when they have carried many costs and incurred debts because they have been hit, effectively closed down or had their earning capacity dramatically reduced as a result of the pandemic and the pandemic measures.

I ask the Minister to come back and tell me that they have not been excluded this time or if they have, why they have been excluded. It is grossly unfair.

Deputy Paschal Donohoe: I thank Deputies Boyd Barrett, Mattie McGrath and Danny Healy-Rae for the issues they have raised.

I will respond to the issues raised by Deputy Boyd Barrett first. On the business restrictions support scheme that is being introduced, a broader group of occupations is included in it, provided that recipients meet certain criteria in relation to their level of trading. That does include taxi drivers. It will include food suppliers, for example, in response to the issue that Deputy Danny Healy-Rae raised, as well as other occupations that have been particularly hard hit by the pandemic.

The business restrictions support scheme is a single payment. It is a percentage of the recipient's income or turnover across the qualifying period. The scheme is being brought in, with the first payment due in September, to try to deal with the issue of how we can support particular parts of our society and economy in one scheme, as opposed to the wide variety of grant schemes that have been available during the pandemic. Those grant schemes have been of value. Deputy Boyd Barrett touched upon the live performance sector. Nearly €50 million worth of supports have been in place for the live performance sector since March, from the performance support scheme to a support scheme for the live entertainment business, all the way up to a different way of trying to do the St. Patrick's Day festival. Therefore, there have been a variety of supports in place for the live entertainment sector.

Deputy Boyd Barrett raised a point about the PUP, which takes me onto Deputy Mattie McGrath's point. The PUP is being reduced but the payment and its existence also are being extended up until early next year. The reductions will be made in a staged way over time, as we hope our economy becomes more open and stays fully open.

In response to the points raised by Deputy McGrath, when the PUP was first brought in, it was a flat rate payment of €350. The reason for that was that we were in a situation at the time in which we had to find a way of giving income support to hundreds of thousands of people who were losing their jobs because we were telling employers not to open up their businesses for public health reasons. Given the crisis situation that we were in, we did not have the ability to differentiate the PUP based on the pre-pandemic income of individuals. As the House will know, in the more recent existence of the PUP, since before last summer it has been restructured so that it is based on pre-pandemic earnings. There are four different payment bands of the PUP which correlate to what recipients were earning before they lost their jobs due to the pandemic.

On Deputy McGrath's point in relation to the Office of Public Works, I was not aware of that issue. I am sure that the Minister of State, Deputy O'Donovan is working to try to get more sites fully open. Some of the sites that I have visited locally across Dublin, have been safely open. I do not see why the sites to which the Deputy referred could not share a similar status.

On the points raised by Deputy Healy-Rae, I hope it is the case that for those businesses to which he referred, that have not accessed the CRSS, they will still be entitled to access the EWSS because the trade and income of the company or the employer is below a certain level. They might not be able to access some of the additional schemes that have been announced in recent months, but if the level of trading is as hard hit as the Deputy is saying it is, and I am sure that it is, they would, in those circumstances, be able to access the EWSS. I hope they are all in a position that they can reopen more fully as the year goes on.

Amendment agreed to.

7 July 2021

Section 4, as amended, agreed to.

Sections 5 to 12, inclusive, agreed to.

An Leas-Cheann Comhairle: The three amendments tabled in respect of section 13 are all out of order.

Amendments Nos. 2 to 4, inclusive, not moved.

Sections 13 and 14 agreed to.

NEW SECTION

Deputy Paschal Donohoe: I move amendment No. 5:

In page 31, between lines 2 and 3, to insert the following:

“Repayment of stamp duty where certain residential units leased

15. (1) The Act of 1999 is amended by the insertion of the following section after section 83D:

“83E.(1) In this section—

‘Act of 1992’ means the Housing (Miscellaneous Provisions) Act 1992;

‘approved housing body’ means a body approved of or standing approved of, under, or for the purposes of, section 6 of the Act of 1992;

‘housing authority’ has the same meaning as it has in the Act of 1992;

‘Minister’ means the Minister for Housing, Local Government and Heritage;

‘qualifying date’ means the date on which a qualifying lease is executed;

‘qualifying lease’ means a lease, for a term of not less than 10 years, in respect of a relevant residential unit entered into with a housing authority or an approved housing body for the purpose of the provision of social housing support;

‘qualifying relevant residential unit’ has the meaning assigned to it by subsection (3);

‘relevant instrument’ means an instrument executed on or after 20 May 2021 that has been stamped in accordance with—

(a) paragraph (1)(b) of the heading in Schedule 1 titled ‘CONVEYANCE or TRANSFER on sale of any property other than stocks or marketable securities or a policy of insurance or a policy of life insurance’, or

(b) paragraph (3)(a)(i)(II) of the heading in Schedule 1 titled ‘LEASE’,

where the instrument was chargeable, in respect of the whole or part of the consideration under the instrument, to stamp duty at a rate of 10 per cent;

‘relevant residential unit’ has the same meaning as it has in section 31E;

‘social housing support’ has the same meaning as it has in the Housing (Miscellaneous Provisions) Act 2009.

(2) In this section, a reference to acquisition shall include a reference to acquisition by way of a conveyance, transfer, lease, instrument, contract or agreement referred to in section 31E(2).

(3) This subsection applies where a person executes a qualifying lease not later than 24 months after the date of execution of a relevant instrument effecting the acquisition of the relevant residential unit leased under the qualifying lease (and such a relevant residential unit leased within that period is referred to in this section as a ‘qualifying relevant residential unit’).

(4) Where subsection (3) applies, subject to the other provisions of this section, stamp duty paid on a relevant instrument may be repaid in accordance with this section.

(5) The amount of stamp duty to be repaid, in relation to a relevant instrument and a qualifying relevant residential unit shall be determined by the formula—

A B

where—

A is the amount of stamp duty paid on the relevant instrument, that was attributable to the qualifying relevant residential unit, and

B is the amount of stamp duty, attributable to the qualifying relevant residential unit, that would have been chargeable on the execution of the relevant instrument if the qualifying relevant residential unit had not been a relevant residential unit.

(6) A claim for a repayment under this section shall—

(a) be made by an accountable person,

(b) without prejudice to paragraph (d), be made in a form and manner specified by the Commissioners,

(c) include a declaration, in such form as the Commissioners specify, stating that subsection (3) applies,

(d) be made by electronic means and through such electronic systems as the Commissioners may make available for the time being for any such purpose, and the relevant provisions of Chapter 6 of Part 38 of the Taxes

7 July 2021

Consolidation Act 1997 shall apply, and

(e) not be made until such time as a qualifying lease has been executed.

(7) Subject to the other provisions of this section, a repayment of stamp duty under this section shall—

(a) be made by the Commissioners pursuant to a claim made in accordance with subsection (6),

(b) not carry interest, and

(c) not be made pursuant to a claim made after the expiry of 4 years after the qualifying date.

(8) Where the Commissioners are of the opinion that the requirements of this section have not been met in relation to a claim for repayment, they shall decide to refuse the claim and shall notify the claimant in writing of the decision and the reasons for it.

(9) An accountable person aggrieved by a decision to refuse a claim for repayment, may appeal to the Appeal Commissioners against the decision in accordance with section 949I of the Taxes Consolidation Act 1997, within the period of 30 days after the date of the notification of the decision.

(10) Where—

(a) subsection (3) applies in respect of a qualifying lease of a qualifying relevant residential unit,

(b) a repayment of stamp duty has been made to an accountable person in respect of the qualifying relevant residential unit in accordance with this section by virtue of subsection (3) so applying, and

(c) the qualifying lease is terminated before the expiry of 10 years after the qualifying date,

the accountable person shall be liable to pay to the Commissioners some or all of the stamp duty that had been repaid under subsection (7) to the accountable person (and that stamp duty to which the foregoing liability attaches is referred to in this section as a ‘clawback’).

(11) The amount of a clawback shall be determined by the formula—

$$A \times [(10 - Y)/10]$$

where—

A is the amount of stamp duty repaid that was attributable to the qualifying relevant residential unit,

Y is the number of years (including a part of a year) that have expired, after the qualifying date, on the date on which the qualifying lease is terminated.

(12) Interest shall be payable on the clawback calculated in accordance with section 159D from the date on which the repayment was made to the date of payment of the clawback to the Commissioners.

(13) Where an accountable person fails to pay the clawback, the Commissioners may make an assessment of the amount of the stamp duty concerned as if the failure to pay were a failure to deliver a return under section 20(2).

(14) Where there is more than one accountable person in relation to an instrument and a clawback, they shall be liable jointly and severally whether or not an assessment is made.

(15) For the purposes of this section, section 128A shall apply as if the period of 6 years referred to in subsection (4) of that section commenced on the qualifying date.

(16) Where a repayment has been made under this section and it is subsequently found that a declaration made in accordance with subsection (6)—

(a) was untrue in any material particular that would have resulted in the payment, or part of a repayment, allowed by this section not being made, and

(b) was made knowing same to be untrue or in reckless disregard as to whether or not it was true, then the person who made such a declaration shall be liable to pay to the Commissioners as a penalty an amount equal to 125 per cent of the stamp duty that would not have been repaid had all the facts been truthfully declared, together with interest charged on that amount as may so become payable, calculated in accordance with section 159D, from the date on which the repayment was made to the date the penalty is paid.

(17) Where a person is liable to pay, in relation to a qualifying relevant residential unit, a clawback under subsection (10) and a penalty under subsection (16), the total liability of the person under those subsections shall be limited to the greater of the clawback under subsection (10) and the penalty under subsection (16).

(18) Notwithstanding any enactment or rule of law, the Commissioners may, by notice in writing, request the Minister to provide them with such information as is in the possession or control of the Minister as the Commissioners may reasonably require for the purposes of verifying—

(a) the execution of a qualifying lease, or

(b) the termination of a qualifying lease within the period of 10 years immediately following the qualifying date.

(19) Where the Commissioners make a request under subsection (18), the Minister shall provide such information as may be specified in the notice within the period specified in the notice which period, in any case, shall not be less than 30 days.

7 July 2021

(20) Taxpayer information within the meaning of section 851A(1) of the Taxes Consolidation Act 1997 may be disclosed by a Revenue officer to the Minister for the purposes of enabling the Minister to comply with a request made under subsection (18).”.

(2) Subsection (1) shall come into operation on the day after the date of the passing of this Act.”.

This amendment is proposed in connection with section 13 of the Bill and the charging of a higher 10% rate of stamp duty where multiple residential units are acquired by a person in any 12-month period. It is proposed, in the context of the strategy of the Minister for Housing, Local Government and Heritage, to increase the supply of social housing by means of the long-term leasing of residential units from private sector owners. Leasing arrangements allow a greater proportion of social housing need to be met inside the short term. In the Bill as published, the person acquiring the residential units must pay the stamp duty without regard to what happens with the units after that. This amendment seeks to provide for a situation where residential units are then leased to a local authority or an approved housing body to be used as social housing. The Minister, Deputy Darragh O’Brien, is concerned, as am I, that the charging of additional stamp duty on the acquisition of such residential units will act as a disincentive to persons who might have been planning to acquire multiple units for onward leasing to a local authority or an approved housing body, and thereby reduce the supply of social housing.

I am addressing the potential for this disincentive by introducing a new stamp duty refund scheme. A new section 83E in the Stamp Duties Consolidation Act 1999 provides for the scheme. A person who has paid stamp duty at the 10% rate on the acquisition of a residential unit will be able to claim a refund on part of the stamp duty paid if and when the residential unit is then leased to a local authority or an approved housing body for social housing purposes. The amount to be refunded will be the difference between the stamp duty that would have been paid at the standard rate and the stamp duty paid at the 10% rate.

Some qualifying conditions will apply. First, the lease with a local authority or approved housing body must be entered into within a period of two years after the residential unit has been acquired. Second, the lease must be for a period of at least ten years. The refunded amount must be paid back to Revenue where a lease is subsequently terminated within this ten-year period.

These qualifying conditions are intended to ensure the supply of more social housing as quickly as possible and the long-term availability of residential units for social housing. This amendment is intended to come into effect on the day after the passing of this Bill.

Deputy Pearse Doherty: This is nothing but a pure political stroke. It is a last-minute amendment shoehorning in a tax break for vulture funds, cuckoo funds or investment funds, whatever you want to call them, that are now incentivised to bulk-buy homes and get a tax break if they lease them back to the local authorities. The Minister knows only too well that, in May, members of the public were outraged when they saw what unfolded when a cuckoo fund snapped up 135 homes in a newly built estate in Maynooth under the noses of struggling home-buyers who had worked hard for many years to save a deposit to own their own home. They were outraged even more when they found out that this fund, like all the other investment funds in the housing market, was being facilitated by the Government. It is paying no corporation tax on its rental profits, no capital gains tax and minimal stamp duty. In response to this avalanche

of outrage from the public, the Government scrambled to give the appearance that it was taking action, hoping the public would buy this. In reality, it was a con job because the Government introduced a stamp duty rate that was too low in the first instance. It allowed investment funds to bulk-buy apartments and to be completely exempt from the higher rate of stamp duty, despite the facts that six out of every seven homes built in Dublin city in 2019 were, indeed, apartments and that the officials in the Department called for the stamp duty surcharge to apply to apartments, warning that by having no extra stamp duty on the bulk purchase of apartments, the individual home purchaser is potentially driven out of the market. That is exactly what is happening. The Government paid no heed to that advice and put the interests of the funds above the interests of homebuyers.

With this amendment, the Minister brazenly goes a step further. He is giving investment funds a tax break when they snap up homes from under the noses of struggling homebuyers if they lease them to local authorities, with the latter and taxpayers picking up the bill and paying the rents to the investment funds for 25 years. The funds do not pay a cent in corporation tax on the rent that is paid to them. The tax arrangements have been facilitated by the Government, including the Minister for Finance. You could not make it up. Not only will the legislation allow funds to continue to push struggling homebuyers out of the market but it will also deliver poor value for money for the taxpayer. This is not just my view or that of Sinn Féin; it is also the view of the Department of Public Expenditure and Reform.

I listened to the comments made by the Taoiseach yesterday and again today on Leaders' Questions in response to me and Deputy McDonald. It is clear that he simply does not know what he is talking about. Investment funds are not just outbidding prospective homeowners because they are also outbidding approved housing bodies by as much as €80,000 per year. They can do so because the Government has introduced sweetheart tax deals that allow them that type of firepower. It is doubling down on these with tonight's sneaky amendment. Sinn Féin will not stand for this, and the Dáil should not stand for it. We will oppose this amendment. Unless the Minister scraps it, we will oppose the legislation. What the Government is doing should not be facilitated by this House because it will have long-term consequences for young and old people who are locked out of the market.

Deputy Richard Boyd Barrett: Since I entered the Dáil in 2011, I have been railing against the policies pursued by the Fine Gael-Labour Party Government, the Fine Gael-Independents Government and the current Government in that they have actively encouraged vulture and cuckoo funds to come in and take over what was virtually the entire NAMA portfolio. Now they are coming in to buy up new estates and they are pricing the first-time buyer or ordinary working person who wants to buy out of the market. The policy is inexplicable. The only beneficiaries are the vultures and cuckoos, which make an absolute fortune. They have directly contributed to the dire housing crisis. They have played a large part in creating the dire housing crisis that we now face, that affects vast swathes of our population and that has effectively locked out a whole generation of young working people. It is not just the young, however, because anybody trying to buy or rent is now faced with extortionate house prices and rents that are controlled and manipulated by the profit-driven entities.

The uproar over the latest scandal concerning the buying up of estates forced the Government to offer a token measure. Even the rate of 10% is a bit of a joke. It is a total joke. A stamp duty rate of 100% should be applied to purchases by the funds to completely exclude them from the market. That should be the policy. Consider the proposal to impose a 10% levy if the funds lease the homes back to the local authority. The Taoiseach's excuse for this over the past two

days was to say that before we build our own housing, we must have a stopgap, meaning a small amount of leasing is not a bad thing on the grounds that it will help to deliver social housing. He even tried to pit the need to provide social housing against the needs of first-time buyers or young working families who want to buy.

There is a simple answer to this. I want to put it to the Minister. I put it to the Taoiseach today and he did not answer. We should be building our own housing and excluding the entities but, if in the short term we have to source some housing from private developers as a stopgap, we should purchase it directly from the developers, not lease it from an intermediary, namely, a cuckoo fund or vulture fund. The latter is shockingly bad value for money. As the Minister said, there is only a ten-year guarantee on the lease so the funds can walk away after ten years with the asset, making a massive profit. Alternatively, if we purchased the houses directly, we could allocate them for both social and affordable housing while ramping up the programme for the direct construction of public and affordable housing on our own land. What is being done is outrageous. There is no justification whatsoever. The Minister should not proceed with the measure and he should take it out of the Bill.

Deputy Danny Healy-Rae: There was a lot of merit in the Minister's first amendment. There are many good points in the Bill but lumping the proposal under discussion into the Bill is like putting the fox in with the hens. It is not compatible at all and it is not fair. A few weeks ago, we had a Bill here decrying the bulk-buying of homes in estates by entities and the outbidding of young people, including young couples, who want to put a roof over their heads. The same entities are being given an advantage again by reducing their stamp duty. If the Government wants to reduce the stamp duty, that is fine but it should do so for everyone and have a level playing pitch. The proposal is not fair at all.

Deputy Richard Boyd Barrett and I may not agree on cutting turf and things like that but we do agree on this. If the Minister wants to provide housing for people — there is a housing issue — he should go back to basics such as buying sites around towns and villages and giving funding to the local authorities to build houses. I have nothing against developers or anyone. I disagree with Deputy Richard Boyd Barrett in that there is nothing wrong with making money but it should be made fairly. An advantage should not be given to certain investors — perhaps foreign investors in this case — so they can outbid local young fellows who want to put a roof over their heads. The prospects are slipping away from young people in spite of everything because the cost of materials is going up and they cannot provide houses for themselves. An unfair advantage is being given to the entities by reducing the stamp duty. After a few years, the stamp duty will not matter because the funds will have availed of the relief and will have blown young people out of the property market, denying them the right to put a roof over their heads. It is very unfair.

Deputy Michael Collins: Like the previous speakers, I believe this is a nice cosy deal for the vulture funds and cuckoo funds. It allows them to come in and purchase houses using the stamp duty break. It will not help the ordinary people on the housing list, some of whom have been on it for up to a decade. Unfortunately, this is certainly not going to help matters. In the past number of months, we have seen the scandalous situation whereby these funds were buying up houses all over the cities, with ordinary people left unable to get anywhere near the amounts of money these funds were able to pay. These funds will now be receiving tax breaks and the ordinary person will be caught in a difficult situation.

As Deputy Danny Healy-Rae said, we need to get back to basics. Unfortunately, on hous-

ing, we moved away from basics a hell of a long time ago. We have people from other countries buying properties here and we are racing around trying to buy them back off them. It is a right vicious circle. The Government is long enough in office to have resolved this issue. Young couples and ordinary people trying to start off in life are finding it extremely difficult. It is scandalous and there is a crisis here in Dublin, in Cork and throughout my constituency in west Cork. My phone has been hopping every day with calls from people desperate to get homes in Kinsale, Clonakilty, Skibbereen and Bantry.

This amendment will not help in any way, shape or form. It will make matters much worse for those who are struggling. As has been said, we need to get back to basics and the serviced sites that were sold in rural communities. Young people and families used to come in and build great towns and villages but that is not heard of anymore. It is a different situation now. I will certainly not be supporting this amendment.

Deputy Ged Nash: The Labour Party cannot support this amendment either. We would be minded, like other parties, to support the thrust of the legislation extending the Covid-19 supports that are of such benefit to working people and businesses that are struggling across the country. If it is the case, however, that this amendment survives and is inserted into the legislation, we will not support this legislation.

Already, funds are buying up homes across this country. These homes could be typically bought by first-time buyers. These issues have been well ventilated in this House and elsewhere. As we know, these funds are leasing back these properties to local authorities at very attractive rates. Frankly, it is the deal of the century for these funds. They win every single time. They just cannot lose under this current regime and they certainly will not lose under this new system. They have a cast-iron 25-year deal with a local authority which will pay them top dollar every single month. At the end of 25 years, the funds still own the property, which will, of course, have appreciated in value over that period of time. The proposal before us tonight, as others have said, is straight out of the “You could not make it up” category. It is as simple as that. Given what we know and our experience, we really should know better.

This morning, the Taoiseach tried to explain away the situation, as he did yesterday. His rationale was absolutely pathetic. It was a form of emotional blackmail. He said that there were deals in place for the signing of arrangements for 2,400 properties, that these were in the pipeline and that if we did not vote to support this, we would essentially ensure that 2,400 individuals or families would be put out on the side of the road without housing or a roof over their heads. That is astonishing. These really are hare-brained arrangements which do not make economic sense. They may have made sense in an emergency for a short period of time but they do not make economic sense now and do not make for good public policy.

The State is leasing thousands of homes through arrangements of this nature at this time. We are doing that because we have had five wasted years during which sufficient numbers of affordable homes were not built and sufficient numbers of public homes were not built on public lands and made available for those who need them.

The Taoiseach, in his defence of this proposition yesterday and today, defended long-term leasing arrangements. What he was defending, however, was a failed policy. It was essentially an admission of failure on his part and the part of the Government more generally. It was an admission that there had been a failure to build the social and affordable homes we need. That does not sit well with me and is a serious black mark against this and the previous Government.

7 July 2021

Under pressure, the Taoiseach said that this was not a perfect regime and was something that he wants to see changed. What he wants to see changed are the arrangements for owning the property once the 25-year leasing period is up. He told this House today and yesterday that this is what he wants to see changed. The Housing for All policy the Government plans to produce over the next few weeks will, the Taoiseach says, include a provision to ensure the State or local authority will own the property after a period of time. I will believe that when I see it. I ask the Minister to reconsider this amendment. It is wrong-headed, ill-advised, does not make economic sense and we cannot support it.

Deputy Mattie McGrath: I am unable to support this amendment. I have no ideological hang-ups about developers, builders or whatever. Probably against my better judgment and despite serious concerns, I voted for the Land Development Agency Bill. I am willing to try anything to solve the housing problem. Many years ago, when the vulture funds first arrived, the former Minister for Finance, Michael Noonan, whom I wish well, said this was a welcome and necessary development. They are anything but a welcome development. I will relate to the House again what I think of vultures. I am a sheep farmer and when lambing sheep we know what vultures do. They pick from the bones. We have to get real here.

We are dealing with the Finance (Covid-19 and Miscellaneous Provisions) Bill 2021 and here we are, almost in the last hour of the second last week of the Dáil, inserting this clause to support the vulture and cuckoo funds again. It is completely wrong and indecent. If we do not vote for it, we will be told off. Emotional bullying is now part of the Taoiseach and Tánaiste's whole Covid-19 strategy and narrative. Anyone who questions it is considered less than patriotic. It is the same with this amendment. We are told that 2,400 or 2,500 homes will be built under this measure. It is a costly, wasteful and circumvented way to build them.

The Government should fund local authorities to build houses and get the monkey of An Taisce off the backs of young people in rural areas so that they can build their own houses. Let the banks give mortgages out to people once all of the reasonable issues have been gone through. If people have received a Covid-19 payment for a week, the banks are now withdrawing their mortgages from them. This is blackguarding. We are not all in this together. It is time that the Minister, and his colleague the Minister for Public Expenditure and Reform, Deputy Michael McGrath, told the banks they are not functioning. We know how the insurance companies function and we can see the dysfunctionality of that now. They are flying away from the land despite all the new changes in payouts and claims.

Big is beautiful for this Government. It is infatuated with big ideas. It is the same with big pharma as it is with the big vulture funds. The small man does not matter. The local authorities could and did build houses through the decades, as did the voluntary housing sector. I salute Dr. Donal McManus and his team at the Irish Council for Social Housing and the supports the council gives to the 300 or 400 small organisations involved in this area. There are some big organisations involved in social housing too. They are building and have the capacity to do so. They now have to compete with vulture funds and others which are receiving breaks from stamp duty and everything else. This is such a circumvented and convoluted set-up. It is an "around the house and mind the dresser" arrangement.

If a local authority wants to build a scheme of houses, it has to go through about seven different phases where it must go up to the Department, down in the car to another part of the Department, back up and around the house and the country. These funds then have the red carpet rolled out for them. We let them come in and when they are here they make a fool of us.

I fundamentally disagree with the housing assistance payment, HAP, scheme given the amount of money we are paying. I have received figures recently on my county and they are astonishing. If we do not build houses, we will never get out of this spiral. We need to build decent houses. Perhaps the Government might look at some of the offices that are lying empty close to this building. I saw them as I walked around the area this evening in the lovely sunshine, which was a big contrast from yesterday. These could be redesigned as housing units, especially for young people. We need to be imaginative. We are supposed to be encouraging people to work from home. Some people, including some public servants, do not want to come back to the office, so we will not need all these office buildings.

I want to support some of the measures in the Bill. I spoke to an earlier amendment but I cannot support this one. It is a trick of the loop and a three-card trick and is oriented towards vulture funds and cuckoo funds. Why they have the Government in such a stranglehold I do not know. It is as simple as that. I will not support the amendment.

Deputy Mick Barry: This amendment is a sneaky one. The Taoiseach has denied that that is the case. He has told the Dáil twice now, I think, that he indicated that this would be the case when vulture funds were being debated nine weeks ago. Well, if the Taoiseach did give an indication at the time, it was so cryptic and so far beneath the radar that no Opposition Deputy, alert and all as we were, no journalist in this country, alert and all as they are, and no member of the public following the debate noticed it. There is a reason for this. The reason is that the Government was on the ropes nine weeks ago when the vulture funds crisis erupted and, if the Taoiseach had said then what the Minister is saying now, while I am not saying it would have necessarily been a knockout blow to the Government, it would have put it into a far deeper crisis. Now, however, the Government feels that the heat of public opinion on that issue has lifted a little and it is able to show its colours and reveal the arrangements it has put in place now for the vultures. It is a sneaky amendment, and the Government did not have the guts or the courage to nail its colours to the mast nine weeks ago because it knew there would have been consequences for it had it done so. That is the first point.

The second point is that there are winners and losers here. The Government says people on the local authority list who are housed will be winners. We will come to that in a second. Certainly, the vulture funds are winners. They will not enter into lease arrangements without ensuring their own pound of flesh and, as it stands, they will be able to walk away with their properties in, what is it, ten years, did the Minister say? The losers will be the ordinary taxpayers of this country because they will shell out over and above the odds for these arrangements.

What about the people on the social housing waiting lists who get housed? There are other ways of housing them. There is a simple proposal. Deputy Boyd Barrett has outlined it. Let the Minister explain to the House his reasons for not opting for it. The proposal is that the local authorities bulk-buy the houses directly themselves, cut out the vulture fund middle man, house the people on the social housing waiting lists and save the taxpayer a pretty penny. That is the alternative. The Minister should explain to the House why he is not prepared to go down that road.

I am very interested in one point the Taoiseach has raised and which I think the Minister has repeated this evening. I am not sure about that last point, but certainly the Taoiseach has raised it. It is that the people who will end up owning the homes will not be the vulture funds walking away with their assets but the State. We are being asked to vote for this - I will not vote for it in any case - on the basis of that promise. That is a pig in a poke. The Government should put

7 July 2021

a little detail on that promise and explain to the House and to the people watching this debate how the Government will ensure that the State ends up owning those houses. Will the State nationalise them without compensation? Will the State nationalise them at cost price? Will the State buy them off the vulture funds at a cost considerably above their real value, making more profit for the vulture funds from the sale? The Government should not leave this vague. Let the Government give us the details on this.

I will conclude my remarks because we need to allow time to vote on this amendment. It will be an important vote.

Deputy Seán Canney: I am listening to the debate and I am confused. Perhaps I am missing something and maybe I am wrong, but I think we are creating an extra layer in the provision of housing. If houses are coming onto the market, why are the local authorities and the housing associations not purchasing them directly? Is it the case that these investment or pension funds are tied up in the finance of the construction of the houses? Why can we not go in there and buy them?

I have a concern about leasing houses for 25 years. That is a generation. Where do the houses end up after the 25 years? Where do the families in those houses end up after the 25 years? Perhaps there is a communication issue, but I would just like to know why we cannot get into the market and purchase those houses to create housing immediately for people who need it rather than having to bring in another layer to provide the houses to a housing association through the Department.

Deputy Róisín Shortall: The Government has taken shamelessness to a whole new level in proceeding with this brazen amendment. Having promised to stop cuckoo funds snapping up homes, the Government is actively incentivising that and claiming it is doing the opposite. The people relying on the Government to do something about the vulture funds have been abandoned by it. The truth is that the Government promised to put a stamp duty increase on these funds and it is now reversing that by ramming through this amendment. It is disgraceful, dishonest and undignified. First-time buyers are already competing with local authorities and approved housing bodies for new homes. Now the Government has said they must compete with cuckoo funds too. Those cuckoo funds are lining up to enter into leasing agreements with local authorities because the Government is giving them such an incredible deal. Is it any wonder that one of the housing Minister's own advisers told him that 75% of funds in Ireland were banking on buying homes to lease to the State? The Government needs to get real. We learned today that cuckoo funds have spent €6.2 billion on the residential property market here since 2018. The Social Democrats call on the Government to end this free-for-all and to withdraw this disgraceful amendment.

Deputy Paschal Donohoe: A Chathaoirligh, could you inform me how much time I have left, please?

Acting Chairman (Deputy Aengus Ó Snodaigh): I think there are 11 minutes left in total. We can go back around if needs be.

Deputy Richard Boyd Barrett: That is for the whole debate. Let us get to the vote.

Acting Chairman (Deputy Aengus Ó Snodaigh): It is up to the Minister to take his time. If Deputies do not take up time afterwards, the amendment can be put to a vote.

Deputy Paschal Donohoe: Thank you, a Chathaoirligh, for clarifying that.

I have heard many claims from the Opposition this evening about housing policy and about what my Government's motivation is in how we can supply and build more homes for our citizens, particularly those who need them the most. I have heard the Opposition look to paint many pictures with their words as to what is behind this amendment and what is motivating the policies of the Government as we try to respond to the needs in our country which we know are great and as to how we can build more homes more quickly and more affordably. I want to contrast the claims of the Opposition with the reality of what I have seen this Government deliver, such as the reality of what is happening on Dominick Street, a housing project off the top of O'Connell Street delivered by Dublin City Council, delivering 70 new social homes for families who have been waiting for those homes for years. Those homes are now being built. Out of the 70 homes that will be delivered and that are being built, which I had the privilege of visiting a few days ago, 40 will be used to rehouse tenants who were living in other Dublin City Council accommodation on Dominick Street, with 30 of the homes going to families who have been waiting for houses to be built by the State. That is what is happening at the heart of the city. It is an example of the kind of direct building of new homes being undertaken by Dublin City Council on behalf of the Government. It does not stop there. Another example of what is happening is the cost rental scheme that was opened today by the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, which is all about collaboration between the local authorities - between the State - and also the private sector, at times, to deliver more homes for people in a way that delivers rent that is affordable. That is the first example of a project like that. I appreciate that so many have waited for so long for progress like this, but it is happening with more homes like that to follow, under this Government due to the funding we will make available to it and the policies we will implement. An example of the change that will come was agreed by the Cabinet this week, the Shanganagh housing project. It will be a really important project of different types of housing and tenures, all built or enabled by the State, by this Government.

These points are all worth making because I hear charges of a free for all, if not tonight then at other points, of this Government only being interested in the market developing and meeting the housing needs of those whose needs we have to meet. Those claims do not stack up against the reality that the largest builder of homes in the country is the Government, through local authorities, either directly through them or through approved housing bodies, examples of which are the projects I just mentioned. The amount of money being made available to local authorities which they use directly or through approved housing bodies is growing weekly, monthly and by the year, to deliver more homes. I know that for so many, those homes are not coming quickly or affordably enough or at the scale they want but that is what the Government is working to address. Through existing policies which we will strengthen in the coming weeks and months, we will meet more of the housing needs from families and people for affordable homes and rent, and for more homes to be built via local authorities as well as more homes to be built by the private sector for those who are able to buy and own them in their entirety. This is about the Government and the economy - public and private sectors - co-ordinated by this Government working to deliver more homes as quickly as we can. Behind the figures I mentioned is a new home being built, a house or apartment, through a local authority or approved housing body to meet the needs we know have to be met. I hope that despite everything that happened last year and this year, we may yet get to build between 16,000 and 20,000 homes this year.

That leads me to the role of funds which has been debated at length here and elsewhere,

7 July 2021

particularly the role they can play in the provision of rental accommodation which, I believe, in many cases would not be built otherwise. The question confronting us is for a country of our scale and the number of banks we have left, and the need to deliver over 30,000 homes annually, to get that up to 40,000, at a cost of at least €12 billion to €16 billion annually, whether there is a role for the savings and pensions of other countries, of other workers being co-ordinated into the provision of new accommodation in Ireland. Whatever names are given to the funds that operate in the market, there is a big question which the Opposition is yet to answer: if we acknowledge that we need to build homes at scale and at speed, and that there is a burning need for the supply of new homes to be quickly accelerated, and what the Government is already doing with the money it has made available with the accelerated plans in local authorities and approved housing bodies, is there a role for the private sector within this, particularly in the provision of rental accommodation? If the Opposition takes the view that funds have no role at all in providing this accommodation then this raises the question it has yet to answer, namely, how that rental accommodation will be provided, particularly in the context of how many homes-----

Deputy Róisín Shortall: On a point of order-----

Deputy Paschal Donohoe: -----have already been delivered by a strengthened Government putting more money into the provision of homes directly.

An Leas-Cheann Comhairle: This is a point of order in the middle of the Minister speaking.

Deputy Róisín Shortall: Can I move that the question be put to move closure to the debate? People have expressed their view that they wish to take a vote on the amendment. I propose a closure motion that the question be put.

An Leas-Cheann Comhairle: A proposal to close the debate has to be agreed. Is that agreed?

Deputy Paschal Donohoe: No, it is not agreed. I know the Opposition Members are all in favour of their views being heard but if they could do me the courtesy of one more minute, I would be very happy to allow the vote to happen. If the Leas-Cheann Comhairle will allow me a further minute to conclude I will conclude my speech to facilitate a vote taking place.

(Interruptions).

An Leas-Cheann Comhairle: Just one minute, the Cathaoirleach is being drawn into something. There has been a motion to close, there is no agreement and the Minister is on his feet. There is one minute left.

Deputy Paschal Donohoe: How much time is left?

An Leas-Cheann Comhairle: There is one minute and ten seconds.

Deputy Paschal Donohoe: I have heard the Opposition make claims about ordinary people and families and their needs being met. In supporting this amendment, I am motivated by the risk that 2,500 families would not have their social housing needs met without this change. The Opposition's approach is putting their dreams and needs at risk in relation to social housing.

Deputy Pearse Doherty: Complete nonsense.

Amendment put:

<i>The Dáil divided: Tá, 74; Níl, 59; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staan</i>
<i>Brophy, Colm.</i>	<i>Barry, Mick.</i>	
<i>Browne, James.</i>	<i>Berry, Cathal.</i>	
<i>Bruton, Richard.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Burke, Colm.</i>	<i>Brady, John.</i>	
<i>Burke, Peter.</i>	<i>Browne, Martin.</i>	
<i>Butler, Mary.</i>	<i>Buckley, Pat.</i>	
<i>Cahill, Jackie.</i>	<i>Canney, Seán.</i>	
<i>Calleary, Dara.</i>	<i>Carthy, Matt.</i>	
<i>Carey, Joe.</i>	<i>Clarke, Sorca.</i>	
<i>Chambers, Jack.</i>	<i>Collins, Michael.</i>	
<i>Collins, Niall.</i>	<i>Conway-Walsh, Rose.</i>	
<i>Costello, Patrick.</i>	<i>Cronin, Réada.</i>	
<i>Cowen, Barry.</i>	<i>Crowe, Seán.</i>	
<i>Creed, Michael.</i>	<i>Cullinane, David.</i>	
<i>Crowe, Cathal.</i>	<i>Daly, Pa.</i>	
<i>Devlin, Cormac.</i>	<i>Doherty, Pearse.</i>	
<i>Donnelly, Stephen.</i>	<i>Donnelly, Paul.</i>	
<i>Donohoe, Paschal.</i>	<i>Ellis, Dessie.</i>	
<i>Duffy, Francis Noel.</i>	<i>Farrell, Mairéad.</i>	
<i>Durkan, Bernard J.</i>	<i>Fitzmaurice, Michael.</i>	
<i>English, Damien.</i>	<i>Gannon, Gary.</i>	
<i>Farrell, Alan.</i>	<i>Guirke, Johnny.</i>	
<i>Feighan, Frankie.</i>	<i>Healy-Rae, Danny.</i>	
<i>Flaherty, Joe.</i>	<i>Howlin, Brendan.</i>	
<i>Flanagan, Charles.</i>	<i>Kelly, Alan.</i>	
<i>Fleming, Sean.</i>	<i>Kenny, Martin.</i>	
<i>Foley, Norma.</i>	<i>Kerrane, Claire.</i>	
<i>Grealish, Noel.</i>	<i>Mac Lochlainn, Pádraig.</i>	
<i>Griffin, Brendan.</i>	<i>McDonald, Mary Lou.</i>	
<i>Harris, Simon.</i>	<i>McGrath, Mattie.</i>	
<i>Haughey, Seán.</i>	<i>McNamara, Michael.</i>	
<i>Heydon, Martin.</i>	<i>Mitchell, Denise.</i>	
<i>Hourigan, Neasa.</i>	<i>Munster, Imelda.</i>	
<i>Humphreys, Heather.</i>	<i>Murphy, Catherine.</i>	
<i>Kehoe, Paul.</i>	<i>Murphy, Paul.</i>	
<i>Lahart, John.</i>	<i>Murphy, Verona.</i>	
<i>Lawless, James.</i>	<i>Mythen, Johnny.</i>	
<i>Leddin, Brian.</i>	<i>Nash, Ged.</i>	
<i>MacSharry, Marc.</i>	<i>O'Callaghan, Cian.</i>	

7 July 2021

<i>Madigan, Josepha.</i>	<i>O'Donoghue, Richard.</i>	
<i>Martin, Catherine.</i>	<i>O'Reilly, Louise.</i>	
<i>Martin, Micheál.</i>	<i>O'Rourke, Darren.</i>	
<i>Matthews, Steven.</i>	<i>Ó Broin, Eoin.</i>	
<i>McAuliffe, Paul.</i>	<i>Ó Murchú, Ruairí.</i>	
<i>McConalogue, Charlie.</i>	<i>Ó Ríordáin, Aodhán.</i>	
<i>McGrath, Michael.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>McGuinness, John.</i>	<i>Pringle, Thomas.</i>	
<i>Moynihan, Aindrias.</i>	<i>Quinlivan, Maurice.</i>	
<i>Moynihan, Michael.</i>	<i>Ryan, Patricia.</i>	
<i>Murnane O'Connor, Jennifer.</i>	<i>Shanahan, Matt.</i>	
<i>Naughton, Hildegarde.</i>	<i>Shortall, Róisín.</i>	
<i>Noonan, Malcolm.</i>	<i>Smith, Bríd.</i>	
<i>O'Brien, Darragh.</i>	<i>Smith, Duncan.</i>	
<i>O'Brien, Joe.</i>	<i>Stanley, Brian.</i>	
<i>O'Callaghan, Jim.</i>	<i>Tóibín, Peadar.</i>	
<i>O'Connor, James.</i>	<i>Tully, Pauline.</i>	
<i>O'Dea, Willie.</i>	<i>Ward, Mark.</i>	
<i>O'Donnell, Kieran.</i>	<i>Whitmore, Jennifer.</i>	
<i>O'Donovan, Patrick.</i>	<i>Wynne, Violet-Anne.</i>	
<i>O'Dowd, Fergus.</i>		
<i>O'Gorman, Roderic.</i>		
<i>O'Sullivan, Christopher.</i>		
<i>O'Sullivan, Pádraig.</i>		
<i>Ó Cathasaigh, Marc.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Phelan, John Paul.</i>		
<i>Rabbitte, Anne.</i>		
<i>Richmond, Neale.</i>		
<i>Ring, Michael.</i>		
<i>Ryan, Eamon.</i>		
<i>Smith, Brendan.</i>		
<i>Smyth, Ossian.</i>		
<i>Troy, Robert.</i>		
<i>Varadkar, Leo.</i>		

Tellers: Tá, Deputies Brendan Griffin and Jack Chambers; Níl, Deputies Pádraig Mac Lochlainn and Richard Boyd Barrett.

Deputy Holly Cairns did not vote in this division due to an agreed pairing arrangement with

Minister Helen McEntee for the duration of the Minister's maternity leave.

Amendment declared carried.

10 o'clock

An Leas-Cheann Comhairle: The time for this debate having expired, I am required to put the following question in accordance with an order of the Dáil of this day: "That in respect of each of the sections undisposed of, the section or, as appropriate, the section, as amended, is hereby agreed to in committee, the Title is hereby agreed to in committee, the Bill, as amended, is accordingly reported to the House, Report Stage is hereby completed and the Bill is hereby passed." Is the question agreed to?

Deputy Pearse Doherty: Given the disgraceful amendment passed by the Government, the Bill needs to be opposed by the House.

Question put:

<i>The Dáil divided: Tá, 78; Níl, 55; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Berry, Cathal.</i>	<i>Barry, Mick.</i>	
<i>Brophy, Colm.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Browne, James.</i>	<i>Brady, John.</i>	
<i>Bruton, Richard.</i>	<i>Browne, Martin.</i>	
<i>Burke, Colm.</i>	<i>Buckley, Pat.</i>	
<i>Burke, Peter.</i>	<i>Carthy, Matt.</i>	
<i>Butler, Mary.</i>	<i>Clarke, Sorca.</i>	
<i>Cahill, Jackie.</i>	<i>Collins, Michael.</i>	
<i>Calleary, Dara.</i>	<i>Conway-Walsh, Rose.</i>	
<i>Canney, Seán.</i>	<i>Cronin, Réada.</i>	
<i>Carey, Joe.</i>	<i>Crowe, Seán.</i>	
<i>Chambers, Jack.</i>	<i>Cullinane, David.</i>	
<i>Collins, Niall.</i>	<i>Daly, Pa.</i>	
<i>Costello, Patrick.</i>	<i>Doherty, Pearse.</i>	
<i>Cowen, Barry.</i>	<i>Donnelly, Paul.</i>	
<i>Creed, Michael.</i>	<i>Ellis, Dessie.</i>	
<i>Crowe, Cathal.</i>	<i>Farrell, Mairéad.</i>	
<i>Devlin, Cormac.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Donnelly, Stephen.</i>	<i>Gannon, Gary.</i>	
<i>Donohoe, Paschal.</i>	<i>Guirke, Johnny.</i>	
<i>Duffy, Francis Noel.</i>	<i>Healy-Rae, Danny.</i>	
<i>Durkan, Bernard J.</i>	<i>Howlin, Brendan.</i>	
<i>English, Damien.</i>	<i>Kelly, Alan.</i>	
<i>Farrell, Alan.</i>	<i>Kenny, Martin.</i>	
<i>Feighan, Frankie.</i>	<i>Kerrane, Claire.</i>	

7 July 2021

<i>Flaherty, Joe.</i>	<i>Mac Lochlainn, Pádraig.</i>	
<i>Flanagan, Charles.</i>	<i>McDonald, Mary Lou.</i>	
<i>Fleming, Sean.</i>	<i>McGrath, Mattie.</i>	
<i>Foley, Norma.</i>	<i>McNamara, Michael.</i>	
<i>Grealish, Noel.</i>	<i>Mitchell, Denise.</i>	
<i>Griffin, Brendan.</i>	<i>Munster, Imelda.</i>	
<i>Harris, Simon.</i>	<i>Murphy, Catherine.</i>	
<i>Haughey, Seán.</i>	<i>Murphy, Paul.</i>	
<i>Heydon, Martin.</i>	<i>Mythen, Johnny.</i>	
<i>Hourigan, Neasa.</i>	<i>Nash, Ged.</i>	
<i>Humphreys, Heather.</i>	<i>O'Callaghan, Cian.</i>	
<i>Kehoe, Paul.</i>	<i>O'Donoghue, Richard.</i>	
<i>Lahart, John.</i>	<i>O'Reilly, Louise.</i>	
<i>Lawless, James.</i>	<i>O'Rourke, Darren.</i>	
<i>Leddin, Brian.</i>	<i>Ó Broin, Eoin.</i>	
<i>MacSharry, Marc.</i>	<i>Ó Murchú, Ruairí.</i>	
<i>Madigan, Josepha.</i>	<i>Ó Ríordáin, Aodhán.</i>	
<i>Martin, Catherine.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Martin, Micheál.</i>	<i>Pringle, Thomas.</i>	
<i>Matthews, Steven.</i>	<i>Quinlivan, Maurice.</i>	
<i>McAuliffe, Paul.</i>	<i>Ryan, Patricia.</i>	
<i>McConalogue, Charlie.</i>	<i>Shortall, Róisín.</i>	
<i>McGrath, Michael.</i>	<i>Smith, Bríd.</i>	
<i>McGuinness, John.</i>	<i>Smith, Duncan.</i>	
<i>Moynihan, Aindrias.</i>	<i>Stanley, Brian.</i>	
<i>Moynihan, Michael.</i>	<i>Tóibín, Peadar.</i>	
<i>Murnane O'Connor, Jennifer.</i>	<i>Tully, Pauline.</i>	
<i>Murphy, Verona.</i>	<i>Ward, Mark.</i>	
<i>Naughton, Hildegarde.</i>	<i>Whitmore, Jennifer.</i>	
<i>Noonan, Malcolm.</i>	<i>Wynne, Violet-Anne.</i>	
<i>O'Brien, Darragh.</i>		
<i>O'Brien, Joe.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connor, James.</i>		
<i>O'Dea, Willie.</i>		
<i>O'Donnell, Kieran.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Gorman, Roderic.</i>		
<i>O'Sullivan, Christopher.</i>		
<i>O'Sullivan, Pádraig.</i>		
<i>Ó Cathasaigh, Marc.</i>		

<i>Ó Cuív, Éamon.</i>		
<i>Phelan, John Paul.</i>		
<i>Rabbitte, Anne.</i>		
<i>Richmond, Neale.</i>		
<i>Ring, Michael.</i>		
<i>Ryan, Eamon.</i>		
<i>Shanahan, Matt.</i>		
<i>Smith, Brendan.</i>		
<i>Smyth, Ossian.</i>		
<i>Troy, Robert.</i>		
<i>Varadkar, Leo.</i>		

Tellers: Tá, Deputies Brendan Griffin and Jack Chambers; Níl, Deputies Pádraig Mac Lochlainn and Richard Boyd Barrett.

Deputy Holly Cairns did not vote in this division due to an agreed pairing arrangement with Minister Helen McEntee for the duration of the Minister's maternity leave.

Question declared carried.

Planning and Development (Amendment) (No. 3) Bill 2021: Committee and Remaining Stages

Section 1 agreed to.

SECTION 2

An Leas-Cheann Comhairle: Amendments Nos. 1 to 5, inclusive, and No. 7 are related and will be discussed together.

Deputy Cian O'Callaghan: I move amendment No. 1:

In page 4, lines 9 to 23, to delete all words from and including "(1) Notwithstanding" in line 9 down to and including line 23.

Rushing through this legislation and using the guillotine has consequences. This has been done previously with planning legislation and has resulted in a Bill being rushed through before Christmas with changes to substitute consent which resulted in fines for Ireland for failure to comply with EU environmental impact assessment requirements at the Derrybrien wind farm. Ireland has paid fines of more than €14 million. The Government facilitating just 30 minutes for scrutiny is a mistake and it is a completely unacceptable practice. Those mistakes should not be repeated. This is happening consistently with planning legislation being rushed through.

7 July 2021

I refer to the Aarhus Convention. The provisions being introduced in this Bill relating to extending the duration of planning permissions will compound the issues of non-compliance of section 42 with the Aarhus Convention. Ireland was found to be in breach of Article 6.10 of the Aarhus Convention in August 2019. The State issued a commitment on 1 October 2020 to fix this breach within a few weeks by statutory instrument in correspondence to the Aarhus Convention compliance committee. It was not implemented. The same commitment was given on 10 June 2021 but it still has not been addressed. Worse still, if an adequate fix is finally implemented by statutory instrument, section 7 of this Bill will puncture that fix by providing an alternative path for planning extensions. This is totally non-compliant with both EU law and Aarhus Convention requirements. When will the planning fixes, although inadequate, with respect to the Aarhus Convention be implemented? Why are these fixes not being done by primary legislation as part of this Bill, as they should be? Does the approach taken not leave any extension granted under this Bill exposed to potential legal challenge? Has the Minister engaged with the Aarhus section of the Department of Environment, Climate and Communications and the Attorney General about this? Can the Minister clarify what is encompassed by section 42B(a)(1B)(b)(iii) of the Bill, which states that the authority “is satisfied that the application is in accordance with such regulations under the Planning and Development Acts 2000 to 2021 as apply to the application”? Will the Minister clarify that? Why does this not reflect wider obligations for permissions, for example, in respect of the birds and habitats regulations, SI 477/2011, or water and waste regulations? Is it sufficiently specific and precise even in respect of the planning Acts?

Specifically on amendments Nos. 1 to 3, the problem they seek to address is that section 9A(1) allows the planning authority to do something with respect to the county development plan where that plan is a reserved function for members. Given how significant this is, a three-quarter vote of members should be required. The normal procedure for variation requires a three-quarter vote. This extension of time is, in effect, a variation of the county development plan process. That is what amendments Nos. 1 to 3 are about.

With respect to amendment No. 4, sections 9A(3) and 9A(4) effectively allow for other extensions on top of any original extension. My concern is that there is nothing about how these are decided. That is why I am putting forward the requirement for a three-quarter vote in that regard.

On amendment No. 5, I am seeking to eliminate residual ambiguity in the Bill on the overall time limit to extensions. Section 9A(4) mentions a cumulative limit but it could be argued, given the reference in section 9A(3), that this only applies to any further extensions granted under the latter and not to the total set of variations.

Amendment No. 7 ensures there are not many tiny incremental extensions, which facilitates negative screening for strategic environmental assessment, SEA, and appropriate assessment, AA. It is to limit the number of extensions that can be applied for. If the cumulative period for an extension is one year, we need to make sure we do not end up with 12 piecemeal extensions, for example, of one month each. It also makes clear the overall ceiling is one year.

Deputy Eoin Ó Broin: This is a very bad way to make planning law. I am saying that as somebody who agreed, albeit reluctantly, to waive pre-legislative scrutiny because I understood the motivation of the Minister was to resolve a number of very important problems, which we wanted to help him resolve. My comments, therefore, are not being made in any opposition to this legislation, but planning law is complex. If planning law is rushed, not properly scrutinised

and the decisions we take tonight end up being inadequate, two things will happen. Bad planning decisions will be made and will end up in the courts. We know that from previous rushed planning legislation, whether it was the environmental impact assessment legislation we dealt with in the previous Dáil or, indeed, strategic housing development.

On Committee Stage the Minister asked us to waive pre-legislative scrutiny. We did that, although we agreed to write to some independent planning authorities to seek their advice. The very least the Government should have done was to give us more than 30 minutes to do our job, scrutinise the legislation and tease out these complex issues. Neither Deputy O'Callaghan nor I, who have shared amendments, tabled an excessive number of them. We are not looking to delay this legislation but this is not good practice, particularly in an area of law that is already so fraught.

One of my concerns, and that of other Opposition Deputies, is the growing chorus of Government politicians arguing that because an increasing number of planning applications, particularly under strategic housing developments, end up being judicially reviewed in courts, that somehow we need to change the judicial review process and deny people access to justice. In fact, I have heard some people, including a Minister of State, suggest that people are taking frivolous cases despite the fact that judges in our courts do not allow frivolous cases to be taken. You have to pass a pretty high bar to proceed with a judicial review. The only reason I am saying this, is to urge the Minister please to let us stop making the same mistakes with planning legislation and all the negative consequences that result. This is an issue on which, with respect to this Bill, we are all broadly on the same page as the Minister so our concerns are genuine and I would like him to take those on board.

I will make two general points on the amendments because, unfortunately, we are not going to get to all of them. I will speak about them and raise two very specific concerns and, again, I urge the Minister to work with his officials to try to address them as this legislation is implemented and enacted. The first group of amendments speaks to aspects of this issue, which is to deal with the extension of the time period for a current county development plan. This legislation is about ensuring that local authorities negatively affected by Covid-19 are able to apply for an extension of the time period to complete their development plans. There is no objection or concern about that, but when local authorities are doing that they have to apply for an extension of their existing county development plans.

Those county development plans were made quite some years ago and there could have been significant changes, for example, in the levels of development, in the environment and on information with respect to water quality, sewage or sanitation. Therefore, the extension of an existing plan could see land zoned for residential development extended for a year, without there necessarily being an automatic requirement for a new SEA or AA to assess whether in fact the continued zoning of that land for that purpose is environmentally sustainable. That also means there would be no opportunity for genuinely interested third parties to engage in public consultation, which also falls foul of the Aarhus Convention. That is a very significant omission. That is not an intention of this Bill and I do not think anybody wants that to happen, but it could well be possible and, therefore, the amendments Deputy O'Callaghan and I are proposing aim to resolve that.

The second issue is the extension of planning permissions. One of the major concerns with the extension of planning permissions is if a developer is on site, has been disrupted by Covid and needs a small period of time to extend, that is a reasonable request. However, the provision

7 July 2021

in this Bill is too broad and does not allow, for example, for public participation. If somebody who is now in the 15th year of their planning permission seeks to extend that for a further two years, there is no facility for interested parties, people who may have the best interests of the community, environmental sustainability and natural wildlife at heart, from bringing issues to the attention of the planning authority for it to take into account. That is in complete contravention, in my view, of the Aarhus Convention and our legal requirements under it. As Deputy O’Callaghan rightly pointed out, we are already in significant breach and despite the fact there has been correspondence between Government and the relevant Aarhus compliance committee, to date, breaches dating as far back as 2016 and 2019 have not been addressed.

These are two fundamental problems with aspects of this legislation. If the Minister gets time to respond, I urge him to put his response to those issues on the record. We want a planning system that is compliant with our international EU obligations, gives adequate access to participation from the public and ensures that as we are developing public infrastructure, economic opportunity or residential development, we do so in a way that is consistent with good environmental practice and meeting our climate change obligations, which is something I am sure the Minister agrees with. I urge him to address those two specific concerns but also to give a commitment that we will not be in this House again this time next year, with half an hour to discuss complex and profound changes to planning that could have unintended consequences because of the lack of adequate scrutiny.

Deputy Michael Fitzmaurice: Section 181(2A) of the principal Act enables a Minister to order that certain developments carried out on his or her behalf by the Office of Public Works, OPW, are not required to abide by planning. Everyone agrees with that in areas such as the River Shannon, where there is flooding, or where there is a threat to life or property. However, section 9 of the Bill refers to the inclusion of the statutory undertaker in section 181(2A) of the 2000 Act. A “statutory undertaker” is described in the principal Act as being “a person, for the time being, authorised by or under any enactment or instrument under an enactment to—... provide, or carry out works for the provision of, gas, electricity or telecommunications services.” My understanding is that the ESB is running short of power because the Government and the previous Government decided to close down the power stations in Lanesborough and Shannon Bridge and the coal plant in Moneypoint. What we have done is cut ourselves short. A decision has been made that €200 million will be spent in Dublin to bring in generators and to bypass whatever planning is required because the winter is coming and we could run out of power. There is a bit of a flurry because of decisions that have been made. Sadly, over the past six months to two years, the Government did not mind 2,000 people in the midlands losing their jobs following the closures and because of court cases taken against Bord na Móna. Nobody was able to enact emergency legislation to try to make provision for the supply of electricity through that. Is this what is going on in this country? Is it that we are spending €200 million to bring in gas generators to power the country for the winter in order that we will not run out due to the amber flashes we are getting at the moment? The Green Party is wagging the Government’s tail and it is deciding what it will do. It is a total contradiction to put in gas generators if the Government is talking about its proposed agenda while at the same time closing the power stations in the midlands and importing gas from the Baltic countries.

I want clarification on that from the Minister, because while I agree with the likes of the OPW intervening where there is a threat to life or property, rightly so, there needs to be an exemption for a Minister. Does this include a statutory instrument or that the Minister could sign off on the likes of interconnectors or broadband – I note telecommunications services are

included - without planning permission being required?

Deputy Seán Canney: I will be brief as I am aware the time is short and I want to allow other Deputies to have their say. I have one concern which the Minister might clarify. It relates to the extension of duration that he will allow for existing projects where substantial works have been done on the ground. I am concerned that there are projects that have not commenced on-site but that may have had money expended on them for enabling works and getting everything lined up to start them, but where they have been delayed. Is there discretion for such projects? I am talking about major infrastructural projects that are being carried out by the private sector which would add greatly to the economy but where they are finding that the negotiation of finance may have stopped due to Covid and it could take a year to crank them up again. Is there discretion in cases where money has been spent, not necessarily on construction, but for enabling works on a site or other such works that would qualify the site to get an extension of duration to allow the works to proceed and to be finished?

Will housing schemes that have not commenced because of Covid, where planning permission is running out, be allowed an extension of duration as well as the ones that have works carried out on-site? That is important if we are to keep the planning supply chain going and to make sure that building works can get up and running in a meaningful way. I seek clarification on the extension of duration.

Deputy Danny Healy-Rae: I too want clarification or to be assured by the Minister that what we are doing tonight will allow planning permission to be extended for people who are building their own homes, who fully intended doing so in the past 12 months or so, and then were refused funds by the banks or lending institutions because one or other person in a couple, or both, were on the pandemic unemployment payment. Many banks and lending institutions refused to give them money, so planning and building have been stalled.

In other instances where people wanted to apply for retention and where their planning was running out for commercial developments, they could not process their applications and get them together because architects and engineers were slow to come out as they were working from home. Many projects needed interaction with planners and various bodies to get going and they were held up.

Is the scenario I outlined first where people want to build homes for themselves included? In County Kerry, planning permission is for five years and then there is an extension for another five years to ten years but there are cases where people were at the end of the period and they were refused funds. Are those the types of scenario to which the Minister will give an extension of two years? If he does, I would support the measure because there is a need for it.

Deputy Verona Murphy: The very reason we are here is because of Covid. We are making provision for councillors to extend the process to form county development plans that suit their county. I ask the Minister to delete the section that does not allow existing planning permissions that have not substantially commenced. The reality is that if they have not broken ground it is because of Covid. We have had the only building sector in Europe that has been substantially closed down for almost two years. In the teeth of a housing crisis, how do we ever expect to get housing off the ground and supply the numerous houses that changed from 10,000 to 20,000 to 30,000 to now 40,000 per annum? I ask the Minister to do that because it is the fairest thing to do. It is a bureaucratic provision. Everybody should be afforded the same extension. Substantial moneys have been put into a lot of projects that may not reapply and they may be

7 July 2021

able to go ahead if they are given an extension. I ask the Minister to not further constrict the housing supply with a needless bureaucratic provision that specifies the extension only pertains to certain planning permissions that are already granted and delayed because of Covid.

Deputy Michael Collins: It is terrible that we are only getting 30 minutes for the debate tonight. It is shocking, to say the least, that this is going to be rushed through without any great scrutiny as such because it does need a lot of clarity. We are talking about the extension of planning permission. As I have been saying to the Minister for months, there is a massive crisis in my county regarding the extension of planning permission. Is it once-off planning permission for which people will get an extension of time? Is it existing planning permission that has been given previously? We need clarity.

There must be a massive overhaul of planning in west Cork. Currently, most of the planning applications are being refused to young couples who are trying to get started in their life. They are being given no chance whatsoever of getting planning on their own farm or on a site they are trying to buy to get their feet on the ground. I previously asked the Minister to bring together around the table the Oireachtas Members for County Cork, the two mayors of Cork city and Cork county, the councillors and the planners to try to see how we can iron out this massive difficulty. I have no problem in saying that over 90% of applications for planning permission are being turned down in County Cork. That is a scandalous situation. Young people cannot get off the ground and get their lives in order.

The Minister is also talking about extending the duration of county development plans. That is fine but, for many counties, the county development plan may have been developed five or six years ago. Hardly any of the plans that were envisaged for towns and villages have been fulfilled. Nothing has happened. These county development plans are drawn up. There are fabulous plans for every town and village in west Cork. It is the same everywhere else. There are dream plans for given numbers of houses in Ballinspittle, Ballinadee, Kilbrittain and villages in west Cork, including Castletownbere, but, when people apply for planning permission, they cannot get it. There are sewage issues, water issues and every other kind of issue but there is no clarity as to what happens if the goals of the county development plan are not met. What do we need an extension of time for? We need to concentrate on the existing plans and to make sure that they work and are delivered on, or at least that efforts are made. That is not happening. We need to look at county development plans with regard to starting to rebuild towns and small areas where there are shops, churches or pubs. These should be village nuclei around which planning is permitted within a 1 km radius. That is how we need to rebuild our country. I would agree with extending planning permissions if I knew exactly what that meant. I may be supportive of it but I would also look at the county development plans. There is no point in extending them if we have not really worked on the previous ones.

I will keep it short because other people might want to talk but I ask the Minister to facilitate a meeting between the planners in County Cork, Oireachtas Members and councillors to sit around the table and thrash out the difficulties. People who have planning permission may not need extensions if they have architectural issues and percolation sorted out in their applications. All these other nonsensical reasons for refusal should be ironed out because we have a crisis in County Cork.

Minister for Housing, Local Government and Heritage (Deputy Darragh O'Brien): Cé mhéad nóiméad atá fágtha?

An Leas-Cheann Comhairle: The debate is to end at 10.47 p.m.

Deputy Darragh O'Brien: I will do my best to address some of the points raised, specifically those relating to the grouping of amendments tabled. A briefing with officials was held for members of the Oireachtas joint committee. That needs to be recognised. I also note that the committee agreed to waive pre-legislative scrutiny. I thank it for that as the matters we are dealing with here are urgent. Other matters have been raised with regard to the Aarhus Convention and legal advice. I assure Deputies that, as those who attended the briefings will be aware, the Attorney General was personally involved in the drafting of this legislation. There are other matters to which we will return in the autumn.

Before I get to the grouping of amendments, one of the specific points raised by a number of Deputies related to the extension of permissions and projects being substantially complete. Most would agree that, for a planning permission to be extended, the project would have to be substantially complete. That is a definition that is well understood by our planning authorities. We cannot just keep extending paper permissions in respect of which works have not started. Permissions may have been in place for five years before being extended for another five years and now we are talking about another two. The purpose of this is to ensure that planning permission can be extended for developments, particularly residential developments, that are substantially complete. It is not a blanket extension. It must be applied for. The discretion of each planning authority applies in any decision as to the granting of an extension to a planning permission. It is for the planning authorities to decide whether the works carried out in association with a planning permission can be defined as substantially complete. It is right to allow that discretion and for the power to make decisions to be left with those who are charged with responsibility for granting or refusing planning permissions.

With regard to development plans, I note the amendments tabled by Deputies Cian O'Callaghan and Ó Broin. They want to place a further check on the extension of planning permissions. I know the Deputies respect local government and elected representatives all over the country in our city and county councils, as do all Deputies here, I am sure. It is those representatives who have the reserved function to complete development plans. It is their reserved function. It is wholly appropriate for a simple majority of members to decide whether to extend a county or city development plan. I altered that provision on the basis of submissions and contributions made on previous stages of the Bill, particularly Second Stage here and in the Seanad. That is why we have reduced the number required for a local authority to extend a development plan to a simple majority. I will not be accepting amendments Nos. 1 to 5, inclusive, or 7, which would put a further burden on the decision-making by lifting the bar to 75%. That is not required. We should trust our local authority members who are elected by the people in their local electoral areas. They are the ones who have that reserved function. The provisions in this regard are appropriate. We want to make sure that developments that are substantially complete and which require an extension to their planning permission because of Covid will be able to get such an extension. Applications for such extensions may be made to the planning authorities.

Of all 31 local authority areas in the country, 27 could avail of an extension if they wished to. Some may decide not to. The Department has had contact from a number of local authorities. This issue came up on Second Stage. This will give them the ability to make that decision themselves. I am not telling them to do so, nor is Government.

An Leas-Cheann Comhairle: The time permitted for the debate having expired, I am re-

7 July 2021

quired to put the following question in accordance with an order of the Dáil of 6 July: “That, in respect of each of the sections undisposed of, the section is hereby agreed to in Committee, the Preamble and the Title are hereby agreed to in Committee, the Bill is accordingly reported to the House without amendment, Fourth Stage is hereby completed and the Bill is hereby passed.”

Question put and agreed to.

An Leas-Cheann Comhairle: A message will be sent to the Seanad acquainting it accordingly.

Ban on Rent Increases Bill 2021: Second Stage (Resumed) [Private Members]

The following motion was moved by Deputy Ó Broin on 6 July 2021: “That the Bill be now read a Second Time.”

Debate resumed on amendment No. 1:

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

Dáil Éireann resolves that the Ban on Rent Increases Bill 2021 be deemed to be read a second time this day 12 months, to allow for the Government’s Residential Tenancies (No. 2) Bill 2021, which is due to be enacted shortly and which will provide a change from the 4 per cent per annum rent increase restriction in Rent Pressure Zones to a rent increase restriction requiring that any rent increase cannot exceed the percentage rate of general inflation, to take effect.

- (Minister for
Housing, Local Government and Heritage)

An Leas-Cheann Comhairle: I must now deal with a postponed division relating to the amendment in the name of the Minister for Housing, Local Government and Heritage, Deputy O’Brien, to the second reading motion on the Ban on Rent Increases Bill 2021. On the question, “That the amendment to the motion be made”, a division was claimed and, in accordance with Standing Order 80(2), that division must be taken now.

Amendment put:

<i>The Dáil divided: Tá, 67; Níl, 58; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Browne, James.</i>	<i>Andrews, Chris.</i>	
<i>Bruton, Richard.</i>	<i>Barry, Mick.</i>	
<i>Burke, Colm.</i>	<i>Berry, Cathal.</i>	
<i>Burke, Peter.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Butler, Mary.</i>	<i>Brady, John.</i>	
<i>Cahill, Jackie.</i>	<i>Browne, Martin.</i>	
<i>Calleary, Dara.</i>	<i>Buckley, Pat.</i>	
<i>Carey, Joe.</i>	<i>Canney, Seán.</i>	
<i>Chambers, Jack.</i>	<i>Clarke, Sorca.</i>	

Dáil Éireann

<i>Collins, Niall.</i>	<i>Collins, Michael.</i>	
<i>Costello, Patrick.</i>	<i>Conway-Walsh, Rose.</i>	
<i>Creed, Michael.</i>	<i>Cronin, Réada.</i>	
<i>Crowe, Cathal.</i>	<i>Crowe, Seán.</i>	
<i>Devlin, Cormac.</i>	<i>Cullinane, David.</i>	
<i>Donnelly, Stephen.</i>	<i>Daly, Pa.</i>	
<i>Donohoe, Paschal.</i>	<i>Donnelly, Paul.</i>	
<i>Duffy, Francis Noel.</i>	<i>Ellis, Dessie.</i>	
<i>Durkan, Bernard J.</i>	<i>Farrell, Mairéad.</i>	
<i>English, Damien.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Farrell, Alan.</i>	<i>Gannon, Gary.</i>	
<i>Feighan, Frankie.</i>	<i>Grealish, Noel.</i>	
<i>Flaherty, Joe.</i>	<i>Guirke, Johnny.</i>	
<i>Flanagan, Charles.</i>	<i>Healy-Rae, Danny.</i>	
<i>Fleming, Sean.</i>	<i>Kenny, Martin.</i>	
<i>Foley, Norma.</i>	<i>Kerrane, Claire.</i>	
<i>Griffin, Brendan.</i>	<i>Mac Lochlainn, Pádraig.</i>	
<i>Haughey, Seán.</i>	<i>McGrath, Mattie.</i>	
<i>Heydon, Martin.</i>	<i>McNamara, Michael.</i>	
<i>Hourigan, Neasa.</i>	<i>Mitchell, Denise.</i>	
<i>Humphreys, Heather.</i>	<i>Munster, Imelda.</i>	
<i>Kehoe, Paul.</i>	<i>Murphy, Catherine.</i>	
<i>Lahart, John.</i>	<i>Murphy, Paul.</i>	
<i>Lawless, James.</i>	<i>Murphy, Verona.</i>	
<i>Leddin, Brian.</i>	<i>Mythen, Johnny.</i>	
<i>MacSharry, Marc.</i>	<i>Nash, Ged.</i>	
<i>Madigan, Josepha.</i>	<i>Naughten, Denis.</i>	
<i>Martin, Catherine.</i>	<i>Nolan, Carol.</i>	
<i>Matthews, Steven.</i>	<i>O'Callaghan, Cian.</i>	
<i>McAuliffe, Paul.</i>	<i>O'Donoghue, Richard.</i>	
<i>McConalogue, Charlie.</i>	<i>O'Reilly, Louise.</i>	
<i>McGrath, Michael.</i>	<i>O'Rourke, Darren.</i>	
<i>Moynihan, Aindrias.</i>	<i>Ó Broin, Eoin.</i>	
<i>Moynihan, Michael.</i>	<i>Ó Murchú, Ruairí.</i>	
<i>Murnane O'Connor, Jennifer.</i>	<i>Ó Riordáin, Aodhán.</i>	
<i>Naughton, Hildegard.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Noonan, Malcolm.</i>	<i>Pringle, Thomas.</i>	
<i>O'Brien, Darragh.</i>	<i>Quinlivan, Maurice.</i>	
<i>O'Brien, Joe.</i>	<i>Ryan, Patricia.</i>	
<i>O'Callaghan, Jim.</i>	<i>Shanahan, Matt.</i>	
<i>O'Connor, James.</i>	<i>Shortall, Róisín.</i>	
<i>O'Dea, Willie.</i>	<i>Smith, Bríd.</i>	

7 July 2021

<i>O'Donnell, Kieran.</i>	<i>Smith, Duncan.</i>	
<i>O'Donovan, Patrick.</i>	<i>Stanley, Brian.</i>	
<i>O'Dowd, Fergus.</i>	<i>Tóibín, Peadar.</i>	
<i>O'Gorman, Roderic.</i>	<i>Tully, Pauline.</i>	
<i>O'Sullivan, Christopher.</i>	<i>Ward, Mark.</i>	
<i>O'Sullivan, Pádraig.</i>	<i>Whitmore, Jennifer.</i>	
<i>Ó Cathasaigh, Marc.</i>	<i>Wynne, Violet-Anne.</i>	
<i>Ó Cuív, Éamon.</i>		
<i>Phelan, John Paul.</i>		
<i>Rabbitte, Anne.</i>		
<i>Richmond, Neale.</i>		
<i>Ring, Michael.</i>		
<i>Smith, Brendan.</i>		
<i>Smyth, Ossian.</i>		
<i>Troy, Robert.</i>		
<i>Varadkar, Leo.</i>		

Tellers: Tá, Deputies Brendan Griffin and Jack Chambers; Níl, Deputies Eoin Ó Broin and Pádraig Mac Lochlainn.

Deputy Holly Cairns did not vote in this division due to an agreed pairing arrangement with Minister Helen McEntee for the duration of the Minister's maternity leave.

Amendment declared carried.

Motion, as amended, agreed to.

11 o'clock

The Post Office Network: Motion (Resumed) [Private Members]

The following motion was moved by Deputy Canney on Wednesday, 7 July 2021:

That Dáil Éireann:

recognises:

— the views of the members of Dáil Éireann as outlined during the private members' debate of the 21st October, 2020;

— that a sustainable nationwide post office network is a key component of the economic and social infrastructure in both rural and urban areas;

— that post offices provide crucial public and financial services to communities all around Ireland, especially to those in rural and isolated areas;

— that from 1st July, post offices face a major challenge as a significant reduction in payment rates will take effect; and

— the need to put the post office network on a sustainable operational and financial footing in line with the Cabinet decision in 2017; and

calls on the Government to:

— introduce an interim solution that will be effective and deliverable from July 2021, to guarantee the current post office network and prevent any further closures;

— provide long-term certainty in order to enable postmasters to invest, develop and grow their businesses;

— ensure that all citizens have full access to the important services they provide;

— designate the post office network as the ‘offline gateway’ of choice for citizens availing of State services, due to its unique nationwide network and existing strong relationship with offline citizens;

— reinvigorate the post office network by extending the services which post offices provide and by retaining existing services such as social welfare payments;

— commence the provision of offline Government services, with the availability of motor tax renewal through the post office network; and

— give recognition to the existing post office network as both a rural economic lifeline service and a locus for future development of financial services outside of the existing banking framework.”

Debate resumed on amendment No. 1:

(a) To insert the following after “in line with the Cabinet decision in 2017;”:

“notes the findings and recommendations contained in the Grant Thornton report entitled ‘Review of the economic contribution and financial sustainability of the Irish Post Office Network’, commissioned by the Irish Postmasters’ Union, which recognises the contribution of the post office network, the huge challenges facing the sector and includes a recommendation to introduce a Public Service Obligation (PSO) of approximately €17 million per annum; and”;

and

(b) To insert the following after “financial services outside of the existing banking framework”:

“— implement proposals contained in the Final Report of the Post Office Network Business Development Group (Kerr Report) published in 2016; and

— introduce a PSO to guarantee the current post office network and help prevent

7 July 2021

further closures, to ensure people have continued access to the important services post offices provide.”

- (Deputy Darren O'Rourke)

An Ceann Comhairle: I must now deal with a postponed division relating to amendment No. 1, in the name of Deputy O'Rourke, to the motion regarding the post office network. Today on the question, "That the amendment be made", a division was claimed and, in accordance with Standing Order 80(2), that division must be taken now.

Amendment put:

<i>The Dáil divided: Tá, 57; Níl, 67; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Andrews, Chris.</i>	<i>Browne, James.</i>	
<i>Barry, Mick.</i>	<i>Bruton, Richard.</i>	
<i>Berry, Cathal.</i>	<i>Burke, Colm.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Burke, Peter.</i>	
<i>Brady, John.</i>	<i>Butler, Mary.</i>	
<i>Browne, Martin.</i>	<i>Cahill, Jackie.</i>	
<i>Buckley, Pat.</i>	<i>Calleary, Dara.</i>	
<i>Canney, Seán.</i>	<i>Carey, Joe.</i>	
<i>Clarke, Sorca.</i>	<i>Chambers, Jack.</i>	
<i>Collins, Michael.</i>	<i>Collins, Niall.</i>	
<i>Conway-Walsh, Rose.</i>	<i>Costello, Patrick.</i>	
<i>Cronin, Réada.</i>	<i>Creed, Michael.</i>	
<i>Crowe, Seán.</i>	<i>Crowe, Cathal.</i>	
<i>Cullinane, David.</i>	<i>Devlin, Cormac.</i>	
<i>Daly, Pa.</i>	<i>Donnelly, Stephen.</i>	
<i>Donnelly, Paul.</i>	<i>Donohoe, Paschal.</i>	
<i>Ellis, Dessie.</i>	<i>Duffy, Francis Noel.</i>	
<i>Farrell, Mairéad.</i>	<i>Durkan, Bernard J.</i>	
<i>Fitzmaurice, Michael.</i>	<i>English, Damien.</i>	
<i>Gannon, Gary.</i>	<i>Farrell, Alan.</i>	
<i>Guirke, Johnny.</i>	<i>Feighan, Frankie.</i>	
<i>Healy-Rae, Danny.</i>	<i>Flaherty, Joe.</i>	
<i>Kenny, Martin.</i>	<i>Flanagan, Charles.</i>	
<i>Kerrane, Claire.</i>	<i>Fleming, Sean.</i>	
<i>Mac Lochlainn, Pádraig.</i>	<i>Foley, Norma.</i>	
<i>McGrath, Mattie.</i>	<i>Griffin, Brendan.</i>	
<i>McNamara, Michael.</i>	<i>Haughey, Seán.</i>	
<i>Mitchell, Denise.</i>	<i>Heydon, Martin.</i>	
<i>Munster, Imelda.</i>	<i>Hourigan, Neasa.</i>	
<i>Murphy, Catherine.</i>	<i>Humphreys, Heather.</i>	
<i>Murphy, Paul.</i>	<i>Kehoe, Paul.</i>	

Dáil Éireann

<i>Murphy, Verona.</i>	<i>Lahart, John.</i>	
<i>Mythen, Johnny.</i>	<i>Lawless, James.</i>	
<i>Nash, Ged.</i>	<i>Leddin, Brian.</i>	
<i>Naughten, Denis.</i>	<i>MacSharry, Marc.</i>	
<i>Nolan, Carol.</i>	<i>Madigan, Josepha.</i>	
<i>O'Callaghan, Cian.</i>	<i>Martin, Catherine.</i>	
<i>O'Donoghue, Richard.</i>	<i>Matthews, Steven.</i>	
<i>O'Reilly, Louise.</i>	<i>McAuliffe, Paul.</i>	
<i>O'Rourke, Darren.</i>	<i>McConalogue, Charlie.</i>	
<i>Ó Broin, Eoin.</i>	<i>McGrath, Michael.</i>	
<i>Ó Murchú, Ruairí.</i>	<i>Moynihan, Aindrias.</i>	
<i>Ó Ríordáin, Aodhán.</i>	<i>Moynihan, Michael.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Murnane O'Connor, Jennifer.</i>	
<i>Pringle, Thomas.</i>	<i>Naughton, Hildegard.</i>	
<i>Quinlivan, Maurice.</i>	<i>Noonan, Malcolm.</i>	
<i>Ryan, Patricia.</i>	<i>O'Brien, Darragh.</i>	
<i>Shanahan, Matt.</i>	<i>O'Brien, Joe.</i>	
<i>Shortall, Róisín.</i>	<i>O'Callaghan, Jim.</i>	
<i>Smith, Bríd.</i>	<i>O'Connor, James.</i>	
<i>Smith, Duncan.</i>	<i>O'Dea, Willie.</i>	
<i>Stanley, Brian.</i>	<i>O'Donnell, Kieran.</i>	
<i>Tóibín, Peadar.</i>	<i>O'Donovan, Patrick.</i>	
<i>Tully, Pauline.</i>	<i>O'Dowd, Fergus.</i>	
<i>Ward, Mark.</i>	<i>O'Gorman, Roderic.</i>	
<i>Whitmore, Jennifer.</i>	<i>O'Sullivan, Christopher.</i>	
<i>Wynne, Violet-Anne.</i>	<i>O'Sullivan, Pádraig.</i>	
	<i>Ó Cathasaigh, Marc.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Richmond, Neale.</i>	
	<i>Ring, Michael.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smyth, Ossian.</i>	
	<i>Troy, Robert.</i>	
	<i>Varadkar, Leo.</i>	

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

7 July 2021

Deputy Holly Cairns did not vote in this division due to an agreed pairing arrangement with Minister Helen McEntee for the duration of the Minister's maternity leave.

Amendment declared lost.

Motion agreed to.

The Dáil adjourned at 11.15 p.m. until 9 a.m. on Thursday, 8 July 2021.